

# KINGSTON WATER DISTRICT

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October 5, 2023

Tyler Fortunati  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706

Mr. Fortunati,

Greetings. On behalf of the Kingston Water District I would like to submit this correspondence as public comment on the proposed rule changes intended for the Idaho Rules for Public Drinking Water systems (Docket #58-0108-2301) published in the September 6, 2023, Idaho Administrative Bulletin.

The Kingston Water District was established in 1954. It is a relatively small system located in Shoshone County with 257 connections and approximately 580 residents. I am the licensed operator for our district and have been responsible for the operation, maintenance, and management of the system since 2004.

We are interested in commenting on the proposed changes to IDAPA 58.01.08 Section 302.03(c), page 671 of the Idaho Administrative Bulletin.

This section outlines the significant deficiencies (violations) pertaining to the results of a Sanitary Survey (Public Drinking Water System inspection).

The proposed rule change in Section 302.03 includes a new item or "element" that would be considered a significant deficiency when IDEQ staff perform an inspection on a Public Drinking Water System. It is "(c) distribution systems: a minimum system pressure of (20) psi is not maintained throughout the distribution system as specified in Subsection 552.01.b."

The Kingston Water District has operated safely and successfully with some small portions of its distribution system operating at less than 20 psi since 1956. IDEQ has been aware of these areas for many years. The areas have been photographed and noted in past Sanitary Surveys. Quotes from our most recent Sanitary Survey read “The water system appears to be in substantial compliance with DEQ requirements and Idaho Rules for Public Drinking Water Systems” and “No significant deficiencies were noted at the time of the inspection.” These areas operating at less than 20 psi have been acknowledged by IDEQ and have never been identified as significant deficiencies.

If the proposed addition to the rules is approved, the Kingston Water District will presumably be found in violation of Section 302.03 (c) at the conclusion of our next inspection after having operated safely in this configuration for over 65 years. The engineering and construction of the system modifications needed to increase water pressure to 20 psi in these small areas would be significant. The costs borne by the rate payers of our small water system associated with correcting this “deficiency” would be exorbitant and unnecessary and are estimated to be in excess of \$3,000,000.00.

To address these concerns, the District respectfully suggests the deletion of the proposed text in 302.03 (c) in its entirety.

In conclusion, the Kingston Water District would like to reiterate that we believe approval of this proposed rule, as it is currently stated, will have a detrimental impact on the lives of Idaho citizens in our small community and others throughout the State. The District has operated under this configuration since 1956 and has never experienced a public health or safety issue of concern resulting from any lower-pressure areas.

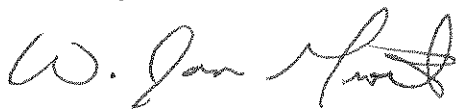
The District asks IDEQ to re-evaluate whether the resultant costs of the intended rule are justified by its anticipated public health and safety benefits.

Finally, the Zero-Based Regulation requirements, established pursuant to Executive Order No. 2020-01, require the benefits of a regulatory revision be achieved, as well as reduce the overall regulatory burden, or remain neutral, as compared to the previous version of the regulation.

The intent of Zero-Based Regulation is to reduce overall regulatory burden, streamline various provisions, increase clarity and ease of use, and maintain State program approval. As written, the proposed revisions addressing IDAPA 58.01.08 Section 302.03(c), page 671 of the Idaho Administrative Bulletin, do not support the Governor's specific goals for this rulemaking process.

We appreciate the opportunity to participate in the regulatory process through "Notice and Comment" method of involvement.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. Jon Groth".

W. Jon Groth, Manager/Operator  
Kingston Water District