



CITY OF MIDDLETON

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June 13, 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 to express our appreciation for the efforts your department has made at addressing the City's previous comments into the latest draft iteration of the Rules and Minimum Standards for the Construction and Use of Injection Wells. The following reiterate the comments made at the June 2, 2023 public meeting with the intention of further clarifying and refining the final rule. *[References are to the draft rule published as: IDAPA_370303_STRAWMAN_20230601.pdf]*

Rule 37.03.03.035.02 Well Requirements; Permit Requirements

A drip irrigation, as currently being considered by the City of Middleton, is anticipated to require substantial modification and maintenance throughout its service life. This has the potential to require a permit revision or re-issuance as a routine and regular occurrence. While IDWR's staff suggested that the permit language could be written to cover a range of actions or modifications, this could create unnecessary ambiguity.

We suggest that if a shallow injection well activity is permitted under a recycled water permit issued by IDEQ, the State's interest in preventing water quality degradation would be adequately protected. Rule 025 Section 03 has a specific exemption for individual subsurface sewage disposal system wells subject to "Individual/Subsurface Sewage Disposal Rules," Title 39, Chapter 1 and Title 39, Chapter 36, Idaho Code. Water permitted under a recycled water permit is likely less impactful than individual subsurface sewage disposal, and we suggest a similar specific exemption could be written for recycled water.

Rule 37.03.03.035.02 Well Requirements; Permit Requirements

The second sentence in this paragraph begins, "An application for permit **may** be required..." (Emphasis added.) Consider clarifying this statement so that it is unambiguous to a potential applicant if a permit application is required.



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Rule 37.03.03.055.04.f Standards for the Quality of Fluids Injected into Class V Wells, Biological Contaminants.

Suggest revising the first sentence to read, “At no time shall any *untreated* fluid ...”. This would clarify that the exemption is to avoid raw sewage of human origin. Alternatively, this first sentence could be deleted since the sentence adds minimal protection beyond the provisions contained in the previous five paragraphs labeled a. through e.

Rule 37.03.03.055.04.f Standards for the Quality of Fluids Injected into Class V Wells, Biological Contaminants.

Finally, we also suggest revising a portion of the final sentence in paragraph f to read, “...using recycled water ~~limited to saturation of~~ *discharged into* the root-zone...”. This would apply the exemption to shallow subsurface injection techniques without the necessity of proving the all water is contained or limited to the root-zone.

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

Regards,

Jason Van Gilder
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