



CITY OF MIDDLETON

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May 1, 2023

Mathew Weaver, Deputy Director
Idaho Department of Water Resources
322 Front St
PO Box 83720
Boise, ID 83720-0098

Sent via Mathew.Weaver@IDWR.Idaho.Gov

RE: Rulemaking for 37.03.03 Rules and Minimum Standards for the Construction and Use of Injection Wells

Mr. Weaver,

The City of Middleton would like request the modifications listed below to the current Rules and Minimum Standards for the Construction and Use of Injection Wells. These modifications derive from the City's experience operating a subsurface drip irrigation system for the agricultural land application of recycled treated wastewater effluent as part of a pilot project. The City was granted a waiver from IDAPA 37.03.03.070.05.c.ii(6) to undertake the present effort. (*Injection Well Permit No. 63X-2444-001 dated 7/13/2021.*) The City suggests that the rule is more stringent than necessary and should be revised to make the waiver unnecessary for the following reasons.

Treated recycled wastewater discharging to shallow soils for agricultural application is suitably regulated by Idaho's Department of Environmental Quality. Specifically, IDEQ has found the City Middleton's discharge to be in compliance with the "Ground Water Quality Rule" (IDAPA 58.01.11), "Wastewater Rules" (IDAPA 58.01.16), "Recycled Water Rules" (IDAPA 58.01.17), and the City's NPDES discharge permit and the draft IPDES discharge permit. [*See IDEQ's Water Quality Engineering Manager Valerie Greer's email communication dated 5/26/2021.*]

Land application of recycled wastewater through surface irrigation and shallow, subsurface drip irrigation achieve similar outcomes. Shallow, subsurface drip irrigation has the benefit of more efficiently applying the water to soil with less opportunity to negatively affect adjacent properties. We recommend IDWR eliminate the permitting impediment of requiring an underground injection well permit for shallow, subsurface drip irrigation systems for fluids otherwise permissible surface land application.

Please consider modifications to the following sections: [***References are to the draft rule published as: IDAPA_370303_STRAWMAN_20230427.pdf***]



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Rule 37.03.03.010.34.d Injection Well Definition

Consider revising the definition of Injection Well to exclude shallow subsurface drip irrigation systems used in agricultural applications.

Rule 37.03.03.050.03.c.ii.(6)

Consider inserting an exemption for fluids determined by Idaho's Department of Ecology to be in compliance with IDAPA 58.01.11 ("Ground Water Quality Rule"), IDAPA 58.01.16 ("Wastewater Rules"), and IDAPA 58.01.17 ("Recycled Water Rules").

Thank you for your consideration of these items and please feel free to contact me if you have any questions.

Regards,

Jason Van Gilder
Public Works Director
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