

IDAPA 37.03.09 Well Construction Standards Rules				
Comment received prior to the Negotiated Rule Making Meeting held June 26, 2024				
Time	Commenter	#	Comment	Department response
10-May-24	Kyle Radik	1	Propose language to ensure unusable wells are properly decommissioned wells are replaced.	Defining an unusable well has proven difficult. The department does not establish a minimum production rate or duration to define a usable well, and as such, it cannot deem a poorly producing well as unusable. Water levels fluctuate naturally due to seasonal variations and water demand. This variability means that a dry well, or a well producing at a low rate today, could potentially recover production capacity under different hydrologic conditions. Moreover, the definition of "useable" varies widely depending on individual user needs. Setting a universal standard for what constitutes an unusable well would fail to account for this diversity in water usage requirements.
Comments to strawman during the Negotiated Rule Making Meeting held June 26, 2024				
Time	Commenter	#	Comment	Department response
0:29:57	Sam Kingrey	1	Doesn't disagree with surface casing and temporary casing definitions. Likes the idea of trying to get the definitions more general and make more sense. The two definitions contradict each other. I can't tell you how but the department is getting there. Geothermal or LTG wells where the two definitions come up.	Casing is casing. Define how you use it.
0:32:38	Scott Miller	2	Public water system - Is it easier to reference IDAPA 58.01.08 instead of restating the definition. If something changes within the rule, it would change in the department's rules too.	Tried to align the definition with IDAPA 58.01.08. The drillers need something to visually reference instead of having to use different resources for each situation. The department will take your comment into consideration.
0:34:21		3	Consider to add a definition for pumping water level. The driller's logs reference a pumping level, but not always used correctly (pump level or drawdown).	The department will take comments under advisement.
0:36:10	Sam Kingrey	4	If it's going to pertain to logs, the only thing that will make a difference, especially domestic wells, aren't going to show drawdown because they are showing where the drill steel is set blowing air. It's not really a true pumping level, but a description of where they were blowing water from. You can't actually get a drawdown level when you are blowing on a well with air.	
0:36:40	Gary Duspiva	5	When redeveloping a well with air, a pumping water level gauge, you can establish a drawdown with a 5-7 ft variance. This gives a pump man information to size a pump.	
0:41:38	Sam Kingrey	6	Will the transformer setback be gone - out of the rules? It might help to explain a transformer is a contaminate issue because most drillers will not know that.	This is a perfect example of using the waiver process. The department will cover this topic during training opportunities like the annual convention.
0:44:10	Gary Duspiva	7	I always figured a transformer setback was specific to an electric shock standpoint not contamination issue.	Thank you.
0:45:28	Sam Kingrey	8	Surface water setbacks are confusing. Permanent verse temporary situations.	The department will establish education opportunities through CEC topics.
0:47:55	John Wiskus	9	Are the setback specific to private well and PWS well? Would the PWS standards add to the setback table? If so, do we need to add the related IDAPA language?	The vast majority of the well constructed are domestic wells not PWS wells. DEQ has different, more restrictive standards that have primacy over these setbacks.
0:54:20	Katy Baker-Casile	10	Would like to note, public wells will not be issued a waiver because of the liability. I don't want to establish false hope that a is a possibility for public wells.	Thank you.

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0:55:08	Sam Kingrey	11	Good to see the removal of requirement of a PG or PE to submit a waiver. The language that the Director may request comment before approving a waiver prior to constructing a well - is that may or shall request comment?	The department will change "may" to "will" submit comment...
0:56:10	Kate Harris	12	What kind of wells can IDEQ not issue a waiver on?	Public Water System Wells
0:56:54	Katy Baker-Casile	13	There might be variation between IDAPA 58.01.08 and these set of rules. If that is the case, IDEQ has primacy. Do we need to note that in the rules?	The department will make the appropriate adjustments.
0:58:09	Tom Richardson	14	It appears like a 90% chance of not receiving a waiver. Why do we have waivers as an option if the department never approves a waiver?	The department approves many waiver relative to IDAPA 37.03.09 with the exception being rules specific to sewer and septic. This is due to public health concerns.
1:04:36	Sam Kingrey	15	It should be the drillers responsibility to know if casing thickness will support the well being constructed.	The department's sentiments, too.
1:07:01	Gary Duspiva	16	Gary is still a little confused regarding Rule 025 and reserves the right to comment later.	Thank you.
1:07:54	Gary Duspiva	17	What is the combination (artesian pressure and water temperature) when a bond is not required?	Referenced IDPA 37.03.09.025 - Introduction to Rule 25 (temp); IDAPA 37.03.09.30 - if it flows at the surface a specific bond amount is required, if water is artesian, but not flowing, a specific bond is required, if the water is neither flowing or artesian, a bond is not required. The department will set up training or education efforts to assist with drillers understanding.
1:22:58	Sam Kingrey	18	If we can't change the 85° F temperature and a water right is still required to use the water, how will that process go for the driller and homeowner?	There are fundamental water right implications associated with 85°F and above water for use of the heat factor. There is a water right process for receiving an exemption. The driller will be allowed to complete the well to the respective construction standards, but the well owner water will not be able to use the water until the exemption or water right process has run it's course.
1:24:36	Gary Duspiva	19	Will the drilling application be changed to show the new requirements?	No. Rule 25 and Rule 30 changes do not affect the drilling application process.
1:34:25	Mark Hiddleston	20	Can a timeline be added for the department to approve or deny a waiver?	The department will reach out to IDEQ and the Health Districts and consider adding a timeline to the waiver process.
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Comments to strawman following Negotiated Rule Making Meeting held June 26, 2024				
15-Jul-24	Tom Richardson	1	Suggest adding "made of steel or PVC," remove "conduit" from the definition of casing.	Concur, modified the definition accordingly.
		2	Conductor Pipe is not used in water well terminology, delete this definition or move to a "Low Temp Geothermal" separate section.	The definitions apply to all wells with a bottom hole temperature less than 212 degrees Fahrenheit, there is not a separate list of definitions specifically for LTG wells.
		3	Intermediate String or Casing is not used in water well terminology, delete this definition or move to a "Low Temp Geothermal" separate section.	The definitions apply to all wells with a bottom hole temperature less than 212 degrees Fahrenheit, there is not a separate list of definitions specifically for LTG wells.
		4	Suggest adding "made of steel or PVC," remove "conduit."	Concur, modified the definition accordingly.
		5	Delete definition of Pitless Adaptor or Pitless Unit, it is not part of well construction, and pitless unit is not installed through well casing.	Text has been changed to read "An assembly that provides a water tight connection between the pump installed inside the well casing and buried pipe outside the well casing."
		6	Pressure Grouting is not always in the annular space, as in a decommission.	Concur, added "well bore or casing" to the definition.
		7	Why include a definition of Public Drinking Water System that is regulated by DEQ definition in well construction rules?	Wells providing water to Public Drinking Water Systems are subject to additional requirements and therefore it is appropriate to incorporate the definition here.

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		8	Keep the definition of "Temporary" Surface Casing, which is used to install the surface seal. Surface casing is a term used for low temperature geothermal resource wells, move to a "Low Temp Geothermal" separate section	The definitions apply to all wells with a bottom hole temperature less than 212 degrees Fahrenheit, there is not a separate list of definitions specifically for LTG wells.
		9	Delete definition of temporary casing.	Do not concur, this definition applies to any casing that is removed from the well when completed.
		10	ASTM F 480" refers to the thread design on threaded PVC.	The ASTM standard states "Designation: F480 – 14 (Reapproved 2022) Standard Specification for Thermoplastic Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR), SCH 40 and SCH 80."
		11	Suggest deleting the definition of unstable unit, term not used in water well industry.	It is defined because the term is used in the document.
		12	Suggest deleting "of any temperature" from the definition of a well.	The definition is consistent with the definition provided in § 42-230 I.C.
		13	Suggest leaving "and straight" in casing installation rule as straightness affects installation of pumps and liners..	Concur, original text retained.
		14	Remove the term "steel" from liner discussion, liners are PVC and casing is steel.	Whether steel or PVC "liner" is removable, casing is permanently affixed in the well.
		15	Rewrite Rule 25.08, Sealing of Wells, to read "all well over 38 feet shall be sealed to a minimum depth of 38 feet and all well less than 38 feet deep will be sealed to 18 feet.	No, does not work for well that are only marginally deeper than 38 feet.
		16	For wells drilled in consolidated formations, the casing shall be seated 5 feet into the formation.	A well may encounter both rock and sediments, it may start in cap rock but encounter water and be completed in sedimentary formations below the cap rock.
		17	The requirement to install casing to five feet below the water table in unconsolidated formations is not sufficient for pump installation, should be at least 20 feet.	Five feet is the minimum required, and screen can be used below the casing to accommodate pump installation.
		18	Remove the Rathdrum Prairie exemption for sealing requirements and designate a Ground Water Management Area with different sealing requirements.	Ground Water Management Areas (GWMA) are established when ground water withdrawals in a specific area are not sustainable. GWMA's are authorized by the appropriation statute which is not applicable to well construction standards.
		19	Delete all references to wells less than 38 feet from artesian well sealing requirements.	The minimum required seal depth is 38 feet but there is no minimum required well depth, as written the rule addresses wells that are less than 38 feet in depth.
		20	The rules state that leaks from artesian wells must be eliminated to extent possible, if a well cannot be completely sealed it should be decommissioned.	The rule is a recognition that under certain circumstances minor leakage may be acceptable if mitigating a major leak. It is an attempt at setting reasonable expectations.
		21	Need to exempt cathodic protection wells and closed loop heat exchange wells from the requirement to attach a metal tag to the casing.	Some of these wells are constructed in a way that allows for the tag to be attached to well head. Wells without permanent steel casing are exempt from this requirement.
		22	Delete pitless adapter rule, not part of well construction.	Installation of the pitless adapter or pitless unit requires the casing to be modified and disrupts the integrity of the well seal, and therefore appropriately included in the well construction standards. Well construction standards apply to well owners too.
		23	Delete discussion on pump installation, not part of well construction.	Rules apply to well owners too.
		24	Include definitions specific to low temperature resource wells under Rule 30.	The definitions apply to all wells with a bottom hole temperature less than 212 degrees Fahrenheit, there is not a separate list of definitions specifically for LTG wells.
		25	Modify Rule 35.01 heading to Public Water Supply Wells instead of Public Drinking Water System Wells because the "system" is not installed by well drillers..	Wells providing water to Public Drinking Water Systems are subject to these rules, the definition is consistent with IDEQ definition.