



## PUBLIC WORKS DEPARTMENT

MAYOR: Lauren McLean | DIRECTOR: Stephan Burgos

IDWR Rules Review Officer

PO BOX 83720

Boise, ID 83720

Comments submitted electronically: [rulesinfo@idwr.idaho.gov](mailto:rulesinfo@idwr.idaho.gov)

Subject: Review Comments for UIC Rules - Docket No. 37-0303-2301

IDWR Rules Review Officer,

The City of Boise (city) appreciates the opportunity to have participated in ZBR IDAPA 37.03.03 (UIC Rules) negotiated rulemaking meeting on June 1<sup>st</sup>, and to provide comments on the draft changes.

The city values IDWR's efforts to update the UIC Rules. The draft rule update clearly meets the objective of EO 2020-01 to be more streamlined, concise, and to include additional points of clarification which are beneficial for general interpretation. These clarifications include new references to the existing Recycled Water Rules (included in 37-0303.035 and 37-0303.055.06) and new standards for the quality of injected recycled water (included in 37-0303.055.06). The city specifically appreciates IDWR's efforts to clarify how the injection of recycled water is regulated under the UIC rules and would like to provide comment intended to offer additional clarity regarding IDWR's interpretation of these rules and the overlap with other existing rules.

There appears to be overlap between the references to municipal recycled water added to 37-0303.035 and 37-0303.055.06, and the existing language in 37-0303.055.04.f. To provide additional clarity regarding IDWR's definition and interpretation of "fecal contaminants," the city recommends adding the following definition to correspond with the EPA Ground Water Rule for "fecal contaminants." The definition is as follows:

"Ground water is fecally contaminated when fecal indicators (e.g., E. coli, enterococci, or coliphage) are present." The EPA definition refers to pathogenic indicators, not chemical indicators, which we feel would be more appropriate for this application.

The city also recommends the following edits to 37-0303.055.04.f to reduce ambiguity and clarify the understood intent of the section that industrial and municipal source water that is treated to produce recycled water that meets IDAPA 58.01.17 requirements can be injected if it does not contain "fecal contaminants" (i.e., no detectable fecal coliform or E. coli):

"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. Irrigation practices using recycled water limited to saturation of the root-zone and regulated by IDEQ under IDAPA 58.01.17 (Recycled Water Rules) are exempt from this rule."

Additionally, there appears to be overlap between the recycled water quality criteria for deep injection wells specified in 37-0303.055.06.b and the Ground Water Quality Rule (GWQR; IDAPA 58.01.11). The GWQR (IDAPA 58.01.11.301.02.a) states that "activities with the potential to degrade... aquifers shall be managed in a manner which **maintains or improves existing ground water quality through the use of best management practices and best practical methods** to the maximum extent practical except when a point of compliance is set..." The GWQR does not explicitly limit the quality of the recycled water, however, injected recycled water cannot degrade the aquifer. IDEQ has developed statistical guidance for determining background groundwater quality and supporting compliance with this requirement. The city recommends reference to or incorporation of this guidance to minimize undue burden and confusion when implementing both rules.

The city recommends the following edits to 37-0303.055.06.b to provide clarity of the potential overlap with the GWQR and to leverage and coordinate with the existing statistical guidance developed by IDEQ:

*"Deep Injection Wells. Recycled municipal wastewater or recycled industrial wastewater shall meet or exceed ground water quality standards following treatment 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 concentration of each contaminant in the receiving water that is likely to reach a USDW. Additionally, injected recycled municipal wastewater or recycled industrial wastewater shall not degrade ground water quality as determined by IDAPA 58.01.11.~~"*

Thank you again for the opportunity to provide comment on the draft rules. We hope the comments are helpful in providing additional clarity for rule interpretation. Please feel free to contact me for further clarification or questions related to these comments.

Sincerely,

Royce Davis  
City of Boise  
Recycled Water Program Manager  
[rdavis@cityofboise.org](mailto:rdavis@cityofboise.org)  
208-608-7572

