

June 16, 2026

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

Dear Ms. Cutler:

The Idaho Department of Environmental Quality (DEQ) has undertaken a rulemaking to address comments that were provided during a 2025 Zero-Based Rulemaking process. This rulemaking is of direct interest to the Idaho Association of Commerce & Industry (IACI). IACI is Idaho's statewide business association, representing hundreds of employers of all sizes across a wide range of commercial and industrial sectors. IACI has a fundamental concern about the proposed changes to the groundwater rule: they are inconsistent with existing State of Idaho groundwater policy and rule (IDAPA 58.01.011).

Drinking Water Standards and Groundwater Quality

The State's groundwater policy, as reflected in the groundwater rule, realizes that groundwater has a number of uses; this includes as a drinking water source, but also there is a realization that some activities in the state may result in groundwater impacts.

03. Categorization of Groundwater. The policy of the state of Idaho is to provide differential protection for the state's groundwater resources. A groundwater categorization system should be established for aquifers or portions of aquifers. The categorization system should be based on vulnerability of the groundwater, existing and projected future beneficial uses of the groundwater, existing quality of the groundwater, and social and economic considerations. [IDAPA 58.01.11.03]

The proposed rule will use federal drinking water quality standards as the groundwater standards in Idaho; such a change is contrary to this policy. Clearly, groundwater is used for drinking water throughout the state. But not all groundwater of the state is suitable for drinking water. Many areas of the state have groundwater that has chemical characteristics that exceed drinking water standards due to natural geologic conditions or even human activities. The concept of "projected future beneficial uses" is intended to address such situations, as defined in the rule, and requires IDEQ to consider whether standards are "practical and achievable" when establishing uses. Mandating federal drinking water standards for all groundwater in the state, absent a determination that such standards are achievable, is not consistent with this directive. The state groundwater plan and policies have not directed that all groundwater meet drinking water standards or that all groundwater be protected as a drinking water source. Neither has the legislature. Furthermore, DEQ has not put forth the justification for such a change. IACI opposes this change.

Aquifer Recategorization

The Department is also 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."

IACI notes that, although the groundwater rule provides a process for recategorizing aquifers, it is not aware of any such request in recent history. This raises the question if changes might be needed to the process for recategorization. However, this proposed change is problematic for several reasons. This provision subjugates

state control over groundwater quality standards to local authorities. Also, since certain land uses have the potential to impact groundwater quality, local authorities in addition to planning and zoning, could also set groundwater protection requirements that may prevent or hinder certain land uses. The purpose of the state groundwater rule is to have rules that are consistent with legislative authority and have technical rigor (basis) to support groundwater uses. DEQ is entrusted with providing the technical and regulatory expertise to implement this regulation. Local governments have not been given that authority and are unlikely to have that level of expertise.

Thus, IACI opposes this proposed change to the rules.

Regulation “Streamlining” and Groundwater Policy

These changes being proposed by DEQ are substantive: requiring all state groundwater to meet federal drinking water standards effectively establishes this as a “designated use” for all groundwaters in the state and fails to consider whether such mandated standards are achievable. The additional language for the process for recategorization of aquifers opens the door to local governments regulating groundwater and land uses that might impact groundwater. Neither of these changes are consistent with the existing groundwater rule, state groundwater policies, nor requested by the legislature. And such changes will complicate potential economic development. The existing policy for groundwater in the state requires consideration of “social, economic, and achievable” factors. The State of Idaho, through the Governor’s office, is focused on streamlining regulations so as to foster economic development. These proposed rule changes are inconsistent with this direction.

IACI wants to point out that the existing rules provide DEQ the authority to address specific groundwater situations, such as being able to address individual locales where degradation of groundwater has impacted its use for drinking water. Setting a “one size fits all” drinking water standard for groundwater and providing for local authorities to regulate aspects of groundwater is not consistent with the existing rule and policy. IACI encourages DEQ to use its existing authorities rather than further complicating the regulation of state groundwater quality.

Sincerely,



Alex LaBeau
President