



April 25, 2025

via email: diane.cutler@deg.idaho.gov

Ms. Diane Cutler
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Subject: Docket No. 58-0111-2501 Rulemaking in Compliance with Executive Order No. 2020-01, Zero-Based Regulation - 4/18/2025 Stakeholder Meeting

Dear Ms. Cutler:

The Idaho Rural Water Association (IRWA) is a 501(c)3 non-profit organization established in 1987 to provide training and technical assistance to public drinking water and wastewater utilities in Idaho that serve communities with populations under 10,000. Due to the rural nature of our state, IRWA currently serves over 90 percent of public drinking water and wastewater systems. Our membership includes more than 365 drinking water and wastewater utilities and is governed by a seven-member, volunteer board of directors elected from among our member systems.

These member utilities bear the vital responsibility of complying with all applicable state water and environmental regulations while ensuring safe and reliable drinking water and sanitation services 24 hours a day, 7 days a week. Idaho's rural and small communities work diligently to safeguard public health and protect the environment by maintaining these essential services.

We appreciate the opportunity to provide comment on behalf of our membership regarding the Idaho Department of Environmental Quality's (DEQ) rulemaking under the "Zero-Based Regulation" initiative, Docket No. 58-0111-2501. IRWA participated in the negotiated rulemaking meetings held on March 14 and April 18, 2025, and supports DEQ's efforts to streamline and clarify regulatory language by eliminating outdated, redundant, and unnecessary provisions in accordance with Executive Order 2020-01.

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As part of this rulemaking, we respectfully submit the following recommendations:

1. Relocation of Rathdrum Prairie Aquifer Classification

We recommend that reference to the Rathdrum Prairie Aquifer as a “sensitive resource” be removed from the regulatory text and instead included in a separately maintained, updateable table. This approach will allow DEQ to modify aquifer designations as needed without requiring a full rulemaking process, which can be lengthy and resource intensive. A dynamic table would facilitate more timely updates to aquifer classifications based on evolving data and conditions.

2. Recategorizing the Eastern Snake River Plain Aquifer (ESPA)

We recommend the Eastern Snake River Plain Aquifer—or relevant portions of it—be considered for designation as a sensitive resource under Section 300.01 or within the same updateable table referred to above. The ESPA serves as a primary drinking water source for a significant portion of Idaho’s population through groundwater wells. With the anticipated increase in shallow injection well development in the region, the aquifer’s vulnerability is expected to rise.

Surface water used for injections directly into the aquifer may more rapidly reach groundwater that may be hydrologically connected to community water systems, posing a significant risk to public health safety and public drinking water supplies. Once contaminated, treatment of groundwater is often prohibitively expensive resulting in a long-term economic burden on Idaho’s communities and residents.

3. Consideration of Source Water Protection Ordinances and Aquifer Protection Districts

We encourage DEQ to consider incorporating local efforts to protect groundwater—particularly drinking water sources—into the criteria reviewed during the petition process and other relevant sections of the rule. Many community water systems have implemented Source Water Protection Plans, which may include local ordinances aimed at safeguarding drinking water sources. In addition, some communities have established Aquifer Protection Districts to support groundwater quality efforts. Recognizing and integrating these protective measures into the groundwater quality rules will strengthen the protection framework for Idaho’s critical water resources.

4. Public Comment Opportunities

We recommend the rules include a requirement for public comment opportunities during the petition process and prior to final adoption of any aquifer or aquifer portion categorization or recategorization. Providing stakeholders and the public with an opportunity to review and comment promotes transparency, strengthens local involvement, and ensures decisions are made with broader community input.

We thank DEQ for the opportunity to provide these comments and to participate in the public and stakeholder engagement process. We remain committed to supporting a regulatory framework that protects Idaho’s water resources while ensuring practical, efficient compliance pathways for rural and small utilities.

Respectfully,

Shelley Roberts

Shelley Roberts
Chief Executive Officer
Idaho Rural Water Association

cc: Scott Short, IDEQ
AJ Gray, IRWA Co-legislative Director
Pete Stayton, IRWA Co-legislative Director