IDAPA 58.01.17
Recycled Water Rules
Agenda

• Welcome and Introductions
• DEQ Presentation on Comments Received
• Discussion
• Comment Deadline
• Path Forward
Comments Received

• Comments submitted by City of Boise, J-U-B Engineers, Idaho Conservation League, Sustainable Engineering, and Idaho Dairymen’s Association

• Comments and proposed rule available at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/

• Any changes to preliminary draft rule (Draft No. 1) are highlighted in Draft No. 2
Comments: City of Boise

- To further streamline the rules, the city encourages DEQ to remove technology-based regulations and maintain effluent limitations.
- No proposed changes as a result of comment.

- Clarification on “equivalent signage:” discussed in guidance or best addressed in permit application? Signage should also be tailored to the end use of the water.
Comments: J-U-B Engineers

• IDAPA 58.01.17.300.03.iii: FEMA floodplain designation
  • Requesting language to accept surveys when FEMA maps are unavailable or lack sufficient detail

• Proposed changes:
  • Twenty-five (25), fifty (50), and one hundred (100) year flood plains, as available through the Federal Insurance Administration of the Federal Emergency Management Agency or through other sources acceptable to the Department
Comments: J-U-B Engineers

- IDAPA 58.01.17.601.06: Point of Compliance
  - Requesting clarification on criteria used to evaluate POC on “case-by-case basis,” specifically prior to or following storage

- Proposed changes:
  - **Point of compliance.** For total coliform limits, the point in the system following final treatment and disinfection as defined in the permit. Recycled water disinfection requirements after storage will be determined by the Department on a case-by-case basis considering class and uses of recycled water, reuse site design, and protection of human health and the environment.
Comments: J-U-B Engineers

• IDAPA 58.01.17.615: Subsurface Distribution System
  • Requested Section 615 not be eliminated to allow for subsurface drip of lower class RW irrigated along residential green belts.
  • No proposed changes as a result of comment
Comments: J-U-B Engineers

- IDAPA 58.01.16 - 58.01.17: Lagoon Underdrain
  - Underdrains sometimes required to prevent impacts to liner from ground water.
  - Some permits contain monitoring requirements for water collected from underdrains
  - DEQ has also considered, in some instances, water collected in underdrains as point source and required additional permits
  - Requests clarification regarding acceptable amounts of lagoon leakage and how collection of this leakage within underdrains will be regulated
- No proposed changes as a result of comment
Comments: Idaho Conservation League

- IDAPA 58.01.17.609: General Permits
  - Proposed language stated “General reuse permits *may...*” regarding sections 400 and 700
  - Concerned “may” would allow DEQ to issue general reuse permits without public comment opportunity as required in Section 400 or modify permits without following requirements of Section 700
- Proposed changes:
  - *When issuing general reuse permits, the Department will follow Section 400 as applicable.*
  - *When modifying general reuse permits, the Department will follow Section 700 as applicable.*
Comments: Idaho Conservation League

• IDAPA 58.01.17.500: Standard Permit Conditions
  • Proposed Language “Permit Conditions *are intended to* protect human health and the environment…”
  • Changed from *shall*
  • Intended emphasizes good faith, but de-emphasizes actually achieving
  • Request changing “are intended to” with “will”

• Proposed changes:
  • Permit conditions *are intended to will* protect human health and the environment from the hazard potential hazard of an existing or proposed wastewater treatment system. The permittee must comply with all conditions of the permit. The following conditions shall apply to and be are included in all permits.
Comments: Idaho Conservation League

• IDAPA 58.01.17.603: Access, Exposure, and Signage
  • Proposed language removed requirements for signs in Spanish.
  • Requested original language be left intact
  • Proposed changes:
    • with “Caution: Recycled Water - Do Not Drink” or equivalent signage in both Spanish and English, in English and a secondary language as applicable
Comments: Sustainable Engineering

• My recent experience with a private project in Idaho has shown the need for better coordination of the various Rules, Guidance, and Application processes.
• No changes as a result of comment
Comments: Idaho Dairymen’s Association

• IDAPA 58.01.17.100: Applicability
• Request clarification for exempt dairies to include anaerobic digester facilities located on or off dairies
• Proposed changes:
  • Land application of wastewater from mining, livestock truck washing facilities, feedlots, dairies, and mining are excluded from permit requirements under these rules. digestors where the digestate is returned to the farm and applied according to an approved nutrient management plan;
Questions/Comments?
Comment Deadline

• Comments due 06/17
• Please submit comments in writing to: matthew.plaisted@deq.idaho.gov
• Comments received after 06/17 may not be addressed prior to publication
58.01.17 Tentative Rulemaking Schedule

- Negotiated Rulemaking
- Publication in September Administrative Bulletin
- DEQ Board Review (11/2022)
- Present to Legislature (01/2023)
- Rules effective upon legislature adjournment (04/2023)
Resources

- IDAPA 58.01.17 available at: https://adminrules.idaho.gov/rules/current/58/index.html
Thank you!

Matt Plaisted
matthew.plaisted@deq.idaho.gov
208-373-0151