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To: Mary Anne Nelson
Cc: Diane Cutler
Subject: Public Comment for Recycled Water: Docket No. 58-0117-2601
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Good afternoon,

Thank you for the opportunity to join last week's meeting. It was very informative, and I appreciate being able to submit my thoughts and concerns regarding this issue.

Regarding the proposed change to IDAPA 58.01.17 (Recycled Water Rules), 300.04, which states:

> 300.04. Exceptions. Application content for new, modified, or renewing permits ~~will~~ may be clarified at the preapplication conference and may result in the omission of one (1) or more of the items listed in Subsection 300.03.

At first glance, this change seemed mostly for clarification. However, after further reading Subsection 300.03, I am concerned with how broadly this exception could be applied.

I understand that some of the items may be redundant when reviewing a current permit for renewal or modification. For example, if information was previously submitted and nothing has changed, it seems reasonable that it would not need to be submitted again.

However, a new application is different. Many of the items listed in 300.03 seem necessary to establish a baseline and provide a full understanding of the unique circumstances surrounding the application. The proposed wording does not explain why an item could be omitted or distinguish between information that may reasonably be omitted from a renewal or modification and information that should be required for a new permit.

Although current staff may have criteria for determining what can be omitted, putting those guidelines into the rule would provide consistency going forward and create a better record of what was considered when the original permit was approved.

Personally, I do not believe any of the items listed under Subsection 300.03 should be omitted from a new permit application. If an item

does not apply, I believe it should simply be listed as not applicable, along with an explanation of why. That way, there is a complete record for future renewals or modifications.

With that in mind, my recommendation for the proposed change would be:

> 300.04. Exceptions. Application content for modified or renewing permits may be clarified at the preapplication conference and may result in the omission of one (1) or more of the items listed in Subsection 300.03 if those items were previously submitted and remain unchanged. Items listed under Subsection 300.03 that are determined to be not applicable to a new permit application will be identified as such, along with the reason they are not applicable.

Additional Possible Changes or Areas of Concern:

As I have been reviewing these rules, there are a few additional areas where I believe some added language could help close potential regulatory gaps:

- Unregulated and emerging contaminants: Add language allowing or requiring the characterization, monitoring, and evaluation of unregulated or emerging contaminants when the wastewater source or proposed use creates a reasonable concern for impacts to human health or the environment, particularly groundwater and surface water.
- The pathway of the recycled water: Add language to more clearly address the entire proposed pathway of the recycled water, including the potential effects of seepage from canals, laterals, ponds, or other conveyance systems on groundwater.
- Baseline groundwater testing: Baseline groundwater testing and continued monitoring should be required whenever the hydrology of a proposed reuse project shows a reasonable potential for recycled water or its constituents to reach groundwater through seepage or infiltration.
- Allowed uses: Given current scientific findings, I believe the allowed uses for Classes A through E should be revisited, particularly where treated wastewater may affect the human food supply. For example, we now know that forever chemicals can be taken up by plants and they can accumulate in human and animal tissue. Agricultural use of treated wastewater should therefore take into consideration whether the level of treatment actually removes these contaminants that may enter the food chain.

I believe there is also a need to begin closing the regulatory gap

between what is allowed to remain in treated wastewater and what is regulated in drinking water; especially in areas where the source of drinking water is the groundwater that is being recharged by the recycled wastewater. PFAS is a good example of this concern. Federal drinking-water standards now limit PFOA and PFOS to 4 parts per trillion, yet these contaminants can still be present in treated wastewater. If that wastewater is going to be used in an area where seepage or irrigation is known to recharge groundwater used for drinking water, it does not make sense to me to ignore those contaminants simply because there is not currently a recycled-water standard requiring their removal. For that reason, I believe the rules should allow DEQ to require testing and monitoring for a contaminant when there is a reasonable concern that it could affect groundwater or a drinking-water source, even when there is not yet a specific recycled-water standard for that contaminant. When the source is municipal wastewater, pharmaceuticals should also be addressed.

I am not opposed to recycled water or its beneficial use. I appreciate the current regulations and efforts of the DEQ, however, I do believe that there is room for additional framework when there is a direct pathway between recycled wastewater and a drinking-water or food source. Our permitting rules should not provide exceptions for needed information; they should be designed to provide enough information and monitoring to ensure we do not create a problem that could endanger the health and well being of our neighbors or could be much more difficult and expensive to address in the future.

Thank you for considering my comments.

Sincerely,
Sophia Fleming