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RE: Public Comment on Proposed Rule – Groundwater: Docket # 58-01110-2601

To whom it may concern:

The Idaho Department of Environmental Quality (DEQ) has undertaken a rulemaking to look at aligning Idaho groundwater quality standards with federal drinking water quality standards. This was an "issue" identified during a 2025 Zero Based Rulemaking process. Further, the DEQ is looking at modifying the criteria for redesignation of aquifers. As noted below, the Idaho Mining Association opposes these change.

Since 1903, The Idaho Mining Association (IMA) has represented miners and mining companies engaged in mineral exploration, mineral developments, and land reclamation throughout the state of Idaho. IMA represents more than 150 member companies and thousands of employees and contractors each employee in exploration, development, mining and reclamation, as well as in the affiliated and ancillary business sectors. Our membership includes large mining companies and contractors as well as smaller family-owned businesses, representing the entire cross-section of the mining industry throughout the state. IMA and its members are committed to responsible and sustainable mineral withdrawal in Idaho, and our member companies continue to utilize and explore more innovative, and science-backed methods to extract minerals needed for everyday life, while protecting and preserving the environment in Idaho for future generations. IMA has the following comments on the proposed rule changes.

Groundwater Quality Standards

DEQ is considering revising the groundwater standards so that they are identical with federal drinking water standards. Rule Draft #2 references and makes the Idaho groundwater quality standards the same as federal (EPA) standards. Since all groundwater in the state is designated-by default- as a General Resource, the proposed change mandates that all groundwater in the state must meet federal drinking water standards.

The Idaho Mining Association opposes this change for the following reasons:

1. The State of Idaho groundwater policy does not require or state that groundwater must meet federal drinking water standards.

2. Setting groundwater standards the same as drinking water standards implies that all groundwater can be used for drinking water, which is not accurate and in any case such a categorization is inconsistent with the policy listed in IDAPA 58.01.11.006.03 which provides:

03. Categorization of Ground Water. The policy of the state of Idaho is to provide differential protection for the state's ground water resources. A ground water categorization system should be established for aquifers or portions of aquifers. The categorization system should be based on vulnerability of ground water, existing and projected future beneficial uses of the ground water, existing quality of the ground water, and social and economic considerations.

The existing groundwater policy for the state recognizes that groundwater quality standards vary due to how the groundwater is used, the existing quality of the groundwater and social and economic considerations. Also, the evaluation of whether standards are attainable is included in the concept of projected future beneficial uses. IMA recognizes that groundwater is commonly used for drinking water throughout Idaho, however that does not mean that all groundwater in the state of Idaho can or must meet drinking water standards. If IDEQ is going to mandate that all groundwater in the state must meet federal drinking water standards, the agency must first determine that such standards are attainable and the socioeconomic consequences for such a mandate. IMA is unaware of IDEQ making such a determination as part of this rulemaking.

3. Drinking water is different than groundwater. Drinking water standards are set by a process that looks not only at potential health effects from contaminants but also considers treatment technology including costs. Idaho groundwater quality varies depending upon local geology. Parts of Idaho are naturally heavily mineralized; this results in groundwater that may have elevated concentrations of

various elements and minerals as compared to groundwater in other locations in the state. Existing groundwater data shows that such areas can have groundwater chemical characteristics that do not meet drinking water standards.

4. The rules already provide a mechanism for establishing groundwater standards needed for specific uses and situations (IDAPA 58.01.11.200.02). Rather than a "one-size" fits all groundwater quality standard based on drinking water standards, IMA recommends that the Department follow the existing procedure in the rule if there are specific health or beneficial uses that need to be addressed.

Criteria for Categorization of Aquifers

The Department is considering changes to the criteria for categorization of aquifers (IDAPA 58.01.11.350). The following specific language is being considered:

Existing local groundwater or source water protection measures, including source water protection plans, local ordinances, or aquifer protection districts, if relevant to the criteria in Subsection 350.01.

IMA opposes this language. This provision would seem to provide a mechanism for local groundwater requirements (whether they are standards or requirements that act like a standard or prevent a use) to supersede state set standards and state management of groundwater. Once again, the Rules already provide mechanisms for the protection of groundwater (see Section 301 and 400.01).

Other Public Input

The City of Meridian has proposed a change to the definition of contamination and a change to the definition of natural background.

IMA opposes the proposed change by the City of Meridian to the definition of contamination. The existing definition makes it clear that human activities that result in a release of contaminants is “contamination.” That includes activities that result in releases from geologic matrices.

Currently IMA has no opinion on a potential change for the definition of “natural background.”

Summary

The changes being contemplated by the Department to the groundwater rule are substantial and in IMA’s opinion conflict with the existing State of Idaho policy and rules as to the setting of standards for Idaho’s groundwater. IMA advocates that if specific changes are needed to groundwater quality for specific aquifers to preserve specific beneficial uses, then a rulemaking to address that situation should occur. Likewise, as to the categorization or re-categorization of aquifers, the proposed change would allow state rules and policies to be over ruled by local control. That too is inconsistent with the State groundwater policy and rules.

IMA appreciates the opportunity to work with DEQ and other stakeholders to produce throughout this process. If further work is to be done, we would welcome the opportunity to participate.

Kindest Regards,



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