



## PUBLIC WORKS DEPARTMENT

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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 the ZBR IDAPA 37.03.03 (UIC Rules) negotiated rulemaking meeting on May 15<sup>th</sup> and to provide final comments on the draft changes. Per request of IDWR, the city has prepared recommended rule edits in response to the latest revision of the draft UIC Rules posted by IDWR on May 10<sup>th</sup>.

IDWR efforts to both streamline the existing UIC rules for clarity of understanding per the objective of EO 2020-01 and to engage stakeholders in the rulemaking process, are greatly appreciated by the city. During utility planning, the Boise community expressed a desire to do more with our water, plan for growth, and increase resiliency. The Boise Recycled Water Program (RWP) is in response to that community engagement effort. Given the impact of the UIC rules on that program, the city appreciates the opportunity to continue engagement with IDWR in this rulemaking.

During the May 15<sup>th</sup> meeting, the city requested clarifications regarding the updated definition for "Unreasonable Contamination," where, for purposes of clarity in this communication, the definition of "Contamination" in the draft UIC rules has been copied here. The city does not propose any changes to the "Contamination" definition:

**Contamination.** The introduction into natural ground water of any physical, chemical, biological, or radioactive material that may:

- a. Cause a violation of Standards found in IDAPA 58.01.11, "Ground Water Quality Rule," or IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems" Section 050, whichever is more stringent; or
- b. Adversely affect the health of the public; or
- 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.

As written in the May 10<sup>th</sup> draft UIC Rules, the city interprets the definition of “Unreasonable Contamination” as a requirement that limits the concentration of contaminants in all injected fluids to less than the concentration of the corresponding contaminants in the receiving water, even when the background concentrations are less than Ground Water Quality Standards. In cases where background contaminant concentrations are lower than Ground Water Quality Standards, injection activities would meet the definition of “Unreasonable Contamination” prior to reaching the definition of “Contamination.” IDWR communicated that the noted city interpretation was not the intent of the updated “Unreasonable Contamination” definition, and the draft rule should not be interpreted this way. IDWR clarified that “Unreasonable Contamination” is applicable in instances where existing contaminant concentrations in the receiving water are already greater than Ground Water Quality Standards. Therefore, the city proposes the following minor clarifications:

The city proposes minor clarifications to section 37-03.03.010.55, in alignment with IDWR’s direction during the May 15<sup>th</sup> meeting. This is intended to be consistent with the definition of “contamination” which is defined in terms of impacts to the ground water quality, opposed to injectate quality:

**Unreasonable Contamination.** Contamination of a USDW or the injection of contaminants into a USDW, where the concentration of ~~any~~**a** contaminant(s) in the injected fluids specified in the permit **causes the corresponding contaminant concentration in a receiving water to exceed**s the **background** concentration of contaminant(s) in the receiving water **or the Ground Water Quality Standard, whichever is less stringent.**

Discussion during the May 15<sup>th</sup> meeting on section 37-03.03.055.06.b augmented our understanding of additional IDWR recycled water quality criteria proposed for deep well injection. Per the conversation with IDWR, the city understands that IDWR, in coordination with IDEQ, will identify “applicable contaminants” in the recycled water that must not exceed corresponding background concentrations in the receiving water and the Ground Water Standards. IDWR indicated “applicable contaminants” will be identified by IDWR and IDEQ and negotiated with the permittee during pre-application meetings. To provide additional clarity to the rule, corresponding to the conversation with IDWR, the city proposes the following clarifications to section 37-03.03.055.06.b.

**Deep Injection Wells.** The concentration of ~~all~~ contaminants in recycled water derived from municipal or industrial wastewater sources must comply with established Ground Water Quality Standards and all other applicable IDEQ rules and permitting requirements prior to injecting into a deep injection well. ~~Additionally, the concentration of each applicable 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.~~ **Additionally, injected fluids must not result in the endangerment of a USDW. Recycled water quality requirements shall be determined by the Department in coordination with IDEQ during the permitting process.**

UIC rules define "Endangerment" as "an act that threatens contamination of a USDW aquifer which supplies or can reasonably be expected to supply any public water system where the contamination may result in the system not complying with Ground Water Quality Standards or otherwise adversely affect human health" (37-03.03.010.27). The definition of "Endangerment" is protective of beneficial uses and human health. The current proposed language requiring that "applicable contaminants" not exceed background groundwater concentrations appears to meet the intent of the "Endangerment" standard.

The city proposes clarification conveying that recycled water quality requirements will be determined in coordination with IDEQ. The city anticipates a future memorandum of understanding (MOU), mentioned by IDWR, that will delineate roles and responsibilities of each regulatory agency involved with permitting recycled water injection activities.

The city understands that IDWR will accept statistical analytical methods defined by IDEQ to determine background groundwater quality. The city currently plans to employ the IDEQ "Statistical Guidance for Determining Background Ground Water Quality and Degradation" to determine background groundwater quality at proposed injection locations. In addition to following IDEQ guidance, the city plans to conduct a risk assessment of recycled water injection for the receptors relevant to the beneficial uses of the receiving water. The city will discuss these methods with IDWR in future pre-application meetings.

Thank you again for the opportunity to comment on the draft UIC Rules. We hope these comments are helpful. Please feel free to contact me for further clarification or questions related to these comments.

Sincerely,

*Ryan Knutzen*

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