



# AGENDA

## IDAHO WATER RESOURCE BOARD

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**Special Board Meeting No. 6-23**

**Wednesday, August 16, 2023**

**1:00 PM (MT) / Noon (PT)**

**Brad Little**

*Governor*

**Jeff Raybould**

*Chairman*

St. Anthony

At Large

**Jo Ann Cole-Hansen**

*Vice Chair*

Lewiston

At Large

**Dean Stevenson**

*Secretary*

Paul

District 3

**Dale Van Stone**

Hope

District 1

**Albert Barker**

Boise

District 2

**Brian Olmstead**

Twin Falls

At Large

**Marcus Gibbs**

Grace

District 4

**Patrick McMahon**

Sun Valley

At Large

Water Center  
Conference Rooms 602 C & D / Zoom Online  
322 E. Front St.  
BOISE

**Board Members & the Public may participate via Zoom**

[Click here to join our Zoom Meeting](#)

Dial in Option: 1(253) 215-8782

Meeting ID: 891 6724 5253 Passcode: 290694

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1. Roll Call
2. Executive Session: Board will meet pursuant to Idaho Code § 74-206(1) subsection (f) to communicate with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Topics: Priest Lake Dam Modification Project Litigation. Closed to the public; no actions taken during executive session.
3. Priest Lake Dam Modification Project\*
4. UIC Rule-Making\*
5. Non-Action Items for Discussion
6. Next Meeting & Adjourn

\* Action Item: A vote regarding this item may be made at this meeting. Identifying an item as an action item on the agenda does not require a vote to be taken on the item. **Americans with Disabilities:** If you require special accommodations to attend, participate in, or understand the meeting, please make advance arrangements by contacting Department staff by email [jennifer.strange@idwr.idaho.gov](mailto:jennifer.strange@idwr.idaho.gov) or by phone at (208) 287-4800.

# Memorandum



To: Idaho Water Resource Board

From: Mike Morrison

Date: August 14, 2023

Re: Priest Lake Outlet Dam Improvements Project: Request for approval of funds to complete construction during the 2023-2024 construction season.

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**REQUIRED ACTION:** The Board will consider approval of a resolution to fund the costs of completing construction of the Priest Lake Outlet Dam Improvements Project.

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Background: In August 2020 the Board approved expenditure of \$5,000,000 for the Priest Lake Outlet Dam Improvements Project (Project) and for the Priest Lake Thorofare Improvements Project. The Priest Lake Thorofare Improvements Project was completed satisfactorily in 2021 at a cost of \$2,111,787.81.

The Board approved an additional \$450,000 for work not contemplated in the original contract (Change Order No. 3) in October, 2021.

Strider Construction, Inc. of Bellingham Washington (Strider) was unable to complete work on the dam during the winter 2020-2021 construction season and the Board approved extension of work into a second winter construction season (2021-2022). Strider was unable to complete work in the second season, and in July 2022 notified the Board that it was terminating work without completing the Project.

Since then, the Board pre-qualified two contractors and received bids from both contractors on July 24<sup>th</sup>, 2023. Northbank Civil and Marine, LLC's bid of \$4,355,000.00 was the lowest bid.

Northbank Civil and Marine, LLC will complete work not completed by the previous contractor, including replacement of 11 Tainter gate J-Seals, extension of a portion of the concrete apron below the dam, placement of additional armor stone beneath the dam, and various minor improvements and repairs. This work will be completed during Season 3 (Winter 2023-2024).

At its July 2023 Board meeting, the Board approved expenditure of \$500,000 to cover engineering and construction management services from Mott MacDonald, Inc. through the end of construction (Board Resolution 24-2023).

Board Resolution: Staff requests that the Board consider approval of the attached resolution authorizing expenditure of up to \$4,500,000 from Water Management Account to defray the costs of construction.

### **Milestones and Tentative Timeline**

- July 24, 2023: Deadline for construction contractors to submit bids.
- Sept 2023: Contractor begins work.
- November 1, 2023: In-Water Work begins.
- April 2024: Outlet Dam Modifications complete.

### **Attachment(s)**

- Resolution to authorize expenditure of up to \$4,500,000 from the Water Management Account.

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE PRIEST LAKE  
OUTLET DAM IMPROVEMENTS PROJECT

RESOLUTION TO FUND COSTS TO  
COMPLETE CONSTRUCTION OF THE  
PRIEST LAKE OUTLET DAM  
IMPROVEMENTS PROJECT

1 WHEREAS, since August 2020, the Idaho Water Resource Board (IWRB) has either expended or  
2 committed approximately \$3.1 million for engineering and construction work on the Priest Lake Outlet  
3 Dam Improvements Project (Project); and  
4

5 WHEREAS, construction was performed during the winter months of 2020-2021 and 2021-2022  
6 but not completed; and  
7

8 WHEREAS, in July 2022 the construction contractor notified the Board that it was terminating  
9 work without completing the Project; and  
10

11 WHEREAS, on July 24, 2023 the Board received bids from two pre-qualified contractors to  
12 complete the Project during the winter months of 2023-2024; and  
13

14 WHEREAS, the lowest responsive bid was submitted by Northbank Civil and Marine, Inc. of  
15 Vancouver Washington for \$4,355,000.00; and  
16

17 NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes the expenditure of funds not to  
18 exceed \$4,500,000.00 from the Water Management Account to cover the costs of construction and to  
19 establish a small contingency fund.

DATED this 16<sup>th</sup> day of August 2023

\_\_\_\_\_  
Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
Dean Stevenson, Secretary

Resolution No. \_\_\_\_\_



# Injection of Recycled Municipal and Industrial Wastewater -- UIC Rulemaking

August 16, 2023

Erik Boe, P.E.  
Manager, GWP Section



IDAHO DEPARTMENT OF  
**WATER RESOURCES**



## ***Background***

Interest in injecting recycled municipal and industrial wastewater into Idaho's USDW aquifers has developed and is increasing.

1. Increasing federal regulations (NPDES) and growing populations
  - Additional options in lieu of land application, rapid infiltration, discharge to rivers, etc.
2. Declining water supplies
  - Recharge for declining aquifers
  - Water right mitigation

## ***Current Regulations***

- IDAPA 37.03.03 establishes minimum standards and criteria for the injection of fluids into Class V injection wells (primacy program)
  - Intent is to protect Idaho's valuable groundwater resources
  - USDW aquifers provide >92% of the State's potable drinking water supply

## ***Current Regulations***

- IDAPA 58.01.08 regulates public drinking water systems
  - Based on 40 CFR Part 141 and Part 143 (EPA Drinking Water Standards, Rules)
  - Intent is to ensure Idaho's PWSs provide safe potable drinking water, free of contaminants
- IDAPA 58.01.17 regulates recycled water
  - Intent is to ensure recycled municipal and industrial wastewater is treated and applied in a manner that doesn't impact USDWs
  - Generally limited to: Land application, rapid infiltration basins, and discharge to rivers (substantial environmental buffers)



## ***Questions***

1. What are the implications of injecting treated municipal and industrial wastewater into Idaho's aquifers?
  - Injectate is from an atypical source of water
  - Likely contains contaminants listed in EPA DWSs (~90)
  - Likely contains non-regulated contaminants of emerging concern (CECs) not observed in natural sources of water
  - Limited environmental buffer
  - Implications for shallow and deep injection wells are different
2. When processing applications, how do we ensure Idaho's USDWs are adequately protected from contamination?

# ***Standards of Quality for Potable Drinking water***

- EPA Drinking Water Standards (~90)
- Primary DWSs based on what are known or anticipated to occur in PWSs
- Developed for a typical relatively uncontaminated natural source of freshwater (groundwater, rivers, reservoirs...)

Criteria: “whether a contaminant is found or substantially likely to be found in public water systems with a frequency and at levels of concern”

# ***Contaminants of Emerging Concern (CEC)***

Atypical sources of water such as municipal or industrial wastewater can contain any number of 1,000s of CECs not present in natural sources

- Examples include:
  - Proprietary industrial chemicals
  - Unidentified halogenated compounds
  - Pharmaceuticals
  - Synthetic hormones
  - Certain pathogens
- Difficult to regulate
  - What analytes to focus on? What concentrations are harmful?

## ***National Regulations for Reuse?***

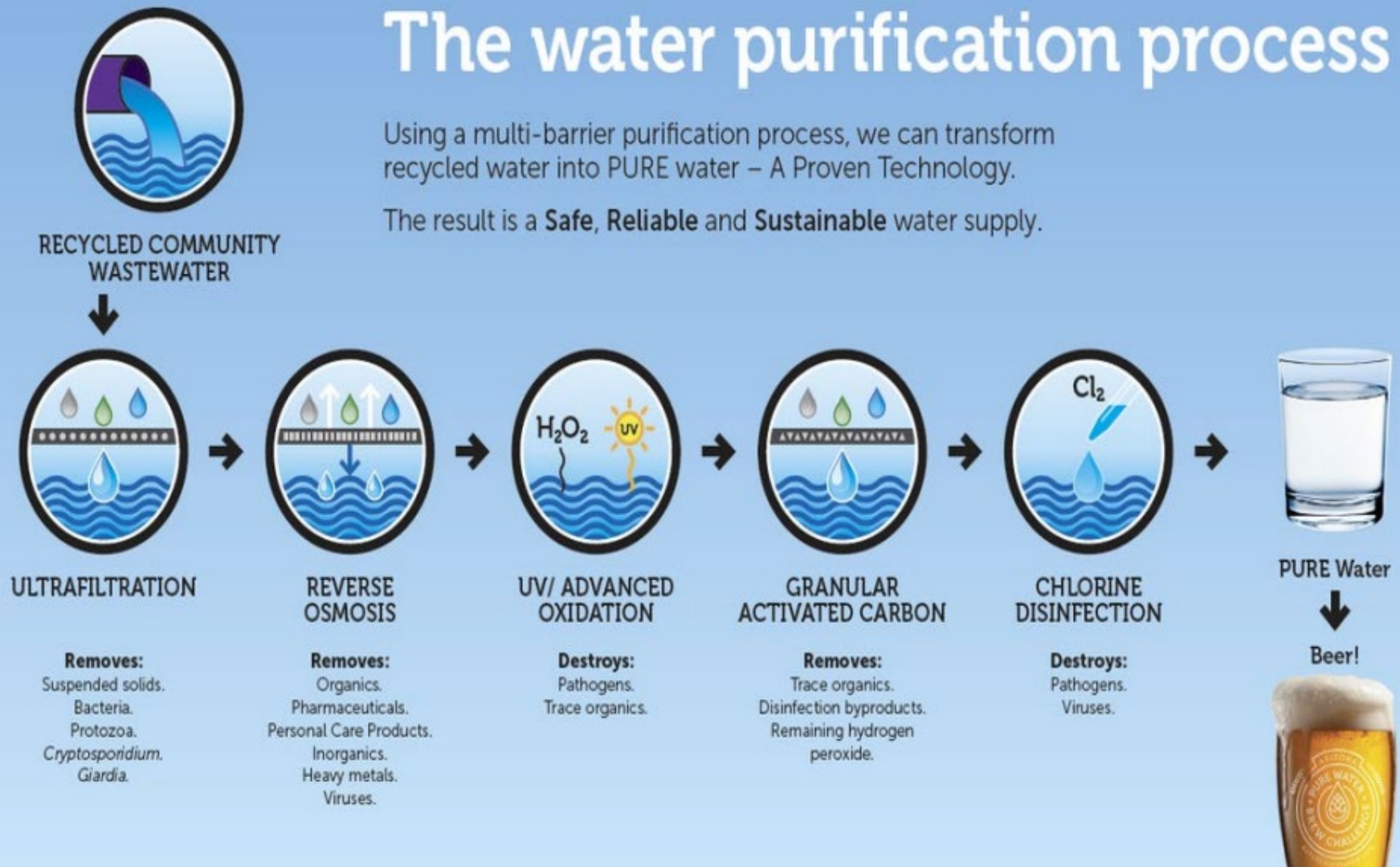
EPA is taking hands off approach and encouraging states to develop appropriate regulation for:

- Indirect Potable Reuse (IPR) which introduces “purified” recycled water into an environmental buffer (e.g., a groundwater aquifer or a surface water reservoir, lake, or river) before the blended water is introduced into a water supply system
- Direct Potable Reuse (DPR) which introduces “purified” recycled water directly into an existing water supply system
- Potable Reuse Compendium (2017)

# The water purification process

Using a multi-barrier purification process, we can transform recycled water into PURE water – A Proven Technology.

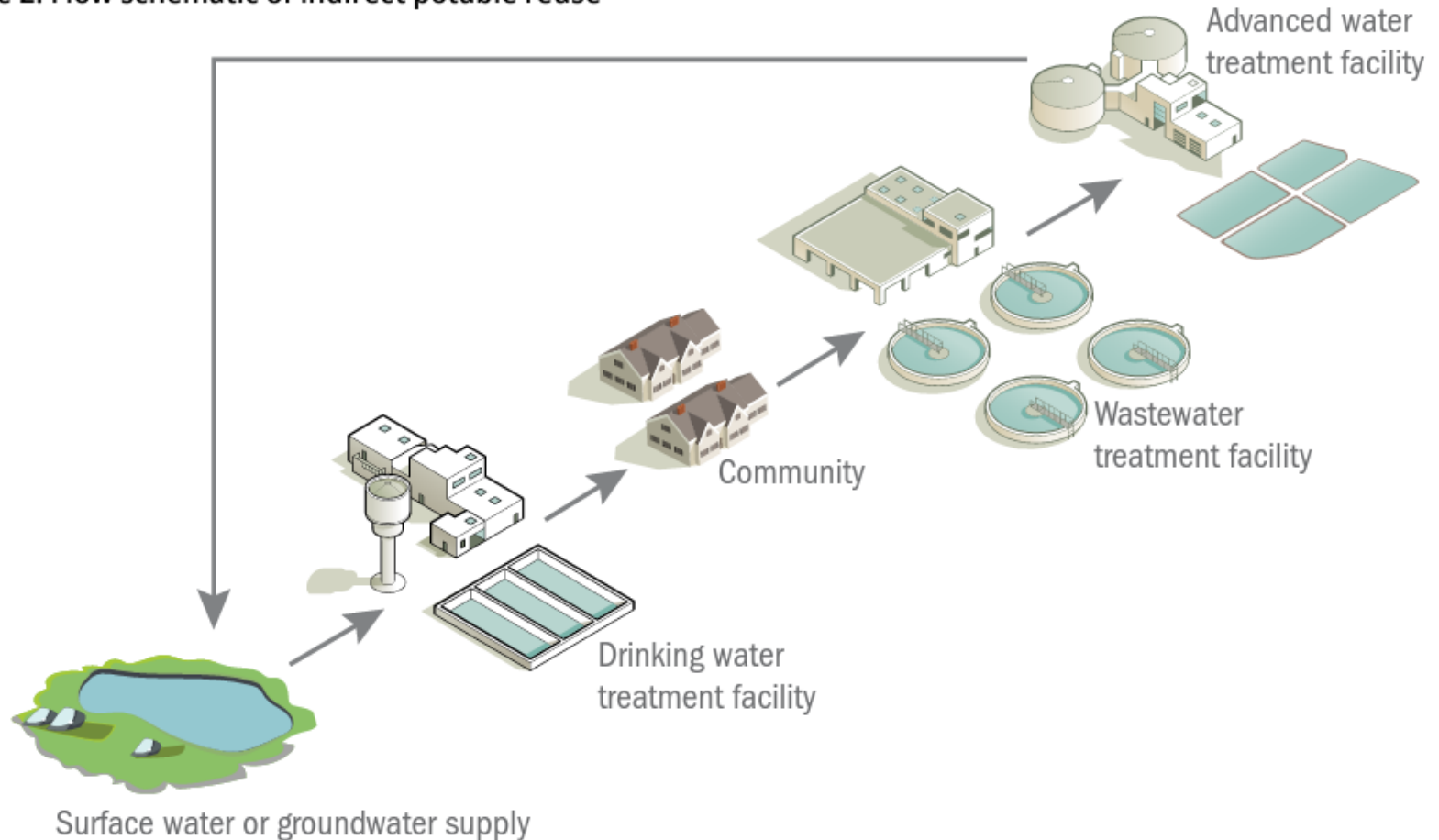
The result is a **Safe, Reliable** and **Sustainable** water supply.





# *Indirect Potable Reuse (AWWA.org)*

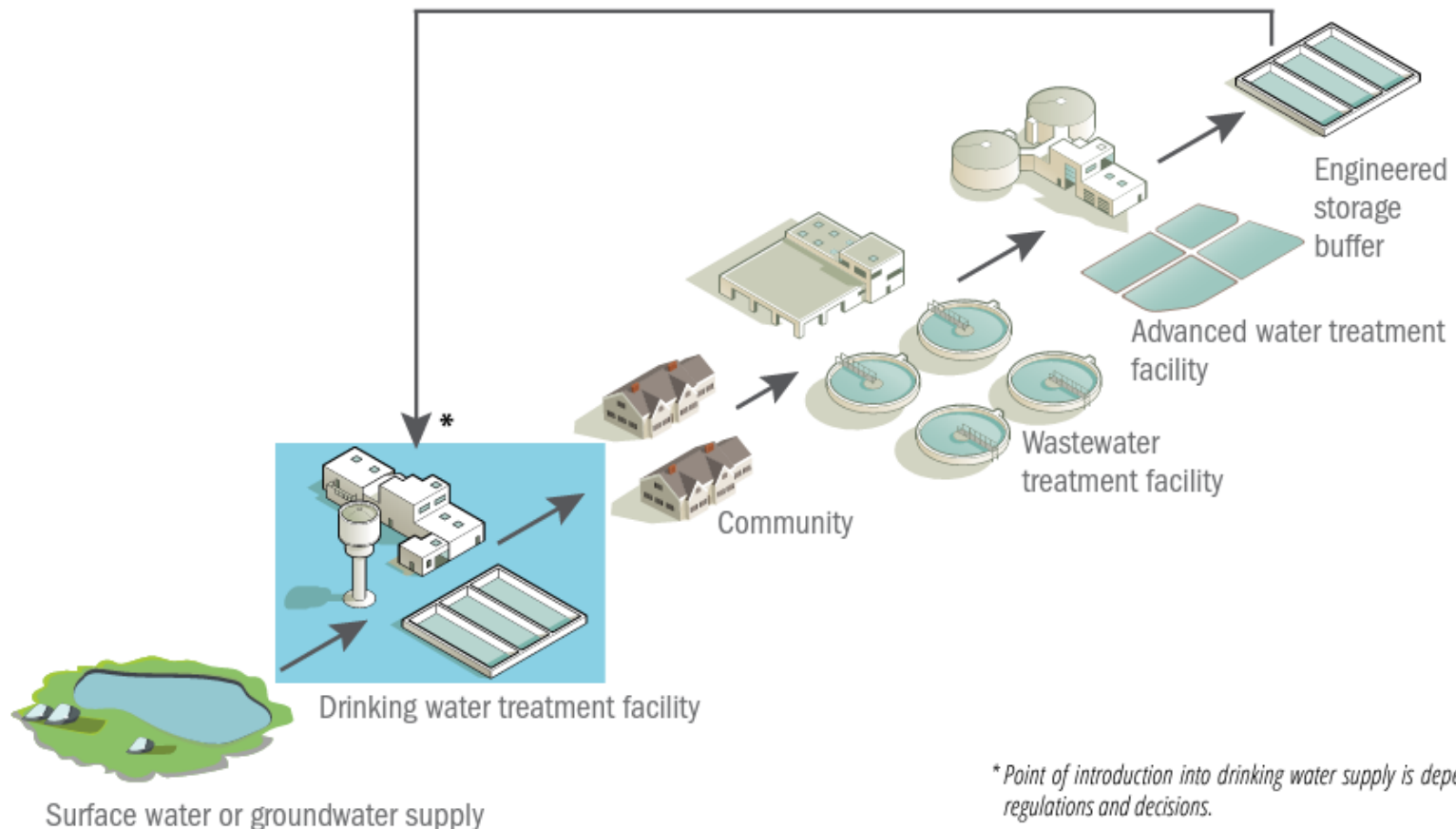
Figure 2: Flow schematic of indirect potable reuse



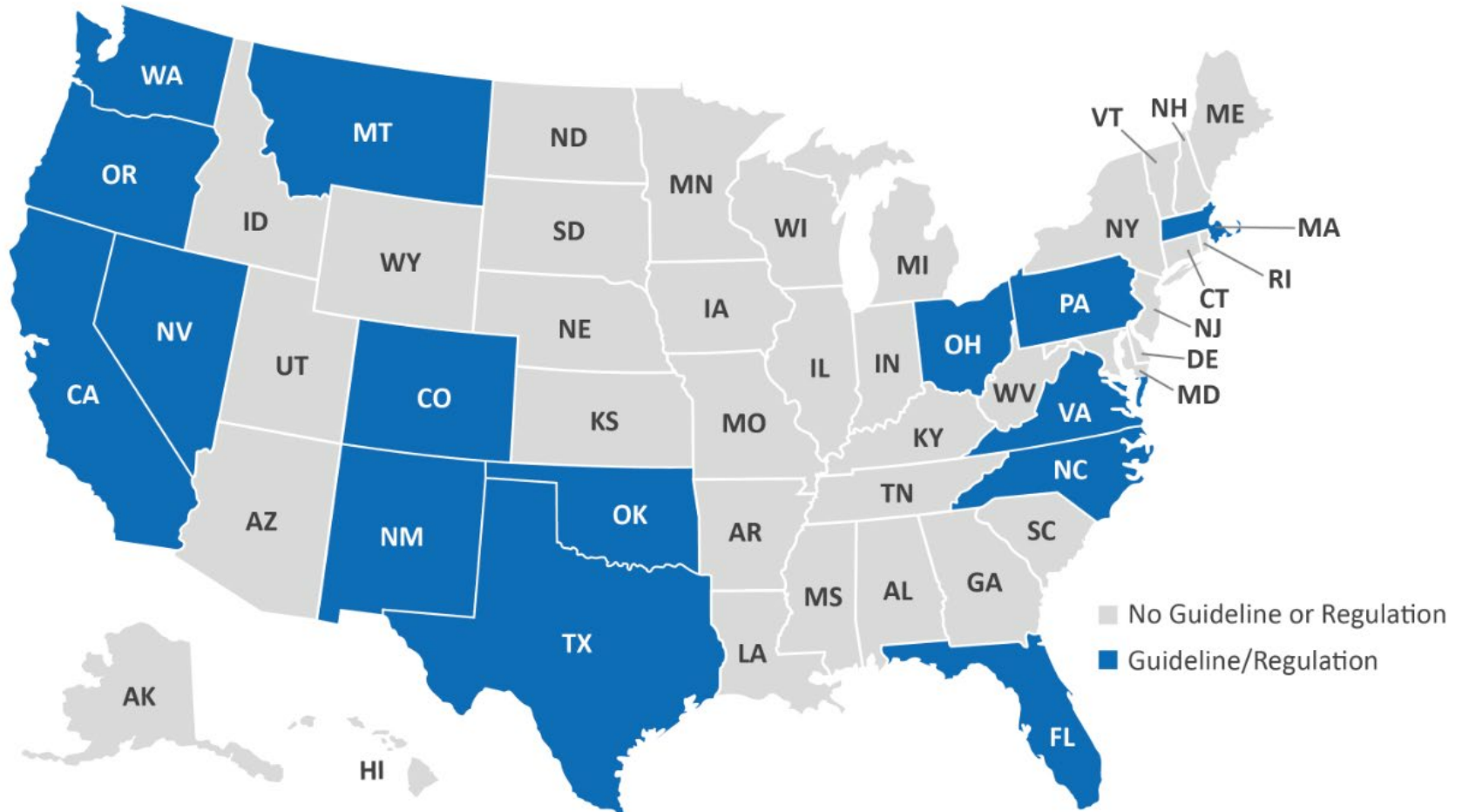


# ***Direct Potable Reuse (AWWA.org)***

Figure 3: Flow schematic of direct potable reuse



## States with Potable Water Reuse Regulations or Guidelines



## ***Current UIC Rules (IDAPA 37.03.03)***

- No specific rule addresses the injection of recycled municipal or industrial wastewater
- Rules broadly authorizes the Director to protect ground water resources from contamination  
(IDAPA 37.0303.040.02.b,c)
- IDAPA 37.03.03.070.05.c.(i)(6) states *“At no time shall any fluid containing or suspected of containing fecal contaminants of human origin be injected into any Class V injection well authorized under these rules.”*

## ***Proposed UIC Rules (IDAPA 37.03.03)***

***IDAPA 37.03.03.010:*** Added definitions for Industrial Wastewater, Municipal Wastewater, Recycled Water, and Wastewater

## ***Proposed UIC Rules (IDAPA 37.03.03)***

***IDAPA 37.03.03.035:*** Added permit requirements for both shallow and deep injection wells. Noted DEQ requirements.

**01. Permit Required for Class V Deep Injection Wells.** No person shall construct, modify, maintain, or use a Class V deep injection well unless a permit has been issued by the Director. An application for permit shall be completed and filed with the director on a form approved by the department accompanied by a filing fee as specified in Section 42-3905(1), Idaho Code. Applications proposing to inject recycled municipal wastewater or recycled industrial wastewater must also adhere to IDAPA 58.01.17 (Recycled Water Rules) permitting requirements. ( )

**02. Permit Requirements for Class V Shallow Injection Wells.** No person shall construct, modify, maintain, or use a Class V shallow injection well to inject recycled municipal wastewater or recycled industrial wastewater unless a permit has been issued by the Director. An application for permit shall be completed and filed with the director on a form approved by the department accompanied by a filing fee as specified in Section 42-3905(1), Idaho Code. An application for permit may be required for the construction, modification, or use of all other shallow injection wells if the Director determines that the injection could result in unreasonable contamination of a USDW or cause a violation of water quality standards that would affect a beneficial use. Applications proposing to inject recycled municipal wastewater or recycled industrial wastewater must also adhere to IDAPA 58.01.17 (Recycled Water Rules) permitting requirements. ( )



## ***Proposed UIC Rules (IDAPA 37.03.03)***

***~~IDAPA 37.03.03.070.05.c.(i)(6)37~~***

***IDAPA 37.03.03.055.04.f***

f. At no time shall any untreated fluid containing or suspected of containing fecal contaminants of human origin be injected into any Class V injection well authorized under these rules. ~~Irrigation practices using~~ Subsurface fluid distribution systems that apply or discharge recycled water ~~limited to saturation of discharged into~~ to the root-zone and regulated by IDEQ under IDAPA 58.01.17 (Recycled Water Rules) are exempt from this rule. ( )



## ***Proposed UIC Rules (IDAPA 37.03.03)***

***IDAPA 37.03.03.055.06:*** Added rule regulating standards of quality for the injectate for both shallow and deep

❖ Focused on not degrading USDW aquifers

06. Injectate Standards for the Quality of Recycled Municipal Wastewater or Recycled Industrial Wastewater. ( )

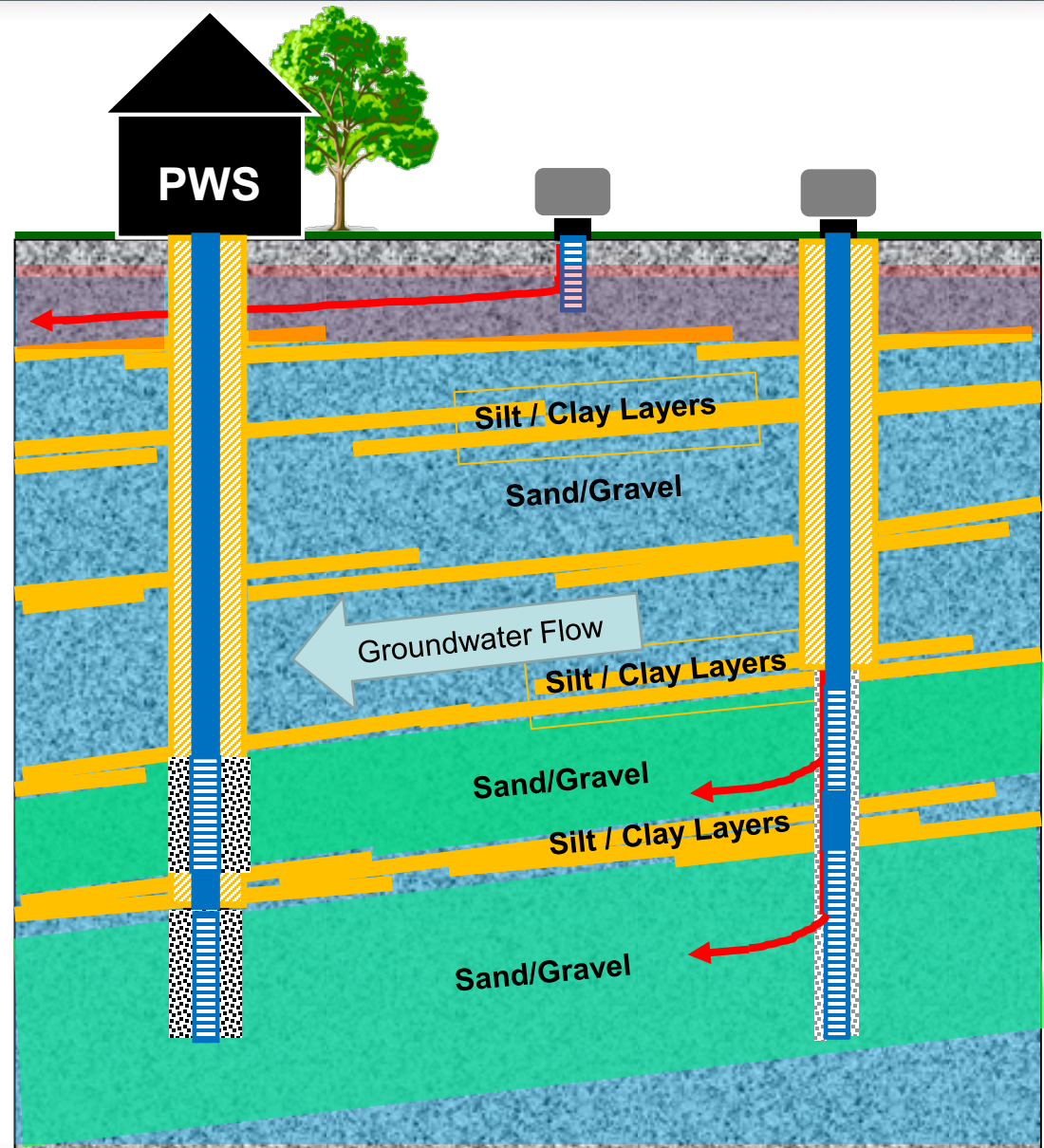
a. **Shallow Injection Wells.** Recycled municipal wastewater or recycled industrial wastewater shall meet or exceed ground water quality standards (IDAPA 58.01.11) and comply with IDAPA 58.01.17 (Recycled Water Rules) prior to injecting into a shallow injection well. ( )

b. **Deep Injection Wells.** Recycled municipal wastewater or recycled industrial wastewater shall meet or exceed ground water quality standards (IDAPA 58.01.11) and comply with IDAPA 58.01.17 (Recycled Water Rules) prior to injecting into a deep injection well. Additionally, the concentration of each contaminant in the injected fluids shall not exceed the background concentration of each contaminant in the receiving water that is likely to reach a USDW. The background concentration of any applicable contaminant shall be determined by a statistical analysis consisting of a type and method approved by the Department. ( )

## IDAPA 37.03.03.055.06

How do shallow and deep injection wells differ?

- ❖ Environmental buffers are significantly different



## Next Steps

- 8/17/2023: Meeting with DEQ Executive Team to discuss the issue, review our draft rules, and develop a strategy
- 8/18/2023: Internal meeting to discuss status of UIC draft rule. Determine timeline.

# Questions?

Erik Boe, Section Manager, Ground Water Protection  
Idaho Department of Water Resources  
[erik.boe@idwr.idaho.gov](mailto:erik.boe@idwr.idaho.gov)  
208-287-4935

# DRAFT

## 37.03.03 – RULES AND MINIMUM STANDARDS FOR THE CONSTRUCTION AND USE OF INJECTION WELLS

### 000. LEGAL AUTHORITY.

~~This Chapter is adopted under the legal authority of Sections 42-3903A, and 42-3913, 42-3914, and through 42-3915, Idaho Code.~~ (3-18-22)

### 001. ~~TITLE AND SCOPE.~~

~~01. Title. These rules are titled IDAPA 37.03.03 “Rules and Minimum Standards for the Construction and Use of Injection Wells.” (3-18-22)~~

~~02. Scope. These rules and establish minimum standards are and criteria for construction and abandonment of Class V deep and shallow use of injection wells in the state of Idaho, except Indian lands, and the injection of fluids to such wells. Upon promulgation, these rules apply to all injection wells (see Rule Subsection 035.01). The construction and use of Class I, III, IV, or VI injection wells are prohibited by these rules. Class IV wells are also prohibited by federal law. These rules and minimum standards for construction and use of injection wells apply to all injection wells in the state of Idaho, except in Indian lands. All injection wells shall be permitted and constructed in accordance with the “Well Construction Standards Rules” found in IDAPA 37.03.09 which are authorized under Section 42-238, Idaho Code.~~ (3-18-22)

~~0302. Rule Coverage. In the event that a portion of these rules is less stringent than the minimum requirements for injection wells as established by Federal regulations (40 CFR Parts 141, 144, 145, and 146), the correlative Federal requirement will be used to regulate the injection well.~~ (3-18-22)

~~04. Variance of Methods. The Director may approve the use of a different testing method or technology if it is no less protective of human health and the environment, will not allow the migration of injected fluids into a USDW, meets the intent of the rule, and yields information or data consistent with the original method or technology required. A request for review by the Director must be submitted in writing by the applicant, permit holder, or operator and be included with all pertinent information necessary for the Director to evaluate the proposed testing method or technology.~~ (3-18-22)

### 002. ~~INCORPORATION BY REFERENCE.~~

~~01. Incorporated Document. IDAPA 37.03.03 adopts and incorporates by reference those ground water quality standards found in Section 200 of IDAPA 58.01.11, “Ground Water Quality Rule,” of the Department of Environmental Quality.~~ (3-18-22)

~~02. Document Availability. Copies of the incorporated document may be found at the central office of the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho, 83720-0098 or online through the department or state websites.~~ (3-18-22)

### 003002. – 009. (RESERVED)

### 010. DEFINITIONS.

~~01. Abandonment. See “permanent decommission.” (3-18-22)~~

~~02. Abandoned Well. See “permanent decommission.” (3-18-22)~~

~~0301. Agricultural Runoff Waste. Excess surface water from agricultural fields generated during any agricultural operation, including runoff of irrigation tail water, as well as natural drainage resulting from~~

**Commented [BE1]:** Moved to Rule 25.01. Authorizations, Prohibitions, and Exemptions. Rule 25.01 applies more specifically to deep injection wells.

precipitation, snowmelt, and floodwaters, ~~and is identical to the statutory phrase "irrigation waste water" found in Idaho Code 42-3902.~~ (3-18-22 \_\_\_)

**0402. Applicant.** Any owner or operator submitting an application for permit to construct, modify or maintain an injection well to the Director ~~of the Department of Water Resources.~~ (3-18-22 \_\_\_)

**0503. Application.** The standard Department forms for applying for a permit, including any additions, revisions or modifications to the forms. (3-18-22 \_\_\_)

**0604. Aquifer.** ~~Any formation that will yield water to a well in sufficient quantities to make production of water from the formation reasonable for a beneficial use, except when the water in such formation results solely from fluids deposited through an injection well.~~ Any geologic formation(s) that yields water to a well in sufficient quantities to make the production of water from the formation feasible for beneficial use. (3-18-22 \_\_\_)

**0705. Beneficial Use.** One (1) or more of the recognized beneficial uses of water including but not limited to, domestic, municipal, irrigation, hydropower generation, industrial, commercial, recreation, aquifer recharge and storage, stockwatering and fish propagation ~~uses, as well as other uses which provide a benefit to the user of the water as determined by the Director. Industrial use as used for purposes of these rules includes, but is not limited to, manufacturing, mining and processing uses of water.~~ (3-18-22 \_\_\_)

**0806. Best Management Practice (BMP).** A practice or combination of practices that are more effective than other techniques at preventing or reducing contamination of ground water and surface water by injection well operation. (3-18-22 \_\_\_)

07. Board. The Idaho Water Resource Board. ( )

**0908. Casing.** ~~A pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling fluid into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole. The permanent conduit installed in a well to provide physical stabilization, prevent caving or collapse of the borehole, maintain the well opening and serve as a solid inner barrier to allow for the installation of an annular seal.~~ ( ) (3-18-22 \_\_\_)

~~**10. Cementing.** The operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing. (3-18-22)~~

**1109. Cesspool.** ~~An injection well that receives sanitary waste without benefit of a treatment system or treatment device such as a septic tank. Cesspools sometimes have open bottom and/or perforated sides. An injection well that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.~~ (3-18-22 \_\_\_)

**1210. Coliform Bacteria.** All of the aerobic and facultative anaerobic, gram-negative, non-spore forming, rod-shaped bacteria that either ferment lactose broth with gas formation within forty-eight (48) hours at thirty-five degrees Celsius (35C), or produce a dark colony with a metallic sheen within twenty-four (24) hours on an Endo-type medium containing lactose. (3-18-22 \_\_\_)

**1311. Confining Bed.** A body of impermeable or distinctly less permeable material stratigraphically adjacent to one (1) or more aquifers. (3-18-22 \_\_\_)

**1412. Construct.** To create a new injection well or to convert any structure into an injection well. (3-18-22 \_\_\_)

**1513. Contaminant.** Any physical, chemical, biological, or radiological substance or matter. (3-18-22 \_\_\_)

**1614. Contamination.** The introduction into the natural ground water of any physical, chemical, biological, or radioactive material that may: (3-18-22 \_\_\_)



a. Cause a violation of Idaho Ground Water Quality Standards found in IDAPA 58.01.11 "Ground Water Quality Rule" or the federal drinking water quality standards, whichever is more stringent; or (3-18-22 )

b. Adversely affect the health of the public; or (3-18-22 )

c. Adversely affect a designated or beneficial use of the State's ground water. Contamination includes the introduction of heated or cooled water into the subsurface that will alter the ground water temperature and render the local ground water less suitable for beneficial use. (3-18-22 )

**1715. Conventional Mine.** An open pit or underground excavation for the production of minerals. (3-18-22 )

**1816. Decommission (Abandon).** ~~To remove a well from operation such that injection through the well is not possible. See "permanent decommission" and "unauthorized decommission". Any well that has been permanently removed from service and filled or plugged in accordance with these rules so as to meet the intent of these rules. A properly decommissioned well will not:~~ ( )

~~a. Produce or accept fluids; ( )~~

~~b. Serve as a conduit for the movement of contaminants inside or outside the well casing; or ( )~~

~~c. Allow the movement of surface or ground water into unsaturated zones, into another aquifer, or between aquifers. ( )~~

**Commented [BE2]:** ICL (Comment, 5/11/23) requested that IDWR retain this language.

\*Since the common definition of contamination in Idaho Rules does not include reference to heated/cooled water. Heated/cooled water could raise/lower baseline temp, which could adversely impact WQ. IDWR recommends retaining the language.

**1917. DEQ.** The Idaho Department of Environmental Quality. (3-18-22 )

**2018. Deep Injection Well.** An injection well which is more than eighteen (18) feet in vertical depth below land surface. (3-18-22 )

**2119. Department.** The Idaho Department of Water Resources. (3-18-22 )

**2220. Director.** The Director of the Idaho Department of Water Resources. (3-18-22 )

**2321. Disposal Well.** A well used for the disposal of waste into a subsurface stratum. (3-18-22 )

**2422. Draft Permit.** A prepared document indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." Permit conditions, compliance schedules, and monitoring requirements are typically included in a "draft permit". A notice of intent to terminate a permit, and a notice of intent to deny a permit are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination is not a "draft permit." (3-18-22 )

**2523. Drilling Fluid.** ~~Any number of liquid or gaseous fluids and mixtures of fluids and solids (such as solid suspensions, mixtures and emulsions of liquids, gases, and solids) used in operations to drill boreholes into the earth. A heavy suspension used in drilling an "injection well," introduced down the drill pipe and through the drill bit.~~ (3-18-22 )

~~**26. Drywell.** An injection well completed above the water table so that its bottom and sides are typically dry except when receiving fluids. (3-18-22)~~

~~**27. Endangerment.** Injection of any fluid which exceeds Idaho ground water quality standards, or federal drinking water quality standards, whichever is more stringent, that may result in the presence of any contaminant in ground water which supplies or can reasonably be expected to supply any public or non-public water system, and if the presence of such contaminant may result in such a system not complying with any ground water quality standard or may otherwise adversely affect the health of persons or result in a violation of ground water quality standards that would adversely affect beneficial uses. (3-18-22)~~

**Commented [BE3]:** Definition is not necessary.

**2824. Exempted Aquifer.** An "aquifer" or its portion that meets the criteria in the definition of USDW but which has been recategorized as "other" according to the procedures in IDAPA 58.01.11 "Ground Water Quality Rule". (3-18-22 )

~~29. Existing Injection Well. An “injection well” other than a “new injection well.” (3-18-22)~~

~~3025. Experimental Technology. A technology which has not been proven feasible under the conditions in which it is being tested. (3-18-22)~~

~~31. Facility or Activity. Any UIC “injection well,” or another facility or activity that is subject to regulation under the UIC program. (3-18-22)~~

~~32. Fault. A surface or zone of rock fracture along which there has been displacement. (3-18-22)~~

~~33. Flow Rate. The volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel. (3-18-22)~~

~~3426. Fluid. Any material or substance which flows or moves, whether in a semisolid, liquid, sludge, gaseous or any other form or state. (3-18-22)~~

~~35. Formation. A body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth’s surface or traceable in the subsurface. (3-18-22)~~

~~36. Generator. Any person, by site location, whose act or process produces hazardous waste identified or listed in 40 CFR part 261. (3-18-22)~~

~~3727. Ground Water. Any water that occurs beneath the surface of the earth in a saturated formation of rock or soil. Water below the land surface in a zone of saturation. (3-18-22)~~

~~3828. Ground Water Quality Standards. Standards found in IDAPA 58.01.11, “Ground Water Quality Rule,” Section 200. (3-18-22)~~

~~3929. Hazardous Waste. Any substance defined by IDAPA 58.01.05, “Rules and Standards for Hazardous Waste.” (3-18-22)~~

~~4030. Indian Lands. “Indian Country” as defined in 18 U.S.C. 1151. That section defines Indian Country as: (3-18-22)~~

~~a. All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (3-18-22)~~

~~b. All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (3-18-22)~~

~~c. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. (3-18-22)~~

~~4131. Individual Subsurface Sewage Disposal System. For the purpose of these rules, any standard or alternative disposal system which injects sanitary waste from single family residential-domestic septic systems, or non-residentialnon-domestic septic systems which are used solely for the disposal of sanitary waste and have the capacity to serve fewer than twenty (20) people a day. (3-18-22)~~

~~32. Industrial Wastewater. All wastewater, treated or untreated, that is not defined as municipal wastewater. ( )~~

~~4233. Improved Sinkhole. A naturally occurring karst-depression or other-natural crevice found in volcanic-terrain-and-other-geologic settings which-that have been modified by man for the purpose of directing and~~

Commented [EB4]: Added definition from IDAPA 58.01.17

emplacing fluids into the subsurface. (3-18-22\_\_\_)

**4334. Injection.** The subsurface emplacement of fluids through an injection well. (3-18-22\_\_\_)

**4435. Injection Well.** Any feature that is operated to allow injection which also meets at least one (1) of the following criteria: (3-18-22\_\_\_)

a. A bored, or driven shaft whose depth is greater than the largest surface dimension; (3-18-22\_\_\_)

b. A dug hole whose depth is greater than the largest surface dimension; (3-18-22\_\_\_)

c. An improved sinkhole; or (3-18-22\_\_\_)

d. A subsurface fluid distribution system. (3-18-22\_\_\_)

~~45. Injection Zone. A geological "formation", or those sections of a formation receiving fluids through an "injection well."~~ (3-18-22\_\_\_)

~~46. IWRB. Idaho Water Resource Board.~~ (3-18-22\_\_\_)

**4736. Large Capacity Cesspools.** Any cesspool used by a multiple dwelling, community or regional system for the disposal of sanitary wastes (for example: a duplex or an apartment building) or any cesspool used by or intended to be used by twenty (20) or more people per day (for example: a rest stop, campground, restaurant or church). (3-18-22\_\_\_)

~~48. Large Capacity Septic System. Class V wells that are used to inject sanitary waste through a septic tank and do not meet the criteria of an individual subsurface sewage disposal system.~~ (3-18-22\_\_\_)

~~49. Maintain. To allow, either expressly or by implication, an injection well to exist in such condition as to accept or be able to accept fluids. Unless a well has been permanently decommissioned pursuant to the criteria contained in these rules it is considered to be capable of accepting fluids.~~ (3-18-22\_\_\_)

**5037. Modify.** To alter the construction of an injection well, but does not include cleaning or redrilling operations which neither deepen nor increase the dimensions of the well. (3-18-22\_\_\_)

**5138. Motor Vehicle Waste Disposal Wells.** Injection wells that receive or have received fluids from vehicle repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (transmission and muffler repair shop), or any facility that does any vehicular repair work. (3-18-22\_\_\_)

39. Municipal Wastewater. Wastewater containing sewage and associated solids, whether treated or untreated. Municipal wastewater, also known as domestic wastewater, may contain industrial wastewater. (\_\_\_)

~~52. New Injection Well. An "injection well" which began to be used for injection after a UIC program for the State applicable to the well is approved or prescribed.~~ (3-18-22\_\_\_)

**5340. Open-Loop Heat Pump Return Wells.** Injection wells that receive surface water or ground water that has been passed through a heat exchange system for cooling or heating purposes. (3-18-22\_\_\_)

~~54. Operate. To allow fluids to enter an injection well by action or inaction of the operator.~~ (3-18-22\_\_\_)

~~55. Operator. Any individual, group of individuals, partnership, company, corporation, municipality, county, state agency, taxing district, federal agency or other entity that operates or proposes to operate any injection well.~~ (3-18-22\_\_\_)

**5641. Owner or Operator.** Any individual, group of individuals, partnership, company, corporation,

**Commented [BE5]:** City of Middleton (Comment, 5/1/23) requested that IDWR revise this definition to allow for drip irrigation systems.

\*As a primacy program, we need to keep definition consistent with EPA definition. Added language in Rule 55.05.f. to address the City's concern.

**Commented [EB6]:** Added definition from IDAPA 58.01.17

municipality, county, state agency, taxing district, federal agency or other entity owning land on which any injection well exists or is proposed to be constructed. The owner or operator of any facility or activity subject to regulation under the UIC program.

(3-18-22 )

~~57. **Packer.** A device lowered into a well to produce a fluid-tight seal.~~ (3-18-22)

~~58. **Perched Aquifer.** Ground water separated from an underlying main body of ground water by an unsaturated zone.~~ (3-18-22)

~~59. **Permanent Decommission.** The discontinuance of use of an injection well in a method approved by the Director such that the injection well no longer has the capacity to inject fluids and the upward or downward migration of fluid is prevented. This also includes the disposal and proper management of any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the injection well in accordance with all applicable Federal, State, and local regulations and requirements.~~ (3-18-22)

~~60~~**42. **Permit.** An authorization, license, or equivalent control document issued by the Department. (3-18-22 )**

~~61. **Person.** Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any other legal entity which is recognized by law.~~ (3-18-22)

~~62~~**43. **Point of Beneficial Use.** The top or surface of a USDW, directly below an injection well, where water is available for a beneficial use. (3-18-22 )**

~~63~~**44. **Point of Diversion for Beneficial Use.** A location such asLocation of ~~a producing well or spring where ground water is taken under control and diverted for a beneficial use.~~ (3-18-22 )**

~~64~~**45. **Point of Injection.** The last accessible sampling point prior to waste being released into the subsurface environment through an injection well. For example, the point of injection for a Class V septic system might be the distribution box. For a drywell, it is likely to be the well bore itself. (3-18-22 )**

~~65. **Pressure.** The total load or force per unit area acting on a surface.~~ (3-18-22)

~~66~~**46. **Radioactive Material.** Any material, solid, liquid or gas which emits radiation spontaneously. Radioactive geologic materials occurring in their natural state are not included. (3-18-22 )**

~~67~~**47. **Radioactive Waste.** Any fluid which contains radioactive material in concentrations which exceed those established for discharges to water in an unrestricted area by 40 CFR 20.1302.(b)(2)(i) and Table 2 in Appendix B of 40 CFR 20 listed in 10 CFR part 20, appendix B, table II, column 2. (3-18-22 )**

~~68. **RCRA.** The Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976.~~ (3-18-22)

~~69. **Remediation Project.** Use of an injection well for the removal, treatment or isolation of a contaminant from ground water through actions or the removal or treatment of a contaminant in ground water as approved by the Director.~~ (3-18-22)

~~70. **Residential (Domestic) Activities.** Human activities that generate liquid or solid waste in any public, private, industrial, commercial, municipal, or other facility.~~ (3-18-22)

~~71. **Sanitary Waste.** Any fluid generated through residential (domestic) activities, such as food preparation, cleaning and personal hygiene. This term does not include industrial, municipal, commercial, or other non-residential process fluids.~~ (3-18-22)

~~72. **Schedule of Compliance.** A schedule of remedial measures including an enforceable sequence of~~

actions or operations leading to compliance with the standards. (3-18-22)

48. **Recycled Water.** Water treated by a wastewater treatment system and used according to these rules. ( )

Commented [EB7]: Added definition from IDAPA 58.01.17

~~73~~**49. **Septic System.** An injection well that is used to inject sanitary waste below the surface. A septic system is typically comprised of a septic tank and subsurface fluid distribution system or disposal system. (3-18-22 )**

~~74~~**50. **Shallow Injection Well.** An injection well which is less than or equal to eighteen (18) feet in vertical depth below land surface. (3-18-22 )**

~~75. **Site.** The land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity. (3-18-22)~~

~~76. **State.** The state of Idaho. (3-18-22)~~

~~77. **Stratum (plural strata).** A single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material. (3-18-22)~~

~~78~~**51. **Subsidence.** The lowering of the natural land surface in response to: Earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (~~Hydrocompaction~~); oxidation of organic matter in soils; or added load on the land surface. (3-18-22 )**

~~79~~**52. **Subsurface Fluid Distribution System.** An assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground. (3-18-22 )**

~~80~~**53. **UIC.** The Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved State program." (3-18-22 )**

~~81. **Unauthorized Decommission.** The decommissioning of any injection well that has not received the approval of the Department prior to decommissioning, or was not decommissioned in a method approved by the Director. These wells may have to be properly decommissioned when discovered by the Director to ensure that the well prevents commingling of aquifers or is no longer capable of injection. (3-18-22)~~

~~82. **Underground Injection.** See "injection." (3-18-22)~~

~~83~~**54. **Underground Source of Drinking Water (USDW).** An aquifer or its portion: (3-18-22 )**

a. Which: (3-18-22 )

i. Supplies any public water system; or (3-18-22 )

ii. Contains a sufficient quantity of ground water to supply a public water system; or (3-18-22 )

(1) Currently supplies drinking water for human consumption; or (3-18-22 )

(2) Contains fewer than ten thousand (10,000) mg/l total dissolved solids; and (3-18-22 )

b. Which is not an exempted aquifer. (3-18-22 )

~~84. **Unreasonable Contamination.** Endangerment of a USDW or the health of persons or other beneficial uses by injection. See "endangerment." (3-18-22)~~

55. **Wastewater.** Combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions, and other establishments, together with

any ground water, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, gray water, or commercial or industrial pollutants; and sewage. ( )

**Commented [EB8]:** Added definition from IDAPA 58.01.17

**8556. Water Quality Standards.** Refers to those standards found in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards" and IDAPA 58.01.11, "Ground Water Quality Rule." (3-18-22 )

~~86. Well.~~ For the purposes of these rules, "well" means "injection well." (3-18-22)

~~011. — 014. (RESERVED)~~

#### ~~015. VIOLATIONS, FORMAL NOTIFICATION AND ENFORCEMENT.~~

~~01. Violations.~~ It shall be a violation of these rules for any owner or operator to: (3-18-22)

~~a. Fail to comply with a permit or authorization, or terms or conditions thereof;~~ (3-18-22)

~~b. Fail to comply with applicable standards for water quality;~~ (3-18-22)

~~c. Fail to comply with any permit application notification or filing requirement;~~ (3-18-22)

~~d. Knowingly make any false statement, representation or certification in any application, report, document or record filed pursuant to these rules, or terms and conditions of an issued permit;~~ (3-18-22)

~~e. Falsify, tamper with or knowingly render inaccurate any monitoring device or method required to be maintained or utilized by the terms and conditions of an issued permit;~~ (3-18-22)

~~f. Fail to respond to any formal notification of a violation when a response is required; or~~ (3-18-22)

~~g. Decommission a well in an unauthorized manner.~~ (3-18-22)

~~02. Additional.~~ It shall be a violation of these rules for any person to construct, operate, maintain, convert, plug, decommission or conduct any other activity in a manner which results or may result in the unauthorized injection of a hazardous waste or of a radioactive waste by an injection well. (3-18-22)

~~03. Formal Notification.~~ Formal notification of violations may be communicated to the owner or operator with a letter, a notice of violation, a compliance or enforcement order or other appropriate means. (3-18-22)

~~04. Enforcement.~~ Violation of any of the provisions of the Injection Well Act (Chapter 39, Title 42, Idaho Code) or of any rule, regulation, standard or criteria pertaining to the Injection Well Act may result in the Director initiating an enforcement action as provided under Chapters 17 and 39, Title 42, Idaho Code. (3-18-22)

~~016. — 019. (RESERVED)~~

#### ~~020. HEARING BEFORE THE WATER RESOURCE BOARD.~~

~~01. General.~~ All hearings before the IWRB will be conducted in accordance with Chapter 52, Title 67, Idaho Code, at a place convenient to the owner and/or operator. For purposes of such hearings, the IWRB or its designated hearing officer shall have power to administer oaths, examine witnesses, and issue in the name of the said Board subpoenas requiring testimony of witnesses and the production of evidence relevant to any matter in the hearing. Judicial review of the final determination by the IWRB may be secured by the owner by filing a petition for review as prescribed by Chapter 52, Title 67, Idaho Code, in the District Court of the county where the injection well is situated or proposed to be located. The petition for review shall be served upon the Chairman of the IWRB and upon the Attorney General. (3-18-22)



~~02. Hearings on Conditional Permits, Disapproved Applications, or Petitions for Exemption.~~ Any owner or operator aggrieved by the approval or disapproval of an application, or by conditions imposed upon a permit, or any person aggrieved by the Director's decision on a petition for exemption under Section 025 of these rules, shall be afforded an opportunity for a hearing before the IWRB or its designated hearing officer. Written notice of such grievance shall be transmitted to the Director within thirty (30) days after receipt of notice of such approval, disapproval or conditional approval. Such hearing shall be held for the purpose of determining whether the permit shall be issued, whether the conditions imposed in a permit are reasonable, whether a change in circumstances warrants a change in conditions imposed in a valid permit, or whether the Director's decision on a petition for exemption should not be changed. (3-18-22)

~~03. Hearings on Permit Cancellations.~~ When the Director has reason to believe the operation of an injection well for which a permit has been issued is interfering with the right of the public to withdraw water for beneficial uses, or is causing unreasonable contamination of a drinking or other ground water source as provided for in Title 42, Chapter 39, Idaho Code, the permit may be canceled by the Director. Prior to the cancellation of such permit there shall be a hearing before the IWRB for the purpose of determining whether or not the permit should be canceled. At such hearing, the Director shall be the complaining party. At least thirty (30) days prior to the hearing, a notice, which shall be in accordance with Chapter 52, Title 67, Idaho Code, shall be sent by certified mail to the owner or operator whose permit is proposed to be canceled. The Board shall affirm, modify, or reject the Director's decision and make its decision in the form of an order to the Director. (3-18-22)

~~024011.~~ -- ~~034019.~~

(RESERVED)

#### **035020. CLASSIFICATION OF INJECTION WELLS.**

**01. Classification of Injection Wells.** For the purposes of these rules, injection wells are classified as follows: (3-18-22)

**a. Class I:** (3-18-22)

i. Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within one-quarter (1/4) mile of the well bore, an underground source of drinking water. (3-18-22)

ii. Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within one-quarter (1/4) mile of the well bore, an underground source of drinking water. (3-18-22)

iii. Radioactive waste disposal wells which inject fluids below the lowermost formation containing an underground source of drinking water within one-quarter (1/4) mile of the well bore. (3-18-22)

**b. Class II. Wells used to inject fluids:** (3-18-22)

i. Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants, dehydration stations, or compressor stations which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection. (3-18-22)

ii. For enhanced recovery of oil or natural gas; and (3-18-22)

iii. For storage of hydrocarbons which are liquid at standard temperature and pressure. (3-18-22)

**c. Class III. Wells used to inject fluids for extraction of minerals including:** (3-18-22)

i. Mining of sulfur by the Frasch process; (3-18-22)

ii. In situ production of uranium or other metals; this category includes only in-situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes

leaching is included in Class V. (3-18-22 \_\_\_)

iii. Solution mining of salts or potash. (3-18-22 \_\_\_)

d. Class IV: (3-18-22 \_\_\_)

i. Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into or above a formation which within one-quarter (1/4) mile of the well contains an underground source of drinking water. (3-18-22 \_\_\_)

~~ii. Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within one-quarter (1/4) mile of the well contains an underground source of drinking water. (3-18-22 \_\_\_)~~

~~iii.~~ Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classified under Subparagraphs 035.01.a.i. or 035.01.d.i. or 035.01.d.ii. of this rule (e.g., wells used to dispose of hazardous waste into or above a formation which contains an aquifer which has been exempted pursuant to Section 025 of these rules). (3-18-22 \_\_\_)

e. Class V -- All injection wells not included in Classes I, II, III, IV, or VI. (3-18-22 \_\_\_)

f. Class VI. (3-18-22 \_\_\_)

i. Wells that are not experimental in nature that are used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW; or (3-18-22 \_\_\_)

ii. Wells used for geologic sequestration of carbon dioxide that have been granted a waiver of the injection depth requirements pursuant to requirements at 40 CFR Section 146.95; or (3-18-22 \_\_\_)

iii. Wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to Section 025 of these rules. (3-18-22 \_\_\_)

**02. Subclassification.** Class V wells are subclassified as follows: (3-18-22 \_\_\_)

a. 5A5-Electric Power Generation. (3-18-22 \_\_\_)

b. 5A6-Geothermal Heat. (3-18-22 \_\_\_)

c. 5A7-Heat Pump Return. (3-18-22 \_\_\_)

d. 5A8-Aquaculture Return Flow. (3-18-22 \_\_\_)

e. 5A19-Cooling Water Return. (3-18-22 \_\_\_)

f. 5B22-Saline Water Intrusion Barrier. (3-18-22 \_\_\_)

g. 5D2-Storm Runoff. (3-18-22 \_\_\_)

h. 5D3-Improved Sinkholes. (3-18-22 \_\_\_)

i. 5D4-Industrial Storm Runoff. (3-18-22 \_\_\_)

j. 5F1-Agricultural Runoff Waste. (3-18-22 \_\_\_)

- k. 5G30-Special Drainage Water. (3-18-22 \_\_)
- l. 5N24<sup>1</sup>-Radioactive Waste Disposal<sup>1</sup>. (3-18-22 \_\_)
- m. 5R21-Aquifer Recharge. (3-18-22 \_\_)
- n. 5S23-Subsidence Control. (3-18-22 \_\_)
- o. 5W9-Untreated Sewage<sup>1</sup>. (3-18-22 \_\_)
- p. 5W10-[Large Capacity](#) Cesspools<sup>1</sup>. (3-18-22 \_\_)
- q. 5W11-Septic Systems (General). (3-18-22 \_\_)
- r. 5W12-Waste Water Treatment Plant Effluent. (3-18-22 \_\_)
- s. 5W20-Industrial Process Water. (3-18-22 \_\_)
- t. 5W31-Septic Systems (Well Disposal). (3-18-22 \_\_)
- u. 5W32-Septic System (Drainfield). (3-18-22 \_\_)
- v. 5X13-Mine Tailings Backfill. (3-18-22 \_\_)
- w. 5X14-Solution Mining. (3-18-22 \_\_)
- x. 5X15-In-Situ Fossil Fuel Recovery. (3-18-22 \_\_)
- y. 5X16-Spent Brine Return Flow. (3-18-22 \_\_)
- z. 5X25-Experimental Technology. (3-18-22 \_\_)
- aa. 5X26-Aquifer Remediation. (3-18-22 \_\_)
- bb. 5X27-Other Wells. (3-18-22 \_\_)
- cc. 5X28<sup>1</sup>-Motor Vehicle Waste Disposal Wells<sup>1</sup>. (3-18-22 \_\_)
- dd. 5X29-Abandoned Water Wells. (3-18-22 \_\_)

<sup>1</sup> The construction and operation of wells in these subclasses is currently ~~illegal~~[prohibited](#) in Idaho.

~~036021~~ -- ~~039024~~.

(RESERVED)

~~040025~~. AUTHORIZATIONS, PROHIBITIONS AND EXEMPTIONS.

01. **Authorizations.** Construction and use of Class V deep injection wells may be authorized by permit as approved by the Director in accordance with these ~~rules and the “Well Construction Standards Rules” found in IDAPA 37.03.09 which are authorized under Section 42-238, Idaho Code.~~ (3-18-22 \_\_)

02. **Prohibitions.** (3-18-22 \_\_)

a. These rules prohibit the permitting, construction, or use of any Class I, III, IV, or VI injection well. (3-18-22 \_\_)

Commented [BE9]: Moved from Rule 1.01.

b. No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows or causes the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary or secondary drinking water regulation, under IDAPA 58.01.11, "Ground Water Quality Rule," Section 200 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the ~~requirements of Paragraph 040.02.c. are met~~ injection of any fluid does not present an imminent and substantial endangerment to the health of persons. (3-18-22 \_\_\_)

c. Notwithstanding any other provision of this section, the Director may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or ~~underground source of drinking water~~ a USDW may present an imminent and substantial endangerment to the health of persons. (3-18-22 \_\_\_)

d. ~~Construction of large~~ Large capacity cesspools, motor vehicle waste disposal wells, radioactive waste disposal wells, and untreated sewage disposal wells ~~is~~ are prohibited. All prohibited wells described in this section must be decommissioned in accordance with these rules. ~~Construction and use of other Class V shallow injection wells are authorized by these rules without permit provided that:~~ (3-18-22 \_\_\_)

~~i. Required inventory information is submitted to the Director pursuant to Subsection 070.01 of this rule.~~ (3-18-22 \_\_\_)

~~ii. Use of the shallow injection well shall not result in unreasonable contamination of a USDW or cause a violation of surface or ground water quality standards that would affect a beneficial use.~~ (3-18-22 \_\_\_)

e. Construction of new Subclass 5F1 injection wells is prohibited.

~~f. Class IV injection wells used to inject. These rules do not prohibit the injection of contaminated ground water that has been treated and is being reinjected into the same formation from which it was drawn are not prohibited by these rules provided the contaminated ground water is treated and if such injection is approved by EPA, or Idaho, pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601-9657, or pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 through 6987.~~ (3-18-22 \_\_\_)

~~f. All large capacity cesspools must be properly decommissioned by January 1, 2005. A cease and desist order may be issued to the owner or the operator when a large capacity cesspool is found to be a threat to the ground water resources as described in Paragraph 070.01.c.~~ (3-18-22 \_\_\_)

~~g. All motor vehicle waste disposal wells must be properly decommissioned by January 1, 2005. A cease and desist order may be issued to the owner or the operator when a motor vehicle waste disposal well is found to be a threat to the ground water resources as described in Paragraph 070.01.c.~~ (3-18-22 \_\_\_)

~~h. The Construction, operation or maintenance of any non-experimental Class V geologic sequestration well is prohibited.~~ (3-18-22 \_\_\_)

~~i. Owners or operators of shallow injection wells are prohibited from injecting into the well upon failure to submit inventory information in a timely manner pursuant to Paragraph 070.01.a. of these rules.~~ (3-18-22 \_\_\_)

03. Exemptions. (3-18-22 \_\_\_)

a. Construction and use of Class V shallow injection wells are authorized by these rules without permit provided that: ( )

i. Required inventory information is submitted to the Director in accordance with these rules. ( )

ii. Use of a shallow injection well shall not result in unreasonable contamination of a USDW or cause a violation of water quality standards that would affect a beneficial use. ( )

Commented [BE10]: Removed. Redundant to Rule 25.03.a.i.

~~ab.~~ ~~The UIC inventory and fee requirements of these rules do not apply to individual Individual~~ subsurface sewage disposal system wells. ~~These systems are, however, are exempt from these Rules but~~ subject to the permitting and fee requirements of IDAPA 58.01.03 "Individual/Subsurface Sewage Disposal Rules," Title 39, Chapter 1 and Title 39, Chapter 36, Idaho Code. (3-18-22 )

~~bc.~~ State or local government entities are exempt from the permit requirements of these rules for wells associated with highway and street construction and maintenance projects, but shall submit shallow injection well inventory information for said wells and shall comply with all other requirements of these rules. (3-18-22 )

~~ed.~~ Mine tailings backfill (5X13) wells are authorized by rule as part of mining operations. They are therefore exempt from the ground water quality standards and permitting requirements of these rules provided that their use is limited to the injection of mine tailings only. The use of any 5X13 well(s) shall not result in water quality standards at points of diversion for beneficial use ~~being that exceeded exceed~~ or otherwise affect a beneficial use. Should water quality standards be exceeded or beneficial uses be affected, the Director may order the wells to be put under the permit requirements of these rules, or the wells may be required to be remediated or closed. As a condition of their use, the Director may require the construction and sampling of monitoring wells by the owner/operator. 5X13 wells are subject to the inventory requirements ~~of Subsection 070.01 described in these Rules.~~ (3-18-22 )

04. Variance of Methods. The Director may approve the use of a different testing method or technology if it is no less protective of human health and the environment, will not allow the migration of injected fluids into a USDW, meets the intent of the rule, and yields information or data consistent with the original method or technology required. A request for review by the Director must be submitted in writing by the applicant, permit holder, or operator and be included with all pertinent information necessary for the Director to evaluate the proposed testing method or technology. ( )

~~041026, -- 069029.~~ (RESERVED)

#### 030. CLASS V SHALLOW INJECTION WELL REQUIREMENTS

~~a01. Authorization.~~ All owners or operators of shallow Class V injection wells, including improved sinkholes used for aquifer recharge, that dispose of nonhazardous and nonradioactive wastes are required to submit a Shallow Injection Well Inventory Form to the Department no later than thirty (30) days prior to commencement of construction for each new well or no later than thirty (30) days after the discovery of an existing injection well that has not previously been inventoried with the Department. ~~Forms are available from any Department office or at the Department website at <http://www.idwr.idaho.gov>.~~ State or local government entities shall submit the following inventory information for wells associated with highway and street construction and maintenance projects. ( )

~~i~~a. Facility name and location; and ( )

~~ii~~b. County in which the injection well(s) is (are) located; and ( )

~~iii~~c. Ownership of the well(s); and ( )

~~iv~~d. Name, address and phone number of legal contact; and ( )

~~v~~e. Type or function of the well(s); and ( )

~~vi~~f. Number of wells of each type; and ( )

~~vii~~g. Operational status of the well(s). ( )

~~b02. Inventory Fees.~~ For shallow injection wells constructed after July 1, 1997, the Shallow Injection Well Inventory Form shall be accompanied by a fee as specified in Section 42-3905(2), Idaho Code, payable to the Department of Water Resources. State or local government entities are exempt from filing fees for shallow injection wells associated with highway and street construction and maintenance, ~~but shall comply with all other requirements~~

of these rules. ( )

**03. Permit Requirements.** Where a Class V shallow injection well is owned or operated by an entity other than a state or local government agency involved in highway and street construction and maintenance, the Director may authorize continued operation of the well through a permit that specifies the terms and conditions of acceptable operation. ( )

**04. Permanent Decommissioning.** Owners or operators of shallow injection wells shall notify the Director not less than thirty (30) days prior to permanent decommissioning of any shallow injection well. ~~Permanent decommissioning~~ Decommissioning shall be accomplished in accordance with procedures approved by the Director. ( )

**05. Inter-Agency Cooperation.** The Department may seek the assistance of other state or local government agencies or entities, including cities, counties, health districts, and highway districts to inventory, monitor, and inspect shallow injection wells. Assistance is to be negotiated through a memorandum of understanding between the Department and the state or local entity subject to the Director's approval. ( )

**06. Cessation of Injection Well Activity.** The Director shall require immediate cessation of any Class V shallow injection well activity that causes or may cause unreasonable contamination of a USDW or a violation of ground water quality standards. ( )

**031. – 034. (RESERVED)**

#### **035. CLASS V INJECTION WELL REQUIREMENTS**

**01. Permit Required for Class V Deep Injection Wells.** No person shall construct, modify, maintain, or use a Class V deep injection well unless a permit has been issued by the Director. An application for permit shall be completed and filed with the director on a form approved by the department accompanied by a filing fee as specified in Section 42-3905(1), Idaho Code. Applications proposing to inject recycled municipal wastewater or recycled industrial wastewater must also adhere to IDAPA 58.01.17 (Recycled Water Rules) permitting requirements. ( )

**02. Permit Requirements for Class V Shallow Injection Wells.** No person shall construct, modify, maintain, or use a Class V shallow injection well to inject recycled municipal wastewater or recycled industrial wastewater unless a permit has been issued by the Director. An application for permit shall be completed and filed with the director on a form approved by the department accompanied by a filing fee as specified in Section 42-3905(1), Idaho Code. An application for permit may be required for the construction, modification, or use of all other shallow injection wells if the Director determines that the injection could result in unreasonable contamination of a USDW or cause a violation of water quality standards that would affect a beneficial use. Applications proposing to inject recycled municipal wastewater or recycled industrial wastewater must also adhere to IDAPA 58.01.17 (Recycled Water Rules) permitting requirements. ( )

**03. Application Information Required.** An applicant shall submit the following information to the Director for all injection wells to be authorized by permit, unless the Director determines that it is not needed in whole or in part, and issues a written waiver to the applicant: ( )

**a.** Facility name and location; ( )

**b.** Name, address and phone number of the well operator; ( )

**c.** Class, subclass and function of the injection well (see Section 035); ( )

**d.** Latitude/longitude or legal description of the well location to the nearest ten (10) acre tract; ( )

**e.** Ownership of the well; ( )

**Commented [BE11]:** Added language noting that deep injection of recycled water must also adhere to 58.01.17 permitting requirements.

**Commented [BE12]:** City of Middleton (Comment, 6/13/23) requested that IDWR allow IDEQ to regulate shallow injection wells under their Recycled Water Program (permit).

UIC Program is a primacy program under EPA, and is required to regulate all Class V injection wells. City of Middleton's project meets the definition of a shallow injection well under EPA rules. Additionally, IDAPA 58.01.17 (Recycled Water Rules) does not have definition of shallow injection well or any injection wells. As a result, permits from both agencies will be required.

**Commented [BE13]:** City of Middleton (Comment, 6/13/23) requested that IDWR clarify the statement that the director "may" require a permit; presumably clarify under what specific conditions could the director require a permit.

Nuanced situations that could have a negative impact on Idaho's valuable groundwater resource would be difficult if not impossible to fully capture or specify here.

**Commented [BE14]:** Added language requiring permits (for Shallow Injection Wells) to inject recycled municipal or industrial wastewater and authorizing the Director to require permits for shallow injection wells if deemed necessary to ensure groundwater resources are protected.

Added language noting that shallow injection of recycled water must also adhere to 58.01.17 permitting requirements.



~~vi.f.~~ County in which the injection well is located; ( )

~~vii.g.~~ Construction information for the well; ( )

~~viii.h.~~ ~~Quantity and general character of the injected fluids~~ Describe the quality, composition, and quantity of the injected fluids; ( )

~~ix.i.~~ Status of the well; ( )

~~x.j.~~ A topographic map or aerial photograph extending one (1) mile beyond property boundaries, depicting; ( )

(1) Location of the injection well and associated facilities described in the application; ( )

(2) Locations of other injection wells; ( )

(3) Approximate drainage area, if applicable; ( )

(4) Hazardous waste facilities, if applicable; ( )

(5) All wells used to withdraw drinking water; ( )

(6) All other wells, springs and surface waters. ( )

~~xi.~~ Distance and direction to nearest domestic well; ( )

~~xiii.~~ Depth to ground water; and ( )

~~xiiii.~~ Alternative methods of waste disposal. ( )

**e04.** **Additional Information.** The Director may require an applicant to submit additional information to demonstrate that the proposed or existing injection well will not endanger a USDW. The Director will not complete the processing of an application for which additional information has been requested until such time as the additional information is supplied. The Director may return any incomplete application and will not process such application until such time as the application is received in complete form. Additional information may include, but is not limited to the following items: ( )

~~ia.~~ A topographic map showing locations of the following within a two (2) mile radius of the injection well: ( )

(1) All wells producing water; ( )

(2) All exploratory and test wells; ( )

(3) All other injection wells; ( )

(4) Surface waters (including man-made impoundments, canals and ditches); ( )

(5) Mines and quarries; ( )

(6) Residences; ( )

(7) Roads; ( )

(8) Bedrock outcrops; and ( )

**Commented [BE15]:** City of Boise (Comment, 5/10/23) asked what would be required to define the "composition."

\*The common definition of "composition" is the nature or description of something's ingredients or constituents. In the case of a proposed injectate, the applicant would need to conduct baseline water quality analyses of the injectate to determine what they are proposing to inject. If the question is asking for guidance on performing a baseline study, due to inherent nuance associated with baseline studies, IDWR believes the applicant should propose a baseline study method for IDWR review and approval.

**Commented [BE16]:** Language from Rule 35.04 below moved and combined here. Deleted Rule 35.04.

(9) Faults and fractures. ( )

~~ii~~**b.** Additional maps or aerial photographs of suitable scale to accurately depict the following: ( )

(1) Location and surface elevation of the injection well described in this permit; ( )

(2) Location and identification of all facilities within the property boundaries; ( )

(3) Locations of all wells penetrating the proposed injection zone or within a one-quarter (1/4) mile radius of the injection well; ( )

(4) Maps and cross sections depicting all underground sources of drinking water to include vertical and lateral limits within a one-quarter (1/4) mile radius of the injection well, their position relative to the injection zone and the direction of water movement; local geologic structures; regional geologic setting. ( )

~~iii~~**c.** A comprehensive report of the following information: ( )

(1) A tabulation of all wells penetrating the proposed injection zone, listing owner, lease holder and operator; well identification (permit) number; size, weight, depth and cementing data for all strings of casing; ( )

(2) ~~Description of the quality and quantity of fluids to be injected~~Description of the quality, composition, and quantity of fluids to be injected; ( )

(3) ~~Geologic, hydrogeologic, and physical characteristics of the injection zone and confining beds~~Description of geologic, hydrogeologic, and geochemical conditions present in the injection zone and confining beds; methods for determining geochemical conditions shall be approved by the Director; ( )

(4) Engineering data for the proposed injection well; ( )

(5) Proposed operating pressure; ( )

(6) A detailed evaluation of alternative disposal practices; ( )

(7) A plan of corrective action for wells penetrating the zone of injection, but not properly sealed or decommissioned; and ( )

(8) Contingency plans to cope with all shut-ins or well failures to prevent the migration of unacceptable fluids into underground sources of drinking waters. ( )

~~iv~~**d.** Name, address and phone number of person(s) or firm(s) supplying the technical information and/or designing the injection well; ( )

~~v~~**e.** Proof that the applicant is financially responsible, through a performance bond or other appropriate means, to decommission the injection well in a manner approved by the Director. ( )

**036, -- 049. (RESERVED)**

**050. CLASS V INJECTION WELL REQUIREMENTS – APPLICATION PROCESSING**

**01. Draft Permit Preparation.** After all application information is received and evaluated, the Director will prepare a draft permit or denial, which will include the application for permit, permit conditions or reasons for denial, and any compliance schedules or monitoring requirements. In preparing the draft permit or denial, the Director shall consider the following factors: ( )

Commented [BE17]: Renamed to clarify.

- a. The availability of economic and practical alternative means of disposal; ( )
- b. The application of best management practices to the facilities and/or area draining into the well; ( )
- c. The availability of economical, practical means of treating or otherwise reducing the amount of contaminants in the injected fluids; ( )
- d. The quality of the receiving ground water, its category, its present and future beneficial uses or interconnected surface water; ( )
- e. The location of the injection well with respect to drinking water supply wells; and ( )
- f. Compliance with the IDAPA 58.01.11, "Ground Water Quality Rule." ( )
- g. The benefit to the State of Idaho. ( )
- 02. Public Notice.** The Director will provide public notice of any draft permit to construct, maintain or modify a Class V injection well by means of a legal notice in a newspaper of general circulation in the county in which the well is located. The Director may give additional notice as necessary to adequately inform the interested public and governmental agencies. There shall be a period of at least thirty (30) days following publication for any interested person to submit written comments. ~~and to request a fact-finding hearing~~ The hearing will be held by the Director if deemed necessary. ( )
- 03. Review by the Directors of Other State Agencies.** The Directors of other state agencies, as determined by the Director, shall be provided the given an opportunity to review and comment on draft permits. Comments shall be submitted to the Director within thirty (30) days of public notice. ( )
- 04. Open-Loop Heat Pump Return Wells (Subclass 5A7).** The Director may waive the draft permit and recurring permit cycle requirements of these rules for any application proposing use of an open-loop heat pump return well greater than eighteen (18) feet in depth solely for disposal of heat pump water at a rate not exceeding fifty (50) gpm. ( )
- 05. Fact-Finding Hearings.** At the Director's discretion, or upon motion of any interested individual, the Director may elect to hold a fact-finding hearing. Said hearing will be held at a location in the geographical area of the injection well. Notice of said hearing will be provided at least thirty (30) days in advance of the hearing by regular mail to the applicant and to the person or persons requesting the hearing. Public notice of the fact-finding hearing shall be made in a newspaper of general circulation in the county where the injection well is located. ( )
- 06. Draft Permit Final Review and Consideration.** The Director will consider the following factors when taking final action on draft permits: ( )
- a. The potential for unreasonable contamination or deterioration of ground water quality; ( )
- b. The likelihood and consequences of the injection well system failing; ( )
- c. The long-term effects of such disposal or storage; ( )
- d. The recommendations and related justifications of the Directors of other state agencies and the public; ( )
- e. The potential for violation of ground water quality standards at the point of injection or the point of beneficial use; and ( )
- f. Compliance with the Idaho Ground Water Quality Plan. ( )

**Commented [BE18]:** City of Boise (Comment, 5/10/23) asked "what documentation would be required to prove or disprove the availability of economic and practical alternative means of disposal?"

\*\*"Economic" refers to low-cost and "practical" refers to how sensible and realistic a method is. Is the City asking what exact information is required to counter the Director's decision based on this bullet point? Need some clarification. We will discuss this question during our next public meeting on June 1st.

07. Issuance of Permit. After considering the draft permit for construction, modification, maintenance, or use, and all matters relating thereto, the Director shall issue a permit if the standards and criteria of ~~Subsection 070.05~~ described in these rules will be met and USDW's will not ~~otherwise~~ be unreasonably affected. If the Director finds that the standards and criteria cannot be met or that ground water sources cannot ~~otherwise~~ be protected from unreasonable contamination at all times, the draft permit may be denied or a permit may be issued with conditions designed to protect ground water sources. The Director's decision shall be in writing and a copy sent by regular mail to the applicant and all persons who commented in writing on the draft permit or appeared at a hearing held to consider the draft permit. ( )

08. Permit Conditions and Requirements. Any permit issued by the Director shall contain conditions to ~~insure that~~ protect ground water sources ~~will be protected from waste, unreasonable~~ contamination, or deterioration of ground water quality ~~that could result in violations of the ground water quality standards~~. In addition to specific construction, operation, maintenance ~~and~~, monitoring, and reporting requirements that the Director finds necessary, each permit shall be subject to the standard conditions and requirements of this rule. ( )

09. Permit Decision Notice. The Director's decision shall be in writing and a copy shall be mailed by regular mail to the applicant and all persons who commented in writing on the draft permit or appeared at a hearing held to consider the draft permit. ( )

051. (RESERVED)

052. CLASS V INJECTION WELL CONSTRUCTION AND OPERATION REQUIREMENTS ( )

01. Construction Requirements. The following requirements apply to all Class V injection wells authorized by permit unless noted differently: ( )

a. Deep injection wells shall be constructed by an Idaho licensed well driller to conform with the current Well Construction Standards (IDAPA 37.03.09), the conditions of the well construction permit, and the conditions of the UIC permit issued pursuant to these rules, except that a driller's license is not required for the construction of a driven mine shaft or a dug hole. ( )

b. Well drillers or other persons involved with the construction of any injection well shall not commence construction of the injection well until a certified copy of the approved injection well permit is obtained from the Director. ( )

c. Injection wells shall be constructed in accordance with the conditions of the permit. Rule-authorized shallow injection wells shall be constructed as shown or described in the inventory submittal. ( )

d. Injection wells shall be constructed to prevent the entrance of any fluids other than specified in the permit. ( )

e. Deep injection wells shall be constructed to prevent waste of artesian fluids or movement of fluids from one aquifer into another. ( )

f. When construction or modification of an injection well has been completed, the owner or operator shall inform the Director of completion on a form provided by the Department. ( )

g. A sampling port shall be provided for deep injection well systems if the system is enclosed. ( )

h. All new injection wells constructed into alluvial formations shall have a minimum ten (10) foot separation from the bottom of the well and seasonal high ground water. ( )

02. Operational Conditions and Requirements. The following requirements apply to all Class V injection wells authorized by permit unless noted differently: ( )

**Commented [BE19]:** Created Rule 52 for organization, moved content previously in Draft Rule 50. No substantive changes.

a. The injection well shall not be used until the construction, operation and maintenance requirements of the permit are met and provisions are made for any required inspection, monitoring and record keeping. ( )

b. For both permitted injection wells and rule-authorized shallow injection wells, injection of any contaminant at concentrations exceeding the standards set in Paragraph 050.03.c. into a present or future drinking or other ground water source that may cause a health hazard or adversely affect a designated and protected use is prohibited. ( )

c. The injection well owner or operator shall develop approved procedures to detect constructional or operational failure in a timely fashion and shall have contingency plans to cope with the well failure. ( )

d. Authorized representatives of the Department shall be allowed to enter, inspect and/or sample: ( )

(i.) The injection well and related facilities; ( )

(ii.) The owner or operator's records of the injection operation; ( )

(iii.) Monitoring instrumentation associated with the injection operation; and ( )

(iv.) The injected fluids. ( )

e. The injection facilities shall be operated and maintained to achieve compliance with all terms and conditions of this permit. ( )

f. Proper operation and maintenance includes effective performance, adequate funding, operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures; ( )

g. If compliance cannot be met, the owner shall take corrective action as determined by the Director or terminate injection. ( )

h. The owner shall mitigate any adverse effects resulting from non-compliance with the terms and conditions of the permit. ( )

i. If the injection well was constructed prior to issuance of the permit, the well shall be brought into compliance with the terms and conditions of the permit in accordance with the schedule of compliance issued by the Director. ( )

j. The permit shall not convey any property rights. ( )

**03. Conditions of Permanent Decommissioning.** The following requirements apply to all Class V injection wells authorized by permit and rule authorized shallow injection wells, unless noted differently: ( )

a. Notice of intent to permanently decommission a well shall be submitted to the Director not less than thirty (30) days prior to commencement of the decommissioning activity. ( )

b. The method of permanent decommissioning for all injection wells shall be approved by the Director prior to commencement of the decommissioning activity. ( )

c. Notice of completion of permanent decommission shall be submitted to the Director within thirty (30) days of completion. ( )

d. All deep injection wells that are to be permanently decommissioned shall be plugged in accordance with current Well Construction Standards. ( )

e. Following permanent cessation of use, or where an injection well is not completed, the Director shall be notified. Decommissioning procedures or other action, as prescribed by the Director, shall be conducted.

( )

f. The injection well owner or operator has the responsibility to ensure that the injection operation is decommissioned as prescribed.

( )

04. **Duration of Approved Permits.** The length of time that a permit may be in effect for Class V wells authorized by permit shall not exceed ten (10) years.

( )

053 - 054. (Reserved)

055. **Standards For the Quality of Fluids Injected into Class V Wells.**

( )

01. **General.** Injected fluids shall meet ground water quality standards for physical, biological, chemical, and radiological contaminants, and if ground water produced from adjacent points of diversion for beneficial use meets the water quality standards as defined in these rules, then that aquifer will be protected from unreasonable contamination and will be preserved for diversion to beneficial uses. The Director may, however, when it is deemed necessary, require specific injection wells to be constructed and operated in compliance with additional requirements, such as best management practices (BMPs), so as to protect the ground water resource from deterioration and preserve it for diversion to beneficial use.

( )

02. **Waivers.** A waiver of one (1) or more standards may be granted by the Director if it can be demonstrated by the applicant that the contaminants in injected fluid will not endanger a ground water source for any present or future beneficial use.

( )

03. **Chemical and Radiological Contaminants in Injected Fluids.** The following limits shall not be exceeded in injected fluids from a well when such fluids will or are likely to reach a USDW:

( )

a. The concentration of each chemical contaminant in the injected fluids shall not exceed the concentration of each contaminant in the receiving water or the ground water quality standard, whichever is less stringent; and

( )

b. Radiological levels of the injected fluids shall not exceed those levels specified by the ground water quality standards.

( )

04. **Biological contaminants.** The following restrictions apply to injected fluids with biological contaminants included in the ground water quality standard.

( )

a. Contamination of ground water produced at any point of diversion for beneficial use by injected fluids containing coliform bacteria in concentrations greater than the current ground water quality standard is prohibited;

( )

b. Construction of shallow and deep injection wells, as specified by the Director, that are likely to exceed the current ground water quality standard for coliform bacteria at the point of diversion for beneficial use is prohibited; and

( )

c. The Director may require the use of best management practices (BMPs) to reduce the potential concentration of coliform bacteria in the injected fluids;

( )

d. The Director may require the use of water treatment technology, including ozonation and chlorination devices, sand filters, and settling pond specifications to reduce the potential concentration of coliform bacteria in injected fluids;

( )

e. Ground water produced from points of diversion for beneficial use within the distances identified



in Table 1. that inject fluids containing coliform bacteria in concentrations greater than the current ground water quality standard shall be subject to monitoring for bacteria by the owner/operator of the injection well. A waiver of the monitoring requirement may be granted by the Director when it can be demonstrated that injection will not result in unreasonable contamination of ground water produced from these adjacent points; ( )

f. ~~At no time shall any untreated fluid containing or suspected of containing fecal contaminants of human origin be injected into any Class V injection well authorized under these rules. Irrigation practices using subsurface fluid distribution systems that apply or discharge recycled water limited to saturation of discharged into the root-zone and regulated by IDEQ under IDAPA 58.01.17 (Recycled Water Rules) are exempt from this rule.~~ ( )

**05. Physical, visual, and olfactory characteristics.** The following restrictions apply to physical, visual, and olfactory characteristics of injected fluids. The temperature, color, odor, conductivity, turbidity, pH, or other characteristics of the injected fluid may not result in the receiving ground water becoming less suitable for diversion to beneficial uses, as determined by the Director. ( )

**06. Injectate Standards for the Quality of Recycled Municipal Wastewater or Recycled Industrial Wastewater.** ( )

a. **Shallow Injection Wells.** Recycled municipal wastewater or recycled industrial wastewater shall meet or exceed ground water quality standards (IDAPA 58.01.11) and comply with IDAPA 58.01.17 (Recycled Water Rules) prior to injecting into a shallow injection well. ( )

b. **Deep Injection Wells.** Recycled municipal wastewater or recycled industrial wastewater shall meet or exceed ground water quality standards (IDAPA 58.01.11) and comply with IDAPA 58.01.17 (Recycled Water Rules) prior to injecting into a deep injection well. Additionally, the concentration of each contaminant in the injected fluids shall not exceed the background concentration of each contaminant in the receiving water that is likely to reach a USDW. The background concentration of any applicable contaminant shall be determined by a statistical analysis consisting of a type and method approved by the Department. ( )

**07. Standards for the Quality of Fluids Injected to Subclass 5A7 Wells (Open-Loop Heat Pump Return).** ( )

a. The quality of fluids injected to a Subclass 5A7 injection well shall comply with ground water quality standards or shall be equal to the quality of the ground water source passed through a heat exchange system, whichever is less stringent. ( )

b. If the quality of the ground water source does not meet ground water quality standards, the injected fluids must be returned to the formation from which they were drawn. ( )

c. The temperature of the injected fluids shall not impair the designated beneficial uses of the receiving ground water. ( )

**056. (RESERVED)**

**057. Criteria for Location and Use of Class V Wells Requiring Permits.** ( )

**01. General:** A Class V injection well requiring a permit may be required to be located a minimum distance, as determined from Table 1, from any point of diversion for beneficial use that could be harmed by bacterial contaminants. The minimum distance shown in Table 1 is also referred to as the zone of influence. This requirement is not applicable to wells injecting fluids of quality that meet adopted ground water quality standards. In addition, the Director may require a Class V injection well to be located a distance from a point of diversion for beneficial use to minimize or prevent ground water contamination resulting from unauthorized or accidental injection, as determined by the Director. ( )

**Commented [BE20]:** City of Middleton (Comment, 6/13/23) requested that IDWR modify this sentence to include "untreated fluid" in place of "fluid" or remove in its entirety.

IDWR could:

- (a) update the first sentence to include "untreated fluid" for clarity; could have the negative affect of inferring that treated fluid with fecal contamination is allowed to be injected. However, Rule 55.06a and 55.06b effectively note treatment requirements.
- (b) Clarify that at no time shall any fluid containing one (1) or more colony forming units (CFU) or most probable number (MPN) as determined by approved EPA lab analysis method, be injected into any Class V well.
- (c) Remove in its entirety.

... [1]

**Commented [EB21]:** Idaho Conservation League (Comment, 6/22/23) requested that IDWR have legal review this rule to determine the legality of injecting treated/untreated fecal contaminants and update proposed language as necessary.

... [2]

**Commented [BE22]:** City of Middleton (Comment, 6/13/23) requested that IDWR remove the phrase "limited to saturation of" and replace with "discharge into" since land application will occur during non-irrigation season, and additionally infiltration will occur.

... [3]

**Commented [BE23]:** City of Middleton (Comment, 5/1/23) requested that IDWR consider exemption for variations of land application (irrigation) methods regulated by IDAPA 58.01.17 (Recycled Water Rules).

... [4]

**Commented [EB24]:** City of Boise (Comment, 6/19/24) Requested that IDWR (1) add definition of "fecal contaminants" and (2) remove "suspected of contaminating" and "of human origin" from the rule.

... [5]

**Commented [EB25]:** Idaho Conservation League (Comment, 6/22/23) requested the proposed language to avoid ambiguity.

... [6]

**Commented [EB26]:** City of Boise (Comment, 6/19/23) requested that IDWR remove this phrase and instead use "Additionally, injected recycled municipal wastewater or recycled industrial wastewater shall not degrade ground water quality as determined by IDAPA 58.01.11."

... [7]

**Commented [BE27]:** Added language to ensure appropriate treatment prior to injection of recycled municipal and industrial water.

**Commented [BE28]:** Created Rule 57 to organize, no substantive changes.

**Commented [BE29]:** Added language to clarify information in table.

a. The location requirements in Table 1 may be waived when the applicant can demonstrate that any springs or wells within the minimum distance as determined from Table 1 will not be contaminated by the applicant's injection well. The applicant may be required to monitor production wells or springs within the minimum distance as determined in Table 1 to demonstrate that they are not being contaminated. ( )

<b>Determined Radii of the Zone of Influence Based on Maximum Average Weekly Injection Rates (cfs) of Class V Injection Wells *</b>	
<b>Injection (cfs)</b>	<b>Radius (ft)</b>
<u>0 - 0.20</u>	<u>800</u>
<u>0.20 - 0.60</u>	<u>1,400</u>
<u>0.61 - 1.00</u>	<u>1,800</u>
<u>1.01 - 2.00</u>	<u>2,500</u>
<u>2.01 - 3.00</u>	<u>3,000</u>
<u>3.01 - 4.00</u>	<u>3,500</u>
<u>4.01 - 5.00</u>	<u>4,000</u>
<u>Greater than 5.00</u>	<u>As determined by the Director</u>

Commented [BE30]: Rephrased to clarify.

\* Injection rates shall be based on the average volume of fluids injected into the well during the week of greatest injection in an average water year. ( )

b. Injection wells installed into fractured basalt are exempt from separation distances. ( )

c. The Director may reduce separation distance requirements if the quality of injected fluids are improved through additional treatment or BMPs. ( )

d. Heat pump return wells (sub-class 5A7) are exempt from the separation distance requirement of this section. ( )

**058. Monitoring, Record Keeping, and Reporting Requirements.** The Director may require monitoring, record keeping, and reporting by any owner or operator if the Director finds that the well may adversely affect a ground water source or is injecting a contaminant that could have an unacceptable effect upon the quality of the ground waters of the state. ( )

**01. Monitoring.** The Director may require, as conditions of the permit, the installation, use, and maintenance of monitoring equipment or methods including, but not limited to, the following: ( )

a. Monitoring of injection pressures and pressures in the annular space between casings; ( )

b. Flow rate and volumes; ( )

c. Analysis of quality of the injected fluids for contaminants that are subject to limitation or reduction under the conditions of the permit; or other contaminants which the Director has reason to believe are in the injected fluids; ( )

d. Monitoring of ground water through special monitoring wells or existing points of diversion for beneficial use in the zone of influence as determined by the Director; ( )

e. A demonstration of the integrity of the casing, tubing, or seal of the injection well. ( )

f. The frequency of required monitoring shall be specified in the permit when issued, except that the Director at any time may, in writing, require additional monitoring and reporting. ( )

g. All monitoring tests and analysis required by permit conditions shall be performed in a state certified laboratory or other laboratory approved by the Director. ( )

h. Any field instrumentation used to gather data, when specified as a condition of the permit, shall be required by the Director to be tested and maintained in such a manner as to ensure the accuracy of the data. ( )

i. All samples and measurements taken for the purpose of monitoring shall be representative of the monitoring activity and fluids injected. ( )

**02. Record Keeping.** The permittee shall maintain records of all monitoring activities to include: ( )

a. Date, time, and exact place of sampling; ( )

b. Person or firm performing analysis; ( )

c. Date of analysis, analytical methods used and results of analysis; ( )

d. Calibration and maintenance of all monitoring instruments; and ( )

e. All original tapes, strip charts or other data from continuous or automated monitoring instruments. ( )

**03. Reporting.** Monitoring results obtained by the permittee pursuant to the monitoring requirements prescribed by the Director shall be reported to the Director as required by permit conditions. ( )

a. The Director shall be notified in writing by the permittee within five (5) days after the discovery of a violation of the terms and conditions of the permit. If the injection activity endangers human health or a public or domestic water supply, use of the injection well shall be immediately discontinued, and the owner or operator shall immediately notify the Director. Notification shall contain the following information: ( )

i. A description of the violation and its cause; ( )

ii. The duration of the violation, including dates and times; if not corrected or use of the well discontinued, the anticipated time of correction; and ( )

iii. Steps being taken to reduce, eliminate and prevent recurrence of the injection. ( )

b. Where the owner or operator becomes aware of failure to submit any relevant facts in any permit application or report to the Director, that person shall promptly submit such facts or information. ( )

c. The permittee shall furnish the Director, within a time specified by the Director, any information which the Director may request to determine compliance with the permit. ( )

d. The Director shall be notified in writing of planned physical alterations or additions to any facility related to the permitted injection well operation. ( )

- e. Additional information to be reported to the Director in writing shall include: ( )
- i. Transfer of ownership; ( )
- ii. Any change in operational status not previously reported; ( )
- iii. Any anticipated noncompliance; and ( )
- iv. Reports of progress toward meeting the requirements of any compliance schedule attached or assigned to an approved permit. ( )
- f. All notices and reports submitted to the Director shall be signed and certified. ( )

**05. Permit Assignable.** Permits may be assigned to a new owner or operator of an injection well if the new owner or operator, within thirty (30) days of the change, notifies the Director of such change. The new owner or operator shall be responsible for complying with the terms and conditions of the permit from the time that such change takes place. ( )

**058. -- 059. (RESERVED)**

**060. HEARING BEFORE THE IDAHO WATER RESOURCE BOARD.**

~~01. General. All hearings before the Board will be conducted in accordance with Chapter 52, Title 67, Idaho Code. Judicial review of the final determination by the Board may be secured by the owner by filing a petition for review as prescribed by Chapter 52, Title 67, Idaho Code, in the District Court of the county where the injection well is situated or proposed to be located. The petition for review shall be served upon the Chairman of the Board and upon the Attorney General. ( )~~

Commented [BE31]: Removed, not necessary. Duplicative of Idaho Code.

**01. Hearings on Conditional Permits, Disapproved Applications, or Petitions for Exemption.** Any owner or operator aggrieved by the approval or disapproval of an application, or by conditions imposed upon a permit, or any person aggrieved by the Director's decision on a petition for exemption under these rules, shall be afforded an opportunity for a hearing before the Board or its designated hearing officer in accordance with Idaho Code § 42-3909. Section 025 of IWRB. Written notice of such grievance shall be transmitted to the Director within thirty (30) days after receipt of notice of such approval, disapproval or conditional approval. Such hearing shall be held for the purpose of determining whether the permit shall be issued, whether the conditions imposed in a permit are reasonable, whether a change in circumstances warrants a change in conditions imposed in a valid permit, or whether the Director's decision on a petition for exemption should not be changed. ( )

**02. Hearings on Permit Cancellations.** The Board shall provide notice and an opportunity for a hearing to the holder of any permit proposed to be cancelled by the Director in accordance with Idaho Code § 42-3910. has reason to believe the operation of an injection well for which a permit has been issued is interfering with the right of the public to withdraw water for beneficial uses, or is causing unreasonable contamination of a drinking or other ground water source as provided for in Title 42, Chapter 39, Idaho Code, the permit may be canceled by the Director. Prior to the cancellation of such permit there shall be a hearing before the Board for the purpose of determining whether or not the permit should be canceled. At least thirty (30) days prior to the hearing, a notice, which shall be in accordance with Chapter 52, Title 67, Idaho Code, shall be sent by certified mail to the owner or operator whose permit is proposed to be canceled. The Board shall affirm, modify, or reject the Director's decision and make its decision in the form of an order to the Director. ( )

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

**070. VIOLATIONS, FORMAL NOTIFICATION AND ENFORCEMENT.**

- 01. Violations.** It shall be a violation of these rules for any owner or operator to: ( )
- a.** Fail to comply with a permit or authorization, or terms or conditions thereof; ( )

- b. Fail to comply with applicable standards for water quality; ( )
- c. Fail to comply with any permit application notification or filing requirement; ( )
- d. Knowingly make any false statement, representation or certification in any application, report, document or record filed pursuant to these rules, or terms and conditions of an issued permit; ( )
- e. Falsify, tamper with or knowingly render inaccurate any monitoring device or method required to be maintained or utilized by the terms and conditions of an issued permit; ( )
- f. Fail to respond to any formal notification of a violation when a response is required; or ( )
- g. Decommission a well in an unauthorized manner. ( )

02. **Additional.** It shall be a violation of these rules for any person to construct, operate, maintain, convert, plug, decommission or conduct any other activity in a manner which results or may result in the unauthorized injection of a hazardous waste or of a radioactive waste by an injection well. ( )

~~03. **Formal Notification.** Formal notification of violations may be communicated to the owner or operator with a letter, a notice of violation, a compliance or enforcement order or other appropriate means. ( )~~

03. **Enforcement.** Violation of any of the provisions of the Injection Well Act (Chapter 39, Title 42, Idaho Code) or of any rule, regulation, standard or criteria pertaining to the Injection Well Act may result in the Director initiating an enforcement action as provided under Chapters 17 and 39, Title 42, Idaho Code. ( )

**070. CLASS V: CRITERIA AND STANDARDS:**

~~01. **Class V Shallow Injection Well Requirements.** (3-18-22)~~

~~a. **Authorization.** As a condition of authorization, all owners or operators of shallow Class V injection wells, including improved sinkholes used for aquifer recharge, that dispose of nonhazardous and nonradioactive wastes are required to submit a Shallow Injection Well Inventory Form to the Department no later than thirty (30) days prior to commencement of construction for each new well or no later than thirty (30) days after the discovery of an existing injection well that has not previously been inventoried with the Department. Forms are available from any Department office or at the Department website at <http://www.idwr.idaho.gov>. State or local government entities shall submit the following inventory information for wells associated with highway and street construction and maintenance projects. (3-18-22)~~

- ~~i. Facility name and location; and (3-18-22)~~
- ~~ii. County in which the injection well(s) is (are) located; and (3-18-22)~~
- ~~iii. Ownership of the well(s); and (3-18-22)~~
- ~~iv. Name, address and phone number of legal contact; and (3-18-22)~~
- ~~v. Type or function of the well(s); and (3-18-22)~~
- ~~vi. Number of wells of each type; and (3-18-22)~~
- ~~vii. Operational status of the well(s). (3-18-22)~~

~~b. **Inventory Fees.** For shallow injection wells constructed after July 1, 1997, the Shallow Injection Well Inventory Form shall be accompanied by a fee as specified in Section 42-3905, Idaho Code, payable to the Department of Water Resources. State or local government entities are exempt from Shallow Injection Well Inventory Form filing fees for wells associated with highway and street construction and maintenance, but shall~~

**Commented [BE32]:** Unnecessary since the notification is prescribed by I.C. 42-1701B which we reference below in the Enforcement paragraph.

comply with all other requirements of these rules. (3-18-22)

~~c. Permit Requirements. If operation of a shallow Class V injection well is causing or may cause unreasonable contamination of a USDW, or cause a violation of the ground water quality standards at a place of beneficial use, the Director shall require immediate cessation of the injection activity. Where a Class V injection well is owned or operated by an entity other than a state or local entity involved in highway and street construction and maintenance, the Director may authorize continued operation of the well through a permit that specifies the terms and conditions of acceptable operation. (3-18-22)~~

~~d. Permanent Decommission. Owners or operators of shallow injection wells shall notify the Director not less than thirty (30) days prior to permanent decommissioning of any shallow injection well. Permanent decommissioning shall be accomplished in accordance with procedures approved by the Director. (3-18-22)~~

~~e. Inter-Agency Cooperation. The Department may seek the assistance of other government agencies, including cities and counties, health districts, highway districts, and other departments of state government to inventory, monitor and inspect shallow injection wells, where local assistance is needed to prevent deterioration of ground water quality, and where injection well operation overlaps with water quality concerns of other agencies or local governing entities. Assistance is to be negotiated through a memorandum of understanding between the Department and the local entity, agency, or department, and is subject to the approval of the Director. (3-18-22)~~

## ~~02. Class V Deep Injection Well Requirements. (3-18-22)~~

### ~~a. Application Requirements. (3-18-22)~~

~~i. No person shall continue to maintain or use an unauthorized injection well after the effective date given in Section 42-3903, Idaho Code, unless a permit therefor has been issued by the Director. No injection well requiring a permit under Subsection 070.02 shall be constructed, modified or maintained after the effective date given in Section 42-3903, Idaho Code, unless a permit therefor has been issued by the Director. No injection well requiring a permit shall continue to be used after the expiration of the permit issued for such well unless another application for permit therefor has been received by the Director. All applications for permit shall be on forms furnished by the Director. (3-18-22)~~

~~ii. Each application for permit to construct, modify or maintain an injection well, as required by these rules, shall be accompanied by a filing fee as specified in Section 42-3905, Idaho Code, payable to the Department of Water Resources. For the purposes of these rules, all wells or groups of wells associated with a "Remediation Project" may be administered as one (1) "well" at the discretion of the Director. (3-18-22)~~

~~b. Application Information Required. An applicant shall submit the following information to the Director for all injection wells to be authorized by permit, unless the Director determines that it is not needed in whole or in part, and issues a written waiver to the applicant: (3-18-22)~~

~~i. Facility name and location; (3-18-22)~~

~~ii. Name, address and phone number of the well operator; (3-18-22)~~

~~iii. Class, subclass and function of the injection well (see Section 035); (3-18-22)~~

~~iv. Latitude/longitude or legal description of the well location to the nearest ten (10) acre tract; (3-18-22)~~

~~v. Ownership of the well; (3-18-22)~~

~~vi. County in which the injection well is located; (3-18-22)~~

~~vii. Construction information for the well; (3-18-22)~~



- \_\_\_\_\_ viii. \_\_\_\_\_ Quantity and general character of the injected fluids; \_\_\_\_\_ (3-18-22)
- \_\_\_\_\_ ix. \_\_\_\_\_ Status of the well; \_\_\_\_\_ (3-18-22)
- \_\_\_\_\_ x. \_\_\_\_\_ A topographic map or aerial photograph extending one (1) mile beyond property boundaries, depicting; \_\_\_\_\_ (3-18-22)
  - \_\_\_\_\_ (1) \_\_\_\_\_ Location of the injection well and associated facilities described in the application; \_\_\_\_\_ (3-18-22)
  - \_\_\_\_\_ (2) \_\_\_\_\_ Locations of other injection wells; \_\_\_\_\_ (3-18-22)
  - \_\_\_\_\_ (3) \_\_\_\_\_ Approximate drainage area, if applicable; \_\_\_\_\_ (3-18-22)
  - \_\_\_\_\_ (4) \_\_\_\_\_ Hazardous waste facilities, if applicable; \_\_\_\_\_ (3-18-22)
  - \_\_\_\_\_ (5) \_\_\_\_\_ All wells used to withdraw drinking water; \_\_\_\_\_ (3-18-22)
  - \_\_\_\_\_ (6) \_\_\_\_\_ All other wells, springs and surface waters. \_\_\_\_\_ (3-18-22)
- \_\_\_\_\_ xi. \_\_\_\_\_ Distance and direction to nearest domestic well; \_\_\_\_\_ (3-18-22)
- \_\_\_\_\_ xii. \_\_\_\_\_ Depth to ground water; and \_\_\_\_\_ (3-18-22)
- \_\_\_\_\_ xiii. \_\_\_\_\_ Alternative methods of waste disposal. \_\_\_\_\_ (3-18-22)
- \_\_\_\_\_ c. \_\_\_\_\_ Additional Information. The Director may require the following additional information for Class V injection wells to assess potential effects of injection: \_\_\_\_\_ (3-18-22)
  - \_\_\_\_\_ i. \_\_\_\_\_ A topographic map showing locations of the following within a two (2) mile radius of the injection well: \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (1) \_\_\_\_\_ All wells producing water; \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (2) \_\_\_\_\_ All exploratory and test wells; \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (3) \_\_\_\_\_ All other injection wells; \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (4) \_\_\_\_\_ Surface waters (including man-made impoundments, canals and ditches); \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (5) \_\_\_\_\_ Mines and quarries; \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (6) \_\_\_\_\_ Residences; \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (7) \_\_\_\_\_ Roads; \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (8) \_\_\_\_\_ Bedrock outcrops; and \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (9) \_\_\_\_\_ Faults and fractures. \_\_\_\_\_ (3-18-22)
  - \_\_\_\_\_ ii. \_\_\_\_\_ Additional maps or aerial photographs of suitable scale to accurately depict the following: \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (1) \_\_\_\_\_ Location and surface elevation of the injection well described in this permit; \_\_\_\_\_ (3-18-22)
    - \_\_\_\_\_ (2) \_\_\_\_\_ Location and identification of all facilities within the property boundaries; \_\_\_\_\_ (3-18-22)

~~\_\_\_\_\_ (3) \_\_\_\_\_ Locations of all wells penetrating the proposed injection zone or within a one-quarter (1/4) mile radius of the injection well; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (4) \_\_\_\_\_ Maps and cross-sections depicting all underground sources of drinking water to include vertical and lateral limits within a one-quarter (1/4) mile radius of the injection well, their position relative to the injection zone and the direction of water movement; local geologic structures; regional geologic setting. \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ iii. \_\_\_\_\_ A comprehensive report of the following information: \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ A tabulation of all wells penetrating the proposed injection zone, listing owner, lease holder and operator; well identification (permit) number; size, weight, depth and cementing data for all strings of casing; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Description of the quality and quantity of fluids to be injected; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ Geologic, hydrogeologic, and physical characteristics of the injection zone and confining beds; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (4) \_\_\_\_\_ Engineering data for the proposed injection well; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (5) \_\_\_\_\_ Proposed operating pressure; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (6) \_\_\_\_\_ A detailed evaluation of alternative disposal practices; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (7) \_\_\_\_\_ A plan of corrective action for wells penetrating the zone of injection, but not properly sealed or decommissioned; and \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ (8) \_\_\_\_\_ Contingency plans to cope with all shut ins or well failures to prevent the migration of unacceptable fluids into underground sources of drinking waters. \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ iv. \_\_\_\_\_ Name, address and phone number of person(s) or firm(s) supplying the technical information and/or designing the injection well; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ v. \_\_\_\_\_ Proof that the applicant is financially responsible, through a performance bond or other appropriate means, to decommission the injection well in a manner approved by the Director. \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ d. \_\_\_\_\_ Other Information. The Director may require of any applicant such additional information as may be necessary to demonstrate that the proposed or existing injection well will not endanger a USDW. The Director will not complete the processing of an application for which additional information has been requested until such time as the additional information is supplied. The Director may return any incomplete application and will not process such application until such time as the application is received in complete form. \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ 03. \_\_\_\_\_ Application Processing. \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ a. \_\_\_\_\_ Draft Permit. After all application information is received and evaluated, the Director will prepare a draft permit or denial, which will include the application for permit, permit conditions or reasons for denial, and any compliance schedules or monitoring requirements. In preparing the draft permit or denial, the Director shall consider the following factors: \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ i. \_\_\_\_\_ The availability of economic and practical alternative means of disposal; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ ii. \_\_\_\_\_ The application of best management practices to the facilities and/or area draining into the well; \_\_\_\_\_ (3-18-22)~~

~~\_\_\_\_\_ iii. \_\_\_\_\_ The availability of economical, practical means of treating or otherwise reducing the amount of contaminants in the injected fluids; \_\_\_\_\_ (3-18-22)~~

~~iv. The quality of the receiving ground water, its category, its present and future beneficial uses or intereconnected surface water; (3-18-22)~~

~~v. The location of the injection well with respect to drinking water supply wells; and (3-18-22)~~

~~vi. Compliance with the IDAPA 58.01.11, "Ground Water Quality Rule." (3-18-22)~~

~~b. Public Notice. The Director will provide public notice of any draft permit to construct, maintain or modify a Class V injection well by means of a legal notice in a newspaper of general circulation in the county in which the well is located. The Director may give additional notice as necessary to adequately inform the interested public and governmental agencies. There shall be a period of at least thirty (30) days following publication for any interested person to submit written comments and to request a fact-finding hearing. The hearing will be held by the Director if deemed necessary. (3-18-22)~~

~~c. Review by the Directors of Other State Agencies. The Directors of other state agencies, as determined by the Director, shall be provided the opportunity to review and comment on draft permits. Comments shall be submitted to the Director within thirty (30) days of the public or legal notice. (3-18-22)~~

~~d. Open Loop Heat Pump Return Wells (Subclass 5A7). (3-18-22)~~

~~i. An open loop heat pump return well greater than eighteen (18) feet in depth to be used solely for disposal of heat pump water at a rate not exceeding fifty (50) gpm does not require a draft permit and is not subject to a recurring permit cycle, however, registration of the well with the Department and submittal of a filing fee as specified in Section 42-3905, Idaho Code is required. The Director reserves the right to override the exemptions from the draft permit and permit cycle requirements. (3-18-22)~~

~~ii. An open loop heat pump return well greater than eighteen (18) feet in depth to be used solely for disposal of heat pump return water at a rate exceeding fifty (50) gpm is subject to the requirements of Subsections 070.02 and 070.03 of these rules. (3-18-22)~~

~~e. Fact-Finding Hearings. At the Director's discretion, or upon motion of any interested individual, the Director may elect to hold a fact-finding hearing. Said hearing will be held at a location in the geographical area of the injection well. Notice of said hearing will be provided at least thirty (30) days in advance of the hearing by regular mail to the applicant and to the person or persons requesting the hearing. Public notice of the fact-finding hearing will be made by means of press release to a newspaper of general circulation in the county of the application. (3-18-22)~~

~~04. The Director's Action On Draft Permits and Duration Of Approved Permits. The role of the Director is to determine whether or not the injection wells and their respective owners or operators are in compliance with the intent of these rules, thus protecting the ground waters of the state against unreasonable contamination or deterioration of quality and preserving them for diversion to beneficial uses. (3-18-22)~~

~~a. Consideration. The Director will consider the following factors in taking final action on draft permits: (3-18-22)~~

~~i. The likelihood and consequences of the injection well system failing; (3-18-22)~~

~~ii. The long term effects of such disposal or storage; (3-18-22)~~

~~iii. The recommendations and related justifications of the Directors of other state agencies and the public; (3-18-22)~~

~~iv. The potential for violation of ground water quality standards at the point of injection or the point of beneficial use; and (3-18-22)~~

~~v. Compliance with the Idaho Ground Water Quality Plan. (3-18-22)~~

~~b. Issuance of Permit. After considering the draft permit for construction, modification, or maintenance, and all matters relating thereto, the Director shall issue a permit if the standards and criteria of Subsection 070.05 will be met and USDW's will not otherwise be unreasonably affected. If the Director finds that the standards and criteria cannot be met or that ground water sources cannot otherwise be protected from unreasonable contamination at all times, the draft permit may be denied or a permit may be issued with conditions designed to protect ground water sources. The Director's decision shall be in writing and a copy shall be mailed by regular mail to the applicant and to all persons who commented in writing on the draft permit or appeared at a hearing held to consider the draft permit. (3-18-22)~~

~~c. Permit Conditions and Requirements. Any permit issued by the Director shall contain conditions to insure that ground water sources will be protected from waste, unreasonable contamination, or deterioration of ground water quality that could result in violations of the ground water quality standards. In addition to specific construction, operation, maintenance and monitoring requirements that the Director finds necessary, each permit shall be subject to the standard conditions and requirements of this rule. (3-18-22)~~

~~d. Construction Requirements. (3-18-22)~~

~~i. Well drillers or other persons involved with the construction of any injection well requiring a permit shall not commence construction on the facility until a certified copy of the approved permit is obtained from the Director. (3-18-22)~~

~~ii. Deep injection wells shall be constructed by a licensed water well driller to conform with the current Minimum Well Construction Standards and the conditions of the permit, except that a driller's license is not required for the construction of a driven mine shaft or a dug hole. (3-18-22)~~

~~iii. Shallow injection wells authorized by permit shall be constructed in accordance with the conditions of the permit. Rule authorized shallow injection wells shall be constructed as shown or described in the inventory submittal. (3-18-22)~~

~~iv. Injection wells shall be constructed to prevent the entrance of any fluids other than specified in the permit. (3-18-22)~~

~~v. Injection wells shall be constructed to prevent waste of artesian fluids or movement of fluids from one aquifer into another. (3-18-22)~~

~~vi. When construction or modification of an injection well has been completed, the owner or operator shall inform the Director of completion on a form provided by the Department. (3-18-22)~~

~~vii. A sampling port shall be provided if the injection well system is enclosed. (3-18-22)~~

~~viii. All new injection wells constructed into alluvial formations shall have a minimum ten (10) foot separation from the bottom of the well and seasonal high ground water. (3-18-22)~~

~~(1) Injection wells installed into fractured basalt are exempt from separation distances. (3-18-22)~~

~~(2) The Director may reduce separation distance requirements if the quality of injected fluids are improved through additional treatment or BMPs. (3-18-22)~~

~~(3) Heat pump return wells (sub-class 5A7) are exempt from the separation distance requirement of this section. (3-18-22)~~

~~e. Operational Conditions. (3-18-22)~~

~~i. The injection well shall not be used until the construction, operation and maintenance~~

~~requirements of the permit are met and provisions are made for any required inspection, monitoring and record keeping. (3-18-22)~~

~~ii. Injection of any contaminant at concentrations exceeding the standards set in Paragraph 070.05.e. into a present or future drinking or other ground water source that may cause a health hazard or adversely affect a designated and protected use is prohibited. (3-18-22)~~

~~iii. The injection well owner or operator shall develop approved procedures to detect constructional or operational failure in a timely fashion, and shall have contingency plans to cope with the well failure. (3-18-22)~~

~~iv. Authorized representatives of the Department shall be allowed to enter, inspect and/or sample: (3-18-22)~~

~~(1) The injection well and related facilities; (3-18-22)~~

~~(2) The owner or operator's records of the injection operation; (3-18-22)~~

~~(3) Monitoring instrumentation associated with the injection operation; and (3-18-22)~~

~~(4) The injected fluids. (3-18-22)~~

~~v. The injection facilities shall be operated and maintained to achieve compliance with all terms and conditions of this permit. (3-18-22)~~

~~(1) Proper operation and maintenance includes effective performance, adequate funding, operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures; (3-18-22)~~

~~(2) If compliance cannot be met, the owner shall take corrective action as determined by the Director or terminate injection. (3-18-22)~~

~~vi. The owner shall mitigate any adverse effects resulting from non-compliance with the terms and conditions of the permit. (3-18-22)~~

~~vii. If the injection well was constructed prior to issuance of the permit, the well shall be brought into compliance with the terms and conditions of the permit in accordance with the schedule of compliance issued by the Director. (3-18-22)~~

~~viii. The permit shall not convey any property rights. (3-18-22)~~

~~f. Conditions of Permanent Decommissioning. (3-18-22)~~

~~i. Notice of intent to permanently decommission a well shall be submitted to the Director not less than thirty (30) days prior to commencement of the decommissioning activity. (3-18-22)~~

~~ii. The method of permanent decommissioning for all injection wells shall be approved by the Director prior to commencement of the decommissioning activity. (3-18-22)~~

~~iii. Notice of completion of permanent decommission shall be submitted to the Director within thirty (30) days of completion. (3-18-22)~~

~~iv. All deep injection wells that are to be permanently decommissioned shall be plugged in accordance with current Well Construction Standards. (3-18-22)~~

~~v. Following permanent cessation of use, or where an injection well is not completed, the Director shall be notified. Decommissioning procedures or other action, as prescribed by the Director, shall be conducted.~~

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~~vi. The injection well owner or operator has the responsibility to insure that the injection operation is decommissioned as prescribed.~~ (3-18-22)

~~g. Duration of Approved Permits. The length of time that a permit may be in effect for Class V wells requiring permits shall not exceed ten (10) years. (3-18-22)~~

~~05. Standards For The Quality of Injected Fluids and Criteria For Location and Use. (3-18-22)~~

**a.** General. These standards, which are minimum standards that are to be adhered to for all deep injection wells and shallow injection wells requiring permits and rule-authorized wells not requiring permits, are based on the premise that if the injected fluids meet ground water quality standards for physical, chemical and radiological contaminants, and if ground water produced from adjacent points of diversion for beneficial use meets the water quality standards as defined in Section 010 of these rules, then that aquifer will be protected from unreasonable contamination and will be preserved for diversion to beneficial uses. The Director may, however, when it is deemed necessary, require specific injection wells to be constructed and operated in compliance with additional requirements, such as best management practices (BMPs), so as to protect the ground water resource from deterioration and preserve it for diversion to beneficial use. (3-18-22)

~~b. Waivers. A waiver of one (1) or more standards may be granted by the Director if it can be demonstrated by the applicant that the contaminants in injected fluid will not endanger a ground water source for any present or future beneficial use. (3-18-22)~~

**e. Standards for Quality of Fluids Injected into Class V Wells.** (3-18-22)

i. Ground-water quality standards for chemical and radiological contaminants in injected fluids. After the effective date of these standards, the following limits shall not be exceeded in injected fluids from a well when such fluids will or are likely to reach a USDW: (3 18 22)

~~(1) Chemical contaminants. The concentration of each chemical contaminant in the injected fluids shall not exceed the ground water quality standard for that chemical contaminant, or the concentration of each contaminant in the receiving water, whichever requirement is less stringent; and (3-18-22)~~

~~(2) Radiological contaminants. Radiological levels of the injected fluids shall not exceed those levels specified by the ground water quality standards. (3-18-22)~~

\_\_\_\_\_ ii. \_\_\_\_\_ Restrictions on injection of fluids-containing biological contaminants. The following restrictions apply to biological contaminants included in the ground-water quality standard in injected fluids. Coliform bacteria: injected fluids containing coliform bacteria are subject to the following restrictions: (3-18-22)

~~(1) Contamination of ground water produced at any existing point of diversion for beneficial use, or any point of diversion for beneficial use developed in the future, by injected fluids is prohibited; (3-18-22)~~

~~(2) The Director may require the use of best management practices (BMPs) to reduce the concentration of coliform bacteria in the injected fluids; (3-18-22)~~

~~(3) The Director may require the use of water treatment technology, including ozonation and chlorination devices, sand filters, and settling pond specifications to reduce the concentration of coliform bacteria in injected fluids: (3-18-22)~~

~~(4) Ground water produced from points of diversion for beneficial use adjacent to injection wells that dispose of fluids containing coliform bacteria in concentrations greater than the current ground water quality standard shall be subject to monitoring for bacteria by the owner/operator of the injection well. A waiver of the monitoring requirement may be granted by the Director when it can be demonstrated that injection will not result in unreasonable contamination of ground water produced from these adjacent points;~~ (3-18-22)



~~———— (5) ——— Construction of new Subclass 5F1 injection wells, and other shallow and deep injection wells, as specified by the Director, that are likely to exceed the current ground water quality standard for coliform bacteria at the point of beneficial use is prohibited; and (3-18-22)~~

~~———— (6) ——— At no time shall any fluid containing or suspected of containing fecal contaminants of human origin be injected into any Class V injection well authorized under these rules. (3-18-22)~~

~~———— iii. ——— Physical, visual and olfactory characteristics. The following restrictions apply to physical, visual and olfactory characteristics of injected fluids. Temperature, color, odor, turbidity, conductivity and pH: the temperature, color, odor, conductivity, turbidity, pH or other characteristics of the injected fluid may not result in the receiving ground water becoming less suitable for diversion to beneficial uses, as determined by the Director. (3-18-22)~~

~~———— iv. ——— Contamination by an injection well of ground water produced at an existing point of diversion for beneficial use, or a point of diversion for beneficial use developed in the future, shall not exceed water quality standards defined in Section 010 of these rules. (3-18-22)~~

~~———— d. ——— Criteria for Location and Use of Class V Wells Requiring Permits. (3-18-22)~~

~~———— i. ——— A Class V well requiring a permit may be required to be located a minimum distance, as determined from Table 1, from any point of diversion for beneficial use that could be harmed by bacterial contaminants. This requirement is not applicable to injection wells injecting wastes of quality equal to or better than adopted ground water quality standards in all respects. In addition, Class V wells may be required to be located at such a distance from a point of diversion for beneficial use as to minimize or prevent ground water contamination resulting from unauthorized or accidental injection, as determined by the Director. (3-18-22)~~

~~———— ii. ——— These location requirements in Table 1 may be waived, as per Paragraph 070.05.b., when the applicant can demonstrate that any springs or wells within the calculated perimeter of the generated perched water zone will not be contaminated by the applicant's waste disposal or injection well. Monitoring by the applicant of the production wells or springs in question may be required to demonstrate that they are not being contaminated.~~

<b>Determined Radii of Perched Water Zones Based on Maximum Average Weekly Injection Rates (cfs) of Class V Injection Wells *</b>	
<b>Injection (cfs)</b>	<b>Radius of Generated Perched Water Zone (ft)</b>
0—0.20	800
0.20—0.60	1,400
0.61—1.00	1,800
1.01—2.00	2,500
2.01—3.00	3,000
3.01—4.00	3,500
4.01—5.00	4,000
Greater than 5.00	As determined by the Director

~~\* Injection rates shall be based on the average volume of wastes injected by the well during the week of greatest injection in an average water year. (3-18-22)~~

~~e. Standards for the Quality of Fluids Injected by Subclass 5A7 Wells (Open-Loop Heat Pump Return). (3-18-22)~~

~~i. The quality of fluids injected by a Subclass 5A7 injection well shall comply with ground water quality standards or shall be equal to the quality of the ground water source to the heat pump, whichever is less stringent. (3-18-22)~~

~~ii. If the quality of the ground water source does not meet ground water quality standards, the injected fluids must be returned to the formation containing the ground water source. (3-18-22)~~

~~iii. The temperature of the injected fluids shall not impair the designated beneficial uses of the receiving ground water. (3-18-22)~~

~~iv. All Rule-authorized Injection Wells shall conform to the ground water quality standards at the point of injection and not cause any water quality standards to be violated at any point of beneficial use. (3-18-22)~~

~~**06. Monitoring, Record Keeping and Reporting Requirements.** The Director may require monitoring, record keeping and reporting by any owner or operator if the Director finds that the well may adversely affect a ground water source or is injecting a contaminant that could have an unacceptable effect upon the quality of the ground waters of the state. (3-18-22)~~

~~a. Monitoring. (3-18-22)~~

~~i. Any injection authorized by the Director shall be subject to monitoring and record keeping requirements as conditions of the permit. Such conditions may require the installation, use and maintenance of monitoring equipment or methods. The Director may require where appropriate, but is not limited to, the following: (3-18-22)~~

~~(1) Monitoring of injection pressures and pressures in the annular space between casings; (3-18-22)~~

~~(2) Flow rate and volumes; (3-18-22)~~

~~(3) Analysis of quality of the injected fluids for contaminants that are subject to limitation or reduction under the conditions of the permit; or contaminants which the Director determines could have an unacceptable effect on the quality of the ground waters of the state, and which the Director has reason to believe are in the injected fluids; (3-18-22)~~

~~(4) Monitoring of ground water through special monitoring wells or existing points of diversion for beneficial use in the zone of influence as determined by the Director; (3-18-22)~~

~~(5) A demonstration of the integrity of the casing, tubing or seal of the injection well. (3-18-22)~~

~~ii. The frequency of required monitoring shall be specified in the permit when issued, except that the Director at any time may, in writing, require additional monitoring and reporting. (3-18-22)~~

~~iii. All monitoring tests and analysis required by permit conditions shall be performed in a state certified laboratory or other laboratory approved by the Director. (3-18-22)~~

~~iv. Any field instrumentation used to gather data, when specified as a condition of the permit, shall be required by the Director to be tested and maintained in such a manner as to ensure the accuracy of the data. (3-18-22)~~

~~v. All samples and measurements taken for the purpose of monitoring shall be representative of the~~

monitoring activity and fluids injected. (3-18-22)

b. Record Keeping. The permittee shall maintain records of all monitoring activities to include: (3-18-22)

i. Date, time and exact place of sampling; (3-18-22)

ii. Person or firm performing analysis; (3-18-22)

iii. Date of analysis, analytical methods used and results of analysis; (3-18-22)

iv. Calibration and maintenance of all monitoring instruments; and (3-18-22)

v. All original tapes, strip charts or other data from continuous or automated monitoring instruments. (3-18-22)

c. Reporting. (3-18-22)

i. Monitoring results obtained by the permittee pursuant to the monitoring requirements prescribed by the Director shall be reported to the Director as required by permit conditions. (3-18-22)

ii. The Director shall be notified in writing by the permittee within five (5) days after the discovery of violation of the terms and conditions of the permit. If the injection activity endangers human health or a public or domestic water supply, use of the injection well shall be immediately discontinued and the owner or operator shall immediately notify the Director. Notification shall contain the following information: (3-18-22)

(1) A description of the violation and its cause; (3-18-22)

(2) The duration of the violation, including dates and times; if not corrected or use of the well discontinued, the anticipated time of correction; and (3-18-22)

(3) Steps being taken to reduce, eliminate and prevent recurrence of the injection. (3-18-22)

iii. Where the owner or operator becomes aware of failure to submit any relevant facts in any permit application or report to the Director, that person shall promptly submit such facts or information. (3-18-22)

iv. The permittee shall furnish the Director, within a time specified by the Director, any information which the Director may request to determine compliance with the permit. (3-18-22)

v. All applications for permits, notices and reports submitted to the Director shall be signed and certified. (3-18-22)

vi. The Director shall be notified in writing of planned physical alterations or additions to any facility related to the permitted injection well operation. (3-18-22)

vii. Additional information to be reported to the Director in writing: (3-18-22)

(1) Transfer of ownership; (3-18-22)

(2) Any change in operational status not previously reported; (3-18-22)

(3) Any anticipated noncompliance; and (3-18-22)

(4) Reports of progress toward meeting the requirements of any compliance schedule attached or assigned to this permit. (3-18-22)

~~07. Permit Assignable. Permits may be assignable to a new owner or operator of an injection well if the new owner or operator, within thirty (30) days of the change, notifies the Director of such change. The new owner or operator shall be responsible for complying with the terms and conditions of the permit from the time that such change takes place. (3-18-22)~~

071. -- 999. (RESERVED)

**Page 21: [1] Commented [BE20] Boe, Erik 7/19/2023 12:35:00 PM**

**City of Middleton (Comment, 6/13/23)** requested that IDWR modify this sentence to include "untreated fluid" in place of "fluid" or remove in its entirety.

IDWR could:

(a) update the first sentence to include "untreated fluid" for clarity; could have the negative affect of inferring that treated fluid with fecal contamination is allowed to be injected. However, Rule 55.06a and 55.06b effectively note treatment requirements.

(b) Clarify that at no time shall any fluid containing one (1) or more colony forming units (CFU) or most probable number (MPN) as determined by approved EPA lab analysis method, be injected into any Class V well.

(c) Remove in its entirety.

Because the intent of the rule is to prevent untreated wastewater exposed to human fecal contamination from being injected in a Class V well, propose that option (a) is best. Since Rule 55.06a and 55.06b regulate treated fluids. Also removed the ambiguous phrase "or suspected of containing."

**Page 21: [2] Commented [EB21] Boe, Erik 7/24/2023 8:32:00 AM**

**Idaho Conservation League (Comment, 6/22/23)** requested that IDWR have legal review this rule to determine the legality of injecting treated/untreated fecal contaminants and update proposed language as necessary.

IDWR is having legal review this rule; both the original and proposed.

**Page 21: [3] Commented [BE22] Boe, Erik 7/19/2023 2:16:00 PM**

**City of Middleton (Comment, 6/13/23)** requested that IDWR remove the phrase "limited to saturation of" and replace with "discharge into" since land application will occur during non-irrigation season, and additionally infiltration will occur.

IDWR agrees with the recommendation and updated accordingly.

**Page 21: [4] Commented [BE23] Boe, Erik 5/22/2023 8:25:00 AM**

**City of Middleton (Comment, 5/1/23)** requested that IDWR consider exemption for variations of land application (irrigation) methods regulated by IDAPA 58.01.17 (Recycled Water Rules).

\*Added language to address concerns from the City of Middleton.

**Page 21: [5] Commented [EB24] Boe, Erik 7/24/2023 8:28:00 AM**

**City of Boise (Comment, 6/19/24)**

Requested that IDWR (1) add definition of "fecal contaminants" and (2) remove "suspected of contaminating" and "of human origin" from the rule.

(1) Could not find referenced EPA definition. Can the City provide a reference.

(2) Removed the phrase "suspected of containing" due to concerns. Leaving the phrase "of human origin."

\*Note that legal is reviewing the original and current version of this rule.

**Page 21: [6] Commented [EB25] Boe, Erik 7/20/2023 12:43:00 PM**

Idaho Conservation League (Comment, 6/22/23) requested the proposed language to avoid ambiguity.

IDWR added the clarifying language with minor modification.

**Page 21: [7] Commented [EB26] Boe, Erik 7/24/2023 8:47:00 AM**

City of Boise (Comment, 6/19/23) requested that IDWR remove this phrase and instead use "Additionally, injected recycled municipal wastewater or recycled industrial wastewater shall not degrade ground water quality as determined by IDAPA 58.01.11."

EPA Drinking Water Standards along with 58.01.11 were designed for water obtained from conventional, relatively uncontaminated sources of freshwater. Recycled municipal and industrial wastewater is considered an atypical source of water since unlike most natural groundwater or surface water sources the quality is highly variable; likely containing contaminants of emerging concern (CEC) that are difficult to regulate. CECs include proprietary industrial chemicals, unidentified halogenated compounds, pharmaceuticals, synthetic hormones, and certain pathogens not reflected in current standards. 58.01.11 alone would not allow for regulation requiring necessary advanced treatment options such as those used for IPR and DPR; standards that are being developed by other states interested in injecting recycled wastewater into USDWs who recognize the potential risks. Modified the language consistent to ICL's recommendations to incorporate measurable/data driven methods.