From: Nancy Chagares
To: Mary Anne Nelson
Subject: Docket No. 58-0117-2601 — Recycled Water Rules
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Public Comment on Proposed IDAPA 58.01.17.300.04

Dear Idaho Department of Environmental Quality:

I am writing to express concern about the proposed change to IDAPA 58.01.17.300.04. While the wording change may appear minor, it raises a fundamental question: who is responsible for ensuring that the information necessary to protect the public and Idaho's water resources is actually part of the permitting record?

The proposed change would allow information required under §300.03 to be omitted from applications for new, modified, or renewing permits without clearly establishing what may be omitted, who makes that determination, what justification is required, or how the decision is documented for review.

DEQ's role is to provide a regulatory safety net between potentially harmful activities and the public. The public depends on DEQ to independently determine what information is necessary to evaluate potential risks to drinking water, groundwater, surface water, and public health.

There is an important distinction between information that is not applicable and information that is simply omitted. If an item is not applicable, it should be identified as such and the reason documented. Otherwise, neither DEQ nor the public can know what information was considered unnecessary, why it was excluded, or whether that decision should be revisited later.

A permitting system that deliberately allows potentially important information to be omitted without explanation risks undermining the transparency and accountability that are fundamental to effective water-quality protection under the Clean Water Act. The administrative record should demonstrate not only what information was provided, but also why information was determined to be unnecessary.

This may appear to be a small administrative change, but it could fundamentally change where the burden of protecting the public rests. DEQ should remain the safety net—not create exceptions that can weaken the net without explanation.

I respectfully request that DEQ not adopt §300.04 in its current form and instead revise it so

that any exception to the application requirements is narrowly defined, objectively justified, documented in the administrative record, and available for public review.

Thank you for considering my comment.

Respectfully,

Nancy Chagares
Eagle, Idaho