



June 21, 2025

Dr. Mary Anne Nelson
Surface and Wastewater Division Administrator
1410 N. Hilton
Boise, ID 83706

Subject: Rulemaking 58.01.16 Wastewater Rules

Dear Dr. Nelson,

Thank you for the opportunity to comment on proposed changes to the Wastewater Rules, IDAPA 58.01.16. The following are comments and recommended changes to the rules. Proposed rule modifications below quote rules as proposed in draft two.

Reasonable Accessibility 010.68

The definition for “reasonably accessible” (010.68) as proposed in draft 2 is very specific to “private municipal wastewater treatment plants” as further discussed in Section 455. As the topic of “reasonable accessibility” is applicable to a variety of situations and rules, having a definition of “reasonable accessibility” can create confusion and difficulty when applied to the wrong situation. It is recommended that the definition 010.68 Reasonably Accessible be moved to 455.01.a.

Wellhead Protection 430.02.n

The phrasing for wastewater service lines a minimum of 25 feet from public water system wells appears to conflict with IDAPA 58.01.08.510.02 which requires any “potential source of contamination” to be a minimum of 50 feet from the wellhead.

Recommended change to 430.02.n.iii – “Wastewater service lines will not be closer horizontally than twenty-five (25) feet. **Wastewater service lines will not be closer horizontally than fifty (50) feet from public drinking water system wells.**”

Separation Distances 430.02.o

The section of the rules referencing construction after April 15, 2007 is almost 20 years past and could be deleted.

During rulemaking, there was discussion of what constitutes a crossing vs. parallel installation. The rule references “perpendicular” for crossings with the ability to propose alternative separation distances on a case-by-case basis with DEQ approval. Based on rulemaking discussion, additional flexibility within the rule itself would be beneficial. The following proposed rule provides additional flexibility for defining a crossing.

Recommended change to 430.02.o.iii – “Requirements for potable pipelines crossing non-potable pipelines. Crossings must be perpendicular, **or at an angle of 45 to 90 degrees measured horizontally**, unless otherwise approved by the Department...”

Lagoon Sidewalls 493.09.a.iii

Lagoons take significant land area and sidewalls can use a significant amount of land area, especially when contributing to setback requirements. The rules require a maximum 3:1 slope for interior and exterior dykes. With proper engineering, steeper slopes can be used for construction. There may be safety concerns with getting out of a lagoon that justify a 3:1 slope, but that should not apply to exterior slopes. It may be possible to account for safety by utilizing alternate access methods, such as ladders, when using steep interior side slopes.

Recommended change to 493.09.a.iii – “...horizontal (1:3) **unless otherwise approved by the Department.**”

Lagoons & Landscape Impoundments 450, 493, 58.01.17.010.07; 58.01.17.010.23; 58.01.17.605.03.b

In general, clarity of applicability would be helpful. The topic is primarily related to setback distances for a treated effluent storage lagoon, but clarity on if or how “treated effluent storage lagoons” are regulated compared to “wastewater lagoons” would be beneficial for all parties. Two specific topics would benefit from explicit clarity: is treated effluent regulated as “wastewater” and is a “treated effluent storage lagoon” regulated as a “wastewater lagoon.”

Recommended change to 493.01.b – “Lagoons utilized for equalization, **wastewater storage, treated effluent storage, and sludge storage, do not...**”

There is a question as to whether the setbacks appropriate for raw wastewater treatment lagoons are also appropriate to apply to treated effluent storage lagoons. Section 450.01 provides details. Facilities open to the atmosphere are required to be 200 feet from residential property lines. This does not specify why 200 feet is chosen, but there is further detail for totally enclosed facilities with “noise and odor controls” that could be interpreted to mean the 200-foot setback is for noise and odor concerns. Disinfected effluent is less likely to have odor concerns than raw wastewater.

There is precedent for treating Class A lagoons differently than other lagoons, as noted in 58.01.16.493.09.c.i and 58.01.17.605.03.b. The Recycled Water Rules allow for discharging Class A recycled

water to a landscape impoundment that is unlined if groundwater quality standards are met. It is worth noting that this language is for “reuse” and appears to be after the point of compliance and no longer considered wastewater; however, the quality of water being stored remains the same. As this is for “reuse” it would be after the point of compliance. However, many treated effluent storage lagoons are also located after the point of compliance. This can create ambiguity for what rules do and should apply for treated effluent storage.

Recommended change to 450.01.c

“Facilities open to the atmosphere such as lagoons, open clarifiers, open aeration basins, and other such facilities must be placed a minimum of two hundred (200) feet from residential property lines. ~~If such open facilities are adjacent to property zoned as commercial or industrial, a lesser setback may be considered~~ must be placed a minimum of two hundred (200) feet from property zoned as commercial or industrial unless a lesser distance is approved by the Department on a case by case basis. For totally enclosed facilities with noise and odor controls, the minimum setback must be fifty (50) feet. Neighboring property owners may grant long term easements or other types of legal documents tied to the land to allow for similar setbacks from future development or public use.”

Recommended added section 450.01.c.i

“Treated effluent storage lagoons for Class A and Class B recycled water must be placed a minimum of fifty (50) feet from residential property lines. Treated effluent storage lagoons for Class C recycled water that has been disinfected must be a minimum of one hundred (100) feet from residential property lines.”

Operation and Maintenance Manuals 425; various

Sections for both individual and main lift stations include references back to 425 with only minor detail. 425 includes a requirement for the submittal of the document to DEQ. 440.08 and 441.06 could be revised to remove redundant information and potential points of conflict in the future. Section 450.09 could also be revised with a minor edit to 425.

Recommended changes:

425.02 – ~~“Final~~ operation and maintenance manuals for construction **or material modification** of wastewater systems that include pumping stations or treatment facilities must be submitted to the Department for review and approval prior to start-up of the proposed **system component** unless the system components are already covered in an existing manual.”

440.08 – this section could be replaced with a reference to 425. 08.b could be replaced with a reference to 409.

441.06 – this section could be revised to ~~“An operation and maintenance manual must be submitted to and approved by the Department as required by Section 425. Adherence to the terms of this approved manual is required.~~ The owner of the individual service connection wastewater pumping station is responsible for maintaining



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the pumping station in a manner that assures its designed operation. The owner of the wastewater pumping station must be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, tools, and such spare parts as may be necessary.”

450.09 – this section could be replaced with a reference to 425.

In addition, operation of a wastewater system requires adapting to changing conditions and adapting to changes that are not considered material modifications. Operations and maintenance have a need for regulatory review and approval as well as a need for adaptability. It is recommended that O&M manuals be recognized as living documents. Noting that material modifications include a reference to maintenance in an approved O&M manual, proposed changes below are limited to operating instructions. However, operators should be afforded an opportunity to improve established maintenance activities without requiring DEQ review and approval.

Recommended change to 425.01 – “...unit installed in system’s facilities **components. Routine operating instructions should be revised and updated by the operators regularly to incorporate operational improvements and innovations.**”

Recommended added section 425.03 – “**Operation and Maintenance. The owner of a wastewater system is responsible for operating and maintaining the wastewater system in a manner that ensures its designed operation. Operational activities must be completed in accordance with the most up to date operation and maintenance manual. Maintenance activities must be completed in accordance with operation and maintenance manuals approved by the Department**”

Regards,

Mike Camin, PE
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