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**IDAPA 37
TITLE 03
CHAPTER 03**

**37.03.03 - RULES AND MINIMUM STANDARDS FOR THE CONSTRUCTION
AND USE OF INJECTION WELLS**

000. LEGAL AUTHORITY.

This Chapter is adopted under the legal authority of Sections 42-3913, 42-3914, and 42-3915, Idaho Code. (5-3-03)

001. TITLE AND SCOPE (RULE 1).

01. Title. These rules will be cited as IDAPA 37.03.03 “Rules and Minimum Standards for the Construction and Use of Injection Wells.” (5-3-03)

02. Scope. These rules and minimum standards are for construction and use of injection wells in the state of Idaho. Upon promulgation, these rules apply to all injection wells (see Rule Subsection 025.01). The construction and use of Class I, II, III or IV injection wells are prohibited by these rules. Class IV wells are also prohibited by federal law. These rules and minimum standards for construction and use of injection wells shall apply to all injection wells in the state of Idaho, including Indian lands to the extent not otherwise preempted by federal law administered by the United States Environmental Protection Agency (EPA). (5-3-03)

002. WRITTEN INTERPRETATIONS (RULE 2).

Written interpretations of these rules, if any, in the form of explanatory comments accompanying the notice of proposed rulemaking, the review of comments submitted in the adoption of these rules, and any declaratory rulings issued subsequent to adoption of these rules are available from the Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098. (5-3-03)

003. ADMINISTRATIVE APPEALS (RULE 3).

Challenges to these rules may be filed pursuant to Title 67, Chapter 52, Idaho Code, or actions taken under these rules may be appealed pursuant to Title 42, Chapter 39, or Section 42-1701A, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE (RULE 4).

01. Incorporated Document. IDAPA 37.03.03 adopts and incorporates by reference those ground water quality standards found in Section 200 of IDAPA 58.01.11, “Ground Water Quality Rule,” of the Department of Environmental Quality. (5-3-03)

02. Document Availability. Copies of the incorporated document may be found at the central office of the Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho, 83706-2237 or online through the department or state websites. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS (RULE 5).

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (5-3-03)

02. Mailing Address. The mailing address for the central office is Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho, 83706-2237. (Mailing addresses are subject to change.) (5-3-03)

03. Street Address. The central office of the Idaho Department of Water Resources is located at 1301 N. Orchard, Boise, Idaho. (Street addresses are subject to change.) (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE (RULE 6).

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code. (5-3-03)

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

- 01. Abandonment.** The discontinuance of the use of an injection well. See “permanent abandonment,” “temporary abandonment,” and “unauthorized abandonment.” (7-1-93)
- 02. Applicant.** Any owner or operator submitting an application for permit to construct, modify or maintain an injection well to the Director of the Department of Water Resources. (7-1-93)
- 03. Aquifer.** Any formation that will yield water to a well in sufficient quantities to make production of water from the formation reasonable for a beneficial use, except when the water in such formation results solely from fluids deposited through an injection well. (5-3-03)
- 04. Beneficial Use.** One (1) or more of the recognized beneficial uses of water including but not limited to, domestic, municipal, irrigation, hydropower generation, industrial, commercial, recreation, aquifer recharge and storage, stockwatering and fish propagation uses, as well as other uses which provide a benefit to the user of the water as determined by the Director. Industrial use as used for purposes of these rules includes, but is not limited to, manufacturing, mining and processing uses of water. (5-3-03)
- 05. Best Management Practice (BMP).** A practice or combination of practices determined to be the most effective and practicable means of preventing or reducing contamination of ground water and surface water by injection well operation, to achieve water quality goals and protect beneficial uses of ground water. (7-1-93)
- 06. Casing.** A conduit required by these rules and Well Construction Standards Rules to maintain the well opening and prevent contamination of ground water. (7-1-93)
- 07. Cesspool.** An injection well that receives sanitary waste without benefit of a treatment system or treatment device such as a septic tank. Cesspools have open bottom and/or perforated sides. (5-3-03)
- 08. Coliform Bacteria.** All of the aerobic and facultative anaerobic, gram-negative, non-spore forming, rod-shaped bacteria that either ferment lactose broth with gas formation within forty-eight (48) hours at thirty-five degrees celsius (35C), or produce a dark colony with a metallic sheen within twenty-four (24) hours on an Endo-type medium containing lactose. (7-1-93)
- 09. Construct.** To create a new injection well or to convert any structure into an injection well. (7-1-93)
- 10. Contaminant.** Any chemical, ion, radionuclide, synthetic organic compound, micro-organism, waste or other substance which does not occur naturally in ground water or which naturally occurs at a lower concentration. (7-1-93)
- 11. Contamination.** The direct or indirect introduction of any contaminant into ground water, caused in whole or in part by human activity. (7-1-93)
- 12. DEQ.** The Idaho Department of Environmental Quality. (5-3-03)
- 13. Deep Injection Well.** An injection well which is more than eighteen (18) feet in vertical depth below land surface, and is identical to the statutory phrase, “waste disposal and injection well.” (7-1-93)
- 14. Department.** The Idaho Department of Water Resources. (7-1-93)
- 15. Director.** The Director of the Idaho Department of Water Resources. (7-1-93)
- 16. Draft Permit.** The completed Application for Permit with permit conditions, compliance schedules and monitoring requirements attached. (7-1-93)
- 17. Drinking Water Source.** An aquifer which contains water having less than ten thousand (10,000)

mg/l total dissolved solids and has not been exempted from this designation by the Director of the Department of Water Resources pursuant to Rule 75. (7-1-93)

18. Drywell. An injection well completed above the water table so that its bottom and sides are typically dry except when receiving fluids. (5-3-03)

19. EPA. The United States Environmental Protection Agency. (5-3-03)

20. Endangerment. Injection of any fluid which exceeds ground water quality standards that may result in the presence of any contaminant in ground water which supplies or can reasonably be expected to supply any public or non-public water system, and if the presence of such contaminant may result in such a system not complying with any ground water quality standard or may otherwise adversely affect the health of persons or result in a violation of ground water quality standards that would adversely affect beneficial uses. (5-3-03)

21. Fluid. Any material or substance which flows or moves, whether in a semisolid, liquid, sludge, gaseous or any other form or state. (7-1-93)

22. Formation. A body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is mappable at the earth's surface or traceable in the subsurface. (7-1-93)

23. Ground Water. Any water that occurs beneath the surface of the earth in a saturated formation of rock or soil. (5-3-03)

24. Ground Water Quality Standards. Standards found in IDAPA 58.01.11, "Ground Water Quality Rule," Section 200. (5-3-03)

25. Hazardous Waste. Any substance defined by IDAPA 58.01.05, "Rules and Standards for Hazardous Waste," (40 CFR 261.3). (5-3-03)

26. IWRB. Idaho Water Resource Board. (5-3-03)

27. Injection. The subsurface emplacement of fluids. The purpose of injection by Class V wells is the temporary or permanent disposal or storage of fluids into subsurface formations. (5-3-03)

28. Injection Well. Any excavation or artificial opening into the ground which meets the following three (3) criteria: (7-1-93)

a. It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and (7-1-93)

b. It is deeper than its largest straight-line surface dimension; and (7-1-93)

c. It is used for or intended to be used for injection. (7-1-93)

29. Irrigation Waste Water. Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation. (7-1-93)

30. Large Capacity Cesspools. Any cesspool used by a multiple dwelling, community or regional system for the disposal of sanitary wastes (for example: a duplex or an apartment building) or any cesspool used by or intended to be used by twenty (20) or more people per day (for example: a rest stop, campground, restaurant or church). (5-3-03)

31. Maintain. To allow, either expressly or by implication, an injection well to exist in such condition as to accept or be able to accept fluids. Unless a well has been abandoned pursuant to the criteria contained in these rules it is considered to be capable of accepting fluids. (7-1-93)

32. Modify. To alter the construction of an injection well, but does not include cleaning or redrilling operations which neither deepen nor increase the dimensions of the well. (7-1-93)

- 33. Motor Vehicle Waste Disposal Wells.** Injection wells that receive or have received fluids from vehicle repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (transmission and muffler repair shop), or any facility that does any vehicular repair work. (5-3-03)
- 34. Operate.** To allow fluids to enter an injection well by action or inaction of the operator. (7-1-93)
- 35. Operator.** Any individual, group of individuals, partnership, company, corporation, municipality, county, state agency, taxing district, federal agency or other entity that operates or proposes to operate any injection well. (7-1-93)
- 36. Owner.** Any individual, group of individuals, partnership, company, corporation, municipality, county, state agency, taxing district, federal agency or other entity owning land on which any injection well exists or is proposed to be constructed. (7-1-93)
- 37. Perched Aquifer.** Ground water separated from an underlying main body of ground water by an unsaturated zone. (7-1-93)
- 38. Permanent Abandonment.** The discontinuance of use of an injection well in accordance with current IDAPA 37.03.09, "Well Construction Standards." Permanent abandonment requires plugging the well bore with bentonite grout, cement grout, concrete, or other impermeable material to prevent the upward or downward migration of fluids. (5-3-03)
- 39. Person.** Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any other legal entity which is recognized by law as the subject of right and duties (Idaho Code 30-101 EPHA). (7-1-93)
- 40. Point of Beneficial Use.** The top or surface of a drinking water source, directly below an injection well, where water is available for a beneficial use. (5-3-03)
- 41. Point of Diversion for Beneficial Use.** A location such as a producing well or spring where ground water is taken under control and diverted for a beneficial use. (7-1-93)
- 42. Point of Injection.** The last accessible sampling point prior to waste being released into the subsurface environment through a Class V injection well. For example, the point of injection for a Class V septic system might be the distribution box. For a drywell, it is likely to be the well bore itself. (5-3-03)
- 43. Radioactive Material.** Any material, solid, liquid or gas which emits radiation spontaneously. Radioactive geologic materials occurring in their natural state are not included. (7-1-93)
- 44. Radioactive Waste.** Any fluid which contains radioactive material in concentrations which exceed those established for discharges to water in an unrestricted area by 10 CFR 20.1302.(b)(2)(i) and Table 2 in Appendix B of 10 CFR 20. (5-3-03)
- 45. Remediation Project.** Removal, treatment or isolation of a contaminant from ground water through actions or the removal or treatment of a contaminant in ground water as approved by the Director. (5-3-03)
- 46. Replacement Well.** An injection well constructed to replace an existing injection well, authorized for use under these rules, that meets the following criteria: (7-1-93)
- a.** The replacement well is located within two hundred (200) feet of the existing injection well. (7-1-93)
 - b.** The injected fluids are from the same source as the fluids injected through the existing injection well. (7-1-93)

- c. The injected fluids are of equal or better quality than the fluids injected through the existing well. (7-1-93)
- d. Construction features of the replacement well are similar to the features of the existing well and meet or exceed minimum well construction standards. (7-1-93)
- e. The distance between the point of injection and the nearest boundary of the receiving aquifer is at least as great as that distance for the existing injection well. (7-1-93)
- f. The existing injection well is abandoned by an approved method within thirty (30) days of completion of construction of the replacement well. (7-1-93)
- 47. Sanitary Waste.** Any liquid or solid waste originating from humans and human activities, such as wastes collected from toilets, showers, wash basins, floor drains, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. (5-3-03)
- 48. Schedule of Compliance.** A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with the standards. (7-1-93)
- 49. Septic System.** An injection well that is used to inject sanitary waste below the surface. A septic system is typically comprised of a septic tank and subsurface fluid distribution system or disposal system. (5-3-03)
- 50. Shallow Injection Well.** An injection well which is less than or equal to eighteen (18) feet in vertical depth below land surface. (7-1-93)
- 51. State.** The state of Idaho. (7-1-93)
- 52. Subsurface Fluid Distribution System.** An assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground, usually part of a septic system. (5-3-03)
- 53. Surface Runoff Water.** Runoff water from the natural ground surface and cropland. Runoff from urbanized areas such as streets, parking lots, airports, and runoff from animal feedlots, agricultural processing facilities and similar facilities is not included within the scope of this phrase. (7-1-93)
- 54. Temporary Abandonment.** The prevention of injection by use of a removable or retrievable device, such as a packer or cap. (7-1-93)
- 55. Unauthorized Abandonment.** The permanent abandonment of any injection well that has not received the approval of the Department prior to abandonment, or was not abandoned in a method approved by the Director. (7-1-93)
- 56. Unreasonable Contamination.** Endangerment of a drinking water source or the health of persons or other beneficial uses by injection. See “endangerment.” (7-1-93)
- 57. Water Quality Standards.** Refers to those standards found in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards and Wastewater Treatment Requirements” and IDAPA 58.01.11, “Ground Water Quality Rule.” (5-3-03)
- 58. Well.** For the purposes of these rules, “well” means “injection well.” (5-3-03)
- 011. -- 024. (RESERVED).**
- 025. CLASSIFICATION OF INJECTION WELLS -- AUTHORIZATIONS, PROHIBITIONS AND EXEMPTIONS (RULE 25).**

01. Classification of Injection Wells. For the purposes of these rules, injection wells are classified as follows: (7-1-93)

a. Class I -- Wells used to inject hazardous, radioactive, industrial, or municipal wastes beneath the lowermost formation containing a drinking water source. (5-3-03)

b. Class II -- Wells used to inject fluids which are brought to the surface with conventional oil and gas production, utilized for enhanced recovery of oil or gas, or stored as liquid hydrocarbons at standard temperature and pressure in the injection formation. (7-1-93)

c. Class III -- Wells which inject for the extraction of minerals unless used for solution mining in conventional mines. (7-1-93)

d. Class IV -- Wells used to inject hazardous or radioactive wastes into or above a formation which contains a drinking water source. (7-1-93)

e. Class V -- All injection wells not included in Classes I, II, III, or IV. (7-1-93)

02. Subclassification. Class V wells are subclassified as follows: (7-1-93)

a. *5A5-Electric Power Generation. (7-1-93)

b. *5A6-Geothermal Heat. (7-1-93)

c. *5A7-Heat Pump Return. (7-1-93)

d. 5A8-Aquaculture Return Flow. (7-1-93)

e. *5A19-Cooling Water Return. (7-1-93)

f. 5B22-Saline Water Intrusion Barrier. (7-1-93)

g. *5D2-Storm Runoff. (7-1-93)

h. 5D3-Improved Sinkholes. (7-1-93)

i. *5D4-Industrial Storm Runoff. (7-1-93)

j. *5F1-Agricultural Runoff Waste. (7-1-93)

k. *5G30-Special Drainage Water. (7-1-93)

l. 5N24-Radioactive Waste Disposal. (5-3-03)

m. *5R21-Aquifer Recharge. (7-1-93)

n. 5S23-Subsidence Control. (7-1-93)

o. 5W9-Untreated Sewage. (7-1-93)

p. 5W10-Cesspools. (7-1-93)

q. *5W11-Septic Systems (General). (7-1-93)

r. *5W12-Water Treatment Plant Effluent. (7-1-93)

- s. *5W20-Industrial Process Water. (7-1-93)
- t. 5W31-Septic Systems (Well Disposal). (7-1-93)
- u. *5W32-Septic System (Drainfield). (7-1-93)
- v. *5X13-Mine Tailings Backfill. (7-1-93)
- w. 5X14-Solution Mining. (7-1-93)
- x. 5X15-In-Situ Fossil Fuel Recovery. (7-1-93)
- y. 5X16-Spent Brine Return Flow. (7-1-93)
- z. *5X25-Experimental Technology. (7-1-93)
- aa. *5X26-Aquifer Remediation. (7-1-93)
- bb. *5X27-Other Wells. (7-1-93)
- cc. *5X28-Motor Vehicle Waste Disposal Wells. (5-3-03)
- dd. 5X29-Abandoned Water Wells. (5-3-03)

* Wells in these subclasses are currently inventoried in Idaho.

03. Authorizations, Prohibitions and Exemptions. (7-1-93)

- a. These rules prohibit the permitting, construction or use of any Class I, II, III or IV injection well. (7-1-93)
- b. Prohibition of injection of hazardous and of radioactive wastes (Class IV) - Construction of a well to be used for injection of hazardous wastes or of radioactive wastes into or above a drinking water source, or injection of hazardous wastes or of radioactive wastes through an existing injection well into or above a drinking water source is prohibited. (7-1-93)
- c. Construction and use of Class V deep injection wells may be authorized by permit as approved by the Director in accordance with these rules. (5-3-03)
- d. Construction of large capacity cesspools or motor vehicle waste disposal wells is prohibited. Construction and use of other Class V shallow injection wells are authorized by these rules without permit provided that: (5-3-03)
 - i. Required inventory information is submitted to the Director pursuant to Rule 30. (7-1-93)
 - ii. Use of the shallow injection well shall not result in unreasonable contamination of a drinking water source or cause a violation of surface or ground water quality standards that would affect a beneficial use. (5-3-03)
- e. Class V shallow injection wells used for the disposal of waste water as defined in Idaho Department of Environmental Quality Rule, IDAPA 58, Title 01, Chapter 03, "Individual/Subsurface Sewage Disposal Rules," are exempt from the authorization requirements of these rules, but are subject to the IDAPA 58.01.03.000, et seq., "Individual/Subsurface Sewage Disposal Rules," Title 39, Chapter 1 and Title 39, Chapter 36, Idaho Code. (7-1-93)
- f. State or local entities involved in highway and street construction and maintenance are exempt from the permit requirements for shallow Class V wells, but shall comply with all other requirements of these rules. (5-3-03)

g. Mine tailings backfill (5X13) wells are authorized by rule as part of mining operations because federal studies show the threat of endangerment from use of these wells is low. They are therefore exempt from the ground water quality standards and permitting requirements of these rules provided that their use is limited to the injection of mine tailings only. The use of any 5X13 well(s) shall not result in water quality standards at points of diversion for beneficial use being exceeded or otherwise affect a beneficial use. Should water quality standards be exceeded or beneficial uses be affected, the Director may order the wells to be put under the permit requirements of these rules, or the wells may be required to be remediated or closed. As a condition of their use, the Director may require the construction and sampling of monitoring wells by the owner/operator. 5X13 wells are subject to the inventory requirements of Rule Subsection 030.01. (5-3-03)

h. All large capacity cesspools must be properly abandoned by January 1, 2005. A cease and desist order may be issued to the owner or the operator when a large capacity cesspool is found to be a threat to the ground water resources as described in Subsection 030.03. (5-3-03)

i. All motor vehicle waste disposal wells must be properly abandoned by January 1, 2005. A cease and desist order may be issued to the owner or the operator when a motor vehicle waste disposal well is found to be a threat to the ground water resources as described in Subsection 030.03. (5-3-03)

026. -- 029. (RESERVED).

030. INVENTORY INFORMATION AND PERMIT REQUIREMENTS - CLASS V SHALLOW INJECTION WELLS (RULE 30).

01. Authorization. As a condition of authorization, all owners or operators of shallow Class V injection wells that dispose of nonhazardous and nonradioactive wastes are required to submit a Shallow Injection Well Inventory Form to the Department no later than thirty (30) days prior to commencement of construction for each new well. Forms are available from any Department office or at the Department website: www.idwr.idaho.gov. State or local government entities involved in highway and street construction and maintenance shall submit the following inventory information: (5-3-03)

- a.** Facility name and location; and (7-1-93)
- b.** County in which the injection well(s) is (are) located; and (7-1-93)
- c.** Ownership of the well(s); and (7-1-93)
- d.** Name, address and phone number of legal contact; and (7-1-93)
- e.** Type or function of the well(s); and (7-1-93)
- f.** Number of wells of each type; and (7-1-93)
- g.** Operational status of the well(s). (7-1-93)

02. Inventory Fees. For shallow injection wells constructed after July 1, 1997, the Shallow Injection Well Inventory Form shall be accompanied by a fee as specified in Section 42-3905, Idaho Code, payable to the Department of Water Resources. New shallow injection wells used for the disposal of storm water from building roof or foundation drains are exempt from Shallow Injection Well Inventory Form filing requirements and fees of this chapter. State or local government entities are exempt from Shallow Injection Well Inventory Form filing fees of this chapter for wells associated with highway and street construction and maintenance, but shall comply with all other requirements of these rules. (5-3-03)

03. Permit Requirements. If operation of a shallow Class V injection well is causing or may cause unreasonable contamination of a drinking water source, or cause a violation of the ground water quality standards at a place of beneficial use, the Director shall require immediate cessation of the injection activity. Where a Class V injection well is owned or operated by an entity other than a state or local entity involved in highway and street

construction and maintenance, the Director may authorize continued operation of the well through a permit that specifies the terms and conditions of acceptable operation. (5-3-03)

04. Permanent Abandonment. Owners or operators of shallow injection wells shall notify the Director not less than thirty (30) days prior to permanent abandonment of any shallow injection well. Permanent abandonment shall be accomplished in accordance with procedures approved by the Director. An Injection Well Abandonment Form shall be submitted with each notification. (5-3-03)

05. Inter-Agency Cooperation. The Department may seek the assistance of other government agencies, including cities and counties, health districts, highway districts, and other departments of state government to inventory, monitor and inspect shallow injection wells, where local assistance is needed to prevent deterioration of ground water quality, and where injection well operation overlaps with water quality concerns of other agencies or local governing entities. Assistance is to be negotiated through a memorandum of understanding between the Department and the local entity, agency, or department, and is subject to the approval of the Director. (5-3-03)

031. -- 034. (RESERVED).

035. APPLICATION FOR PERMIT TO CONSTRUCT, MODIFY OR MAINTAIN AN INJECTION WELL (RULE 35).

01. Application Requirements for All Class V Wells, Except Those Class V Wells Authorized Without Permit. (7-1-93)

a. No person shall continue to maintain or use an unauthorized injection well after the effective date given in Section 42-3903, Idaho Code, unless a permit therefor has been issued by the Director. No injection well requiring a permit under Rule 25 shall be constructed, modified or maintained after the effective date given in Section 42-3903, Idaho Code, unless a permit therefor has been issued by the Director. No injection well requiring a permit shall continue to be used after the expiration of the permit issued for such well unless another application for permit therefor has been received by the Director. All applications for permit shall be on forms furnished by the Director. (5-3-03)

b. Each application for permit to construct, modify or maintain an injection well, as required by these rules, shall be accompanied by a filing fee as specified in Section 42-3905, Idaho Code, payable to the Department of Water Resources. For the purposes of these rules, all wells or groups of wells associated with a "Remediation Project" may be administered as one (1) "well" at the discretion of the Director. (5-3-03)

02. Application Information Required. An applicant shall submit the following information to the Director for all injection wells to be authorized by permit, unless the Director determines that it is not needed in whole or in part, and issues a written waiver to the applicant: (5-3-03)

- a.** Facility name and location; (7-1-93)
- b.** Name, address and phone number of the well operator; (7-1-93)
- c.** Class, subclass and function of the injection well (see Rule 25); (7-1-93)
- d.** Latitude/longitude or legal description of the well location to the nearest ten (10) acre tract; (5-3-03)
- e.** Ownership of the well; (7-1-93)
- f.** County in which the injection well is located; (7-1-93)
- g.** Construction information for the well; (7-1-93)
- h.** Quantity and general character of the injected fluids; (7-1-93)

- i.** Status of the well (to be constructed, active, temporarily abandoned, etc.); (7-1-93)
- j.** A topographic map or aerial photograph extending one (1) mile beyond property boundaries, depicting: (7-1-93)

 - i.** Location of the injection well and associated facilities described in the application; (7-1-93)
 - ii.** Locations of other injection wells; (7-1-93)
 - iii.** Approximate drainage area, if applicable; (7-1-93)
 - iv.** Hazardous waste facilities, if applicable; (7-1-93)
 - v.** All wells used to withdraw drinking water; (7-1-93)
 - vi.** All other wells, springs and surface waters. (7-1-93)
- k.** Distance and direction to nearest domestic well; (7-1-93)
- l.** Depth to ground water; and (5-3-03)
- m.** Alternative methods of waste disposal. (7-1-93)
- 03. Additional Information.** The Director may require the following additional information for Class V injection wells to assess potential effects of injection: (5-3-03)

 - a.** A topographic map showing locations of the following within a two (2) mile radius of the injection well: (5-3-03)

 - i.** All wells producing water; (7-1-93)
 - ii.** All exploratory and test wells; (7-1-93)
 - iii.** All other injection wells; (7-1-93)
 - iv.** Surface waters (including man-made impoundments, canals and ditches); (7-1-93)
 - v.** Mines and quarries; (7-1-93)
 - vi.** Residences; (7-1-93)
 - vii.** Roads; (7-1-93)
 - viii.** Bedrock outcrops; and (5-3-03)
 - ix.** Faults and fractures. (7-1-93)
 - b.** Additional maps or aerial photographs of suitable scale to accurately depict the following: (7-1-93)

 - i.** Location and surface elevation of the injection well described in this permit; (7-1-93)
 - ii.** Location and identification of all facilities within the property boundaries; (7-1-93)
 - iii.** Locations of all wells penetrating the proposed injection zone or within a one-quarter (1/4) mile radius of the injection well; (7-1-93)
 - iv.** Maps and cross sections depicting all underground sources of drinking water to include vertical and

lateral limits within a one-quarter (1/4) mile radius of the injection well, their position relative to the injection zone and the direction of water movement: local geologic structures; regional geologic setting. (7-1-93)

- c.** A comprehensive report of the following information: (7-1-93)

 - i. A tabulation of all wells penetrating the proposed injection zone, listing owner, lease holder and operator; well identification (permit) number; size, weight, depth and cementing data for all strings of casing; (7-1-93)
 - ii. Description of the quality and quantity of fluids to be injected; (7-1-93)
 - iii. Geologic, hydrogeologic, and physical characteristics of the injection zone and confining beds; (5-3-03)
 - iv. Engineering data for the proposed injection well; (7-1-93)
 - v. Proposed operating pressure; (7-1-93)
 - vi. A detailed evaluation of alternative disposal practices; (7-1-93)
 - vii. A plan of corrective action for wells penetrating the zone of injection, but not properly sealed or abandoned; and (5-3-03)
 - viii. Contingency plans to cope with all shut-ins or well failures to prevent the migration of unacceptable fluids into underground sources of drinking waters. (7-1-93)
- d.** Name, address and phone number of person(s) or firm(s) supplying the technical information and/or designing the injection well; (7-1-93)
- e.** Proof that the applicant is financially responsible, through a performance bond or other appropriate means, to abandon the injection well in accordance with the conditions of the permit. (5-3-03)

04. Other Information. The Director may require of any applicant such additional information as may be necessary to demonstrate that the proposed or existing injection well will not endanger drinking water sources. The Director will not complete the processing of an application for which additional information has been requested until such time as the additional information is supplied. The Director may return any incomplete application and will not process such application until such time as the application is received in complete form. (7-1-93)

036. -- 039. (RESERVED).

040. APPLICATION PROCESSING (RULE 40).

01. Draft Permit. After all application information is received and evaluated, the Director will prepare a draft permit or denial, which will include the application for permit, permit conditions or reasons for denial, and any compliance schedules or monitoring requirements. Closed-loop heat exchange wells (Subclass 5A7), as described by Rule Subsection 040.05 are exempt from the draft permit provisions of this rule. In preparing the draft permit or denial, the Director shall consider the following factors: (7-1-93)

- a.** The availability of economic and practical alternative means of disposal; (7-1-93)
- b.** The application of best management practices to the facilities and/or area draining into the well; (7-1-93)
- c.** The availability of economical, practical means of treating or otherwise reducing the amount of contaminants in the injected fluids; (7-1-93)
- d.** The quality of the receiving ground water, its category, its present and future beneficial uses or

interconnected surface water; (7-1-93)

e. The location of the injection well with respect to drinking water supply wells; and (5-3-03)

f. Compliance with the IDAPA 58.01.11, "Ground Water Quality Rule." (5-3-03)

02. Public Notice. The Director will provide public notice of any draft permit to construct, maintain or modify a Class V injection well by means of a legal notice in a newspaper of general circulation in the county in which the well is located. The Director may give additional notice as necessary to adequately inform the interested public and governmental agencies. There shall be a period of at least thirty (30) days following publication for any interested person to submit written comments and to request a fact-finding hearing. The hearing will be held by the Director if deemed necessary. (7-1-93)

03. Review by the Directors of Other State Agencies. The Directors of other state agencies, as determined by the Director, shall be provided the opportunity to review and comment on draft permits. Comments shall be submitted to the Director within thirty (30) days of the public or legal notice. (7-1-93)

04. Fact-Finding Hearings. At the Director's discretion, or upon motion of any interested individual, the Director may elect to hold a fact-finding hearing. Said hearing will be held at a location in the geographical area of the injection well, and may consider related groups of draft permits. Notice of said hearing will be provided at least thirty (30) days in advance of the hearing by regular mail to the applicant and to the person or persons requesting the hearing. Public notice of the fact-finding hearing will be made by means of press release to a newspaper of general circulation in the county of the application. (7-1-93)

05. Closed-Loop Heat Exchange Wells (Subclass 5A7). A closed-loop heat exchange well used solely for disposal of heat pump water at a rate not exceeding fifty (50) gpm does not require a draft permit. Public notification of the application shall be by a posted notice at the regional office of the Department where the application is made, or other method approved by the Director, and shall contain the following standard operating conditions: Rules for Construction and Use of Injection Wells shall be followed. Violation of the standards stated in Rule Subsection 050.04 is adequate cause for cancellation of the permit; Injection shall be restricted to heat pump water; A closed loop system shall be maintained to prevent contamination of the injected fluids. A protected air vent may be installed if needed, and a sampling port is required; Additives shall be used in the water only if approved by the Department of Water Resources; Should the use of the well lead to degradation of the quality of the ground water, this permit may be canceled; A well log shall be submitted to the Department within thirty (30) days of the completion of the well. Permits for large capacity closed loop heat exchange wells injecting over fifty (50) gpm will be processed with a draft permit and public notice as described in these rules. (5-3-03)

041. -- 044. (RESERVED).

045. THE DIRECTOR'S ACTION ON DRAFT PERMITS AND DURATION OF APPROVED PERMITS (RULE 45).

The role of the Director is to determine whether or not the injection wells and their respective owners or operators are in compliance with the intent of these rules, thus protecting the ground waters of the state against unreasonable contamination or deterioration of quality and preserving them for diversion to beneficial uses. (7-1-93)

01. Consideration. The Director will consider the following factors in taking final action on draft permits: (7-1-93)

a. The likelihood and consequences of the injection well system failing; (7-1-93)

b. The long term effects of such disposal or storage; (7-1-93)

c. The recommendations and related justifications of the Directors of other state agencies and the public; (5-3-03)

d. The potential for violation of ground water quality standards at the point of injection or the point of beneficial use; and (5-3-03)

- e. Compliance with the Idaho Ground Water Quality Plan. (5-3-03)

02. Issuance of Permit. After considering the draft permit for construction, modification, or maintenance, and all matters relating thereto, the Director shall issue a permit if the standards and criteria of Rule 50 will be met and drinking water sources will not otherwise be unreasonably affected. If the Director finds that the standards and criteria cannot be met or that ground water sources cannot otherwise be protected from unreasonable contamination at all times, the draft permit may be denied or a permit may be issued with conditions designed to protect ground water sources. The Director's decision shall be in writing and a copy shall be mailed by regular mail to the applicant and to all persons who commented in writing on the draft permit or appeared at a hearing held to consider the draft permit. (5-3-03)

03. Permit Conditions and Requirements. Any permit issued by the Director shall contain conditions to insure that ground water sources will be protected from waste, unreasonable contamination, or deterioration of ground water quality that could result in violations of the ground water quality standards. In addition to specific construction, operation, maintenance and monitoring requirements that the Director finds necessary, each permit shall be subject to the standard conditions and requirements of this rule. (5-3-03)

- 04. Construction Requirements.** (7-1-93)

a. Well drillers or other persons involved with the construction of any injection well requiring a permit shall not commence construction on the facility until a certified copy of the approved permit is obtained from the Director. (7-1-93)

b. Deep injection wells shall be constructed by a licensed water well driller to conform with the current Minimum Well Construction Standards and the conditions of the permit, except that a driller's license is not required for the construction of a driven mine shaft or a dug hole. (7-1-93)

c. Shallow injection wells authorized by permit shall be constructed in accordance with the conditions of the permit. Rule-authorized shallow injection wells shall be constructed as shown or described in the inventory submittal. (5-3-03)

d. Injection wells shall be constructed to prevent the entrance of any fluids other than specified in the permit. (7-1-93)

e. Injection wells shall be constructed to prevent waste of artesian fluids or movement of fluids from one aquifer into another. (7-1-93)

f. When construction or modification of an injection well has been completed, the owner or operator shall inform the Director of completion on a form provided by the Department. (7-1-93)

- g. A sampling port shall be provided if the injection well system is enclosed. (5-3-03)

h. All new injection wells constructed into alluvial formations shall have a minimum ten (10) foot separation from the bottom of the well and seasonal high ground water. (5-3-03)

- i. Injection wells installed into fractured basalt are exempt from separation distances. (5-3-03)

ii. The Director may reduce separation distance requirements if the quality of injected fluids are improved through additional treatment or BMPs. (5-3-03)

- 05. Operational Conditions.** (7-1-93)

a. The injection well shall not be used until the construction, operation and maintenance requirements of the permit are met and provisions are made for any required inspection, monitoring and record keeping. (7-1-93)

- b. Injection of any contaminant as defined in Rule 50 into a present or future drinking or other ground

water source that may cause a health hazard or adversely affect a designated and protected use is prohibited. (7-1-93)

c. The injection well owner or operator shall develop approved procedures to detect constructional or operational failure in a timely fashion, and shall have contingency plans to cope with the well failure. (7-1-93)

d. Authorized representatives of the Department shall be allowed to enter, inspect and/or sample: (7-1-93)

i. The injection well and related facilities; (7-1-93)

ii. The owner or operator's records of the injection operation; (7-1-93)

iii. Monitoring instrumentation associated with the injection operation; and (7-1-93)

iv. The injected fluids. (7-1-93)

e. The injection facilities shall be operated and maintained to achieve compliance with all terms and conditions of this permit. (7-1-93)

i. Proper operation and maintenance includes effective performance, adequate funding, operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures; (7-1-93)

ii. If compliance cannot be met, the owner shall take corrective action (See Rule 065) or terminate injection. (5-3-03)

f. The owner shall mitigate any adverse effects resulting from non-compliance with the terms and conditions of the permit. (7-1-93)

g. If the injection well was constructed prior to issuance of the permit, the well shall be brought into compliance with the terms and conditions of the permit in accordance with the schedule of compliance issued by the Director. (7-1-93)

h. The permit shall not convey any property rights. (7-1-93)

06. Conditions of Permanent and Temporary Abandonment. (7-1-93)

a. Notice of abandonment for wells to be permanently abandoned shall be submitted on a form provided by the Director not less than thirty (30) days prior to commencement of the abandonment activity. (5-3-03)

b. The method of permanent abandonment for all injection wells shall be approved by the Director prior to commencement of the abandonment activity and shall be in accordance with current well construction standards. Permanent abandonment requires plugging the well bore with bentonite grout, cement grout, concrete, or other impermeable material to prevent the upward or downward migration of fluids. (5-3-03)

c. Notice of completion of permanent abandonment shall be submitted to the Director within thirty (30) days of completion. (7-1-93)

d. All deep injection wells that are to be permanently abandoned shall be plugged with cement grout or other impervious material in such a manner as to prevent movement of fluids into or between drinking or other ground water sources in accordance with current Well Construction Standards and/or the conditions of the permit. (7-1-93)

e. Following permanent cessation of use, or where an injection well is not completed, the Director shall be notified. Abandonment procedures or other action, as prescribed by the Director, shall be conducted. (7-1-93)

f. The injection well owner or operator shall maintain the financial responsibility to insure that the injection operation is abandoned as prescribed. (7-1-93)

g. Temporary abandonment, including use of a welded steel plate to cover the well opening, or a packer to occlude the well bore does not exempt the owner or operator from the requirement to obtain a permit. A well that is permitted as temporarily abandoned must receive a new permit in order to inject fluids. (7-1-93)

07. Duration of Approved Permits. The length of time that a permit may be in effect for Class V wells requiring permits shall not exceed ten (10) years. (7-1-93)

046. -- 049. (RESERVED).

050. STANDARDS FOR THE QUALITY OF INJECTED FLUIDS AND CRITERIA FOR LOCATION AND USE (RULE 50).

01. General. These standards, which are minimum standards that are to be adhered to for all deep injection wells and shallow injection wells requiring permits and rule-authorized wells not requiring permits, are based on the premise that if the injected fluids meet ground water quality standards for physical, chemical and radiological contaminants, and if ground water produced from adjacent points of diversion for beneficial use meets the water quality standards as defined by Rule 010, then that aquifer will be protected from unreasonable contamination and will be preserved for diversion to beneficial uses. The Director may, however, when it is deemed necessary, require specific injection wells to be constructed and operated in compliance with additional requirements, such as best management practices (BMPs), so as to protect the ground water resource from deterioration and preserve it for diversion to beneficial use. (5-3-03)

02. Waivers. A waiver of one (1) or more standards may be granted by the Director if it can be demonstrated by the applicant that the contaminants in injected fluid will not endanger a ground water source for any present or future beneficial use. (5-3-03)

03. Standards for Quality of Fluids Injected by Class V Wells. (5-3-03)

a. Ground water quality standards for chemical and radiological contaminants in injected fluids. After the effective date of these standards, the following limits shall not be exceeded in injected fluids from a well when such fluids will or are likely to reach a drinking water source: (5-3-03)

i. Chemical contaminants. The concentration of each chemical contaminant in the injected fluids shall not exceed the ground water quality standard for that chemical contaminant, or the concentration of each contaminant in the receiving water, whichever requirement is less stringent; and (5-3-03)

ii. Radiological contaminants. Radiological levels of the injected fluids shall not exceed those levels specified by the ground water quality standards. (5-3-03)

b. Restrictions on injection of fluids containing biological contaminants. The following restrictions apply to biological contaminants included in the ground water quality standard in injected fluids. Coliform bacteria: injected fluids containing coliform bacteria are subject to the following restrictions: (5-3-03)

i. Contamination of ground water produced at any existing point of diversion for beneficial use, or any point of beneficial use developed in the future, by injected fluids is prohibited; (5-3-03)

ii. The Director may require the use of best management practices (BMPs) to reduce the concentration of coliform bacteria in the injected fluids; (5-3-03)

iii. The Director may require the use of water treatment technology, including ozonation and chlorination devices, sand filters, and settling pond specifications to reduce the concentration of coliform bacteria in injected fluids; (5-3-03)

iv. Ground water produced from points of diversion for beneficial use adjacent to injection wells that dispose of fluids containing coliform bacteria in concentrations greater than the current ground water quality standard shall be subject to monitoring for bacteria by the owner/operator of the injection well. A waiver of the monitoring requirement may be granted by the Director when it can be demonstrated that injection will not result in unreasonable contamination of ground water produced from these adjacent points; (5-3-03)

v. Construction of new Subclass 5F1 injection wells, and other shallow and deep injection wells, as specified by the Director, that are likely to exceed the current ground water quality standard for coliform bacteria at the point of beneficial use is prohibited; and (5-3-03)

vi. At no time shall any fluid containing or suspected of containing fecal contaminants of human origin be injected into any Class V injection well authorized under these rules. (7-1-93)

c. Physical, visual and olfactory characteristics. The following restrictions apply to physical, visual and olfactory characteristics of injected fluids. Temperature, color, odor, turbidity, conductivity and pH: the temperature, color, odor, conductivity, turbidity, pH or other characteristics of the injected fluid may not result in the receiving ground water becoming less suitable for diversion to beneficial uses, as determined by the Director. (7-1-93)

d. Contamination by an injection well of ground water produced at an existing point of diversion for beneficial use, or a point of diversion for beneficial use developed in the future, shall not exceed water quality standards defined by Rule Subsection 010.57. (5-3-03)

04. Criteria for Location and Use of Class V Wells Requiring Permits. (7-1-93)

a. A Class V well requiring a permit may be required to be located a minimum distance, as determined from Table 1, from any point of diversion for beneficial use that could be harmed by bacterial contaminants. This requirement is not applicable to injection wells injecting wastes of quality equal to or better than adopted ground water quality standards in all respects. In addition, Class V wells may be required to be located at such a distance from a point of diversion for beneficial use as to minimize or prevent ground water contamination resulting from unauthorized or accidental injection, as determined by the Director. (5-3-03)

b. These location requirements in Table 1 may be waived, as per Rule Subsection 050.02, when the applicant can demonstrate that any springs or wells within the calculated perimeter of the generated perched water zone will not be contaminated by the applicant's waste disposal or injection well. Monitoring by the applicant of the production wells or springs in question may be required to demonstrate that they are not being contaminated.

Determined Radii of Perched Water Zones Based on Maximum Average Weekly Injection Rates (cfs) of Class V Injection Wells *	
Injection (cfs)	Radius of Generated Perched Water Zone (ft)
0 - 0.20	800
0.20 - 0.60	1,400
0.61 - 1.00	1,800
1.01 - 2.00	2,500
2.01 - 3.00	3,000
3.01 - 4.00	3,500
4.01 - 5.00	4,000
Greater than 5.00	As determined by the Director

* Injection rates shall be based on the average volume of wastes injected by the well during the week of

greatest injection in an average water year. (5-3-03)

05. Standards for the Quality of Fluids Injected by Subclass 5A7 Wells (closed-loop heat exchange). (7-1-93)

a. The quality of fluids injected by a Subclass 5A7 injection well shall comply with ground water quality standards or shall be equal to the quality of the ground water source to the heat exchanger, whichever is less stringent. (5-3-03)

b. If the quality of the ground water source does not meet ground water quality standards, the injected fluids must be returned to the formation containing the ground water source. (5-3-03)

c. The temperature of the injected fluids shall not impair the designated beneficial uses of the receiving ground water. (7-1-93)

d. All Rule-authorized Injection Wells shall conform to the ground water quality standards at the point of injection and not cause any water quality standards to be violated at any point of beneficial use. (5-3-03)

051. -- 054. (RESERVED).

055. MONITORING, RECORD KEEPING AND REPORTING REQUIREMENTS (RULE 55).

The Director may require monitoring, record keeping and reporting by any owner or operator if the Director finds that the well may adversely affect a ground water source or is injecting a contaminant that could have an unacceptable effect upon the quality of the ground waters of the state. (5-3-03)

01. Monitoring. (7-1-93)

a. Any injection authorized by the Director shall be subject to monitoring and record keeping requirements as conditions of the permit. Such conditions may require the installation, use and maintenance of monitoring equipment or methods. The Director may require where appropriate, but is not limited to, the following: (7-1-93)

i. Monitoring of injection pressures and pressures in the annular space between casings; (7-1-93)

ii. Flow rate and volumes; (7-1-93)

iii. Analysis of quality of the injected fluids for contaminants that are subject to limitation or reduction under the conditions of the permit; or contaminants which the Director determines could have an unacceptable effect on the quality of the ground waters of the state, and which the Director has reason to believe are in the injected fluids; (7-1-93)

iv. Monitoring of ground water through special monitoring wells or existing points of diversion for beneficial use in the zone of influence as determined by the Director; (7-1-93)

v. A demonstration of the integrity of the casing, tubing or seal of the injection well. (7-1-93)

b. The frequency of required monitoring shall be specified in the permit when issued, except that the Director at any time may, in writing, require additional monitoring and reporting. (7-1-93)

c. All monitoring tests and analysis required by permit conditions shall be performed in a state certified laboratory or other laboratory approved by the Director in accordance with the recommended methods set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association; "Methods for Chemical Analysis of Water and Wastes," EPA, American Society for Testing and Materials Standards; or other authority recognized by the Director. (7-1-93)

d. Any field instrumentation used to gather data, when specified as a condition of the permit, shall be required by the Director to be tested and maintained in such a manner as to ensure the accuracy of the data. (7-1-93)

e. All samples and measurements taken for the purpose of monitoring shall be representative of the monitoring activity and fluids injected. (7-1-93)

02. Record Keeping. The permittee shall maintain records of all monitoring activities to include: (7-1-93)

a. Date, time and exact place of sampling; (7-1-93)

b. Person or firm performing analysis; (7-1-93)

c. Date of analysis, analytical methods used and results of analysis; (7-1-93)

d. Calibration and maintenance of all monitoring instruments; and (7-1-93)

e. All original tapes, strip charts or other data from continuous or automated monitoring instruments. (7-1-93)

03. Five Year Retention of Records. The permittee shall retain for a period of five (5) years all records of monitoring, construction and application information. The period of retention shall be extended during the course of any litigation regarding the injection of contaminants by the permittee or when requested by the Director. This requirement shall continue in effect during the five (5) year period following permanent abandonment of a well. (7-1-93)

04. Reporting. (7-1-93)

a. Monitoring results obtained by the permittee pursuant to the monitoring requirements prescribed by the Director shall be reported to the Director as required by permit conditions. (7-1-93)

b. The Director shall be notified in writing by the permittee within five (5) days after the discovery of violation of the terms and conditions of the permit. If the injection activity endangers human health or a public or domestic water supply, use of the injection well shall be immediately discontinued and the owner or operator shall immediately notify the Director. Notification shall contain the following information: (7-1-93)

i. A description of the violation and its cause; (7-1-93)

ii. The duration of the violation, including dates and times; if not corrected or use of the well discontinued, the anticipated time of correction; and (5-3-03)

iii. Steps being taken to reduce, eliminate and prevent recurrence of the injection. (7-1-93)

c. Where the owner or operator becomes aware of failure to submit any relevant facts in any permit application or report to the Director, that person shall promptly submit such facts or information. (7-1-93)

d. The permittee shall furnish the Director, within a time specified by the Director, any information which the Director may request to determine compliance with the permit. (7-1-93)

e. All applications for permits, notices and reports submitted to the Director shall be signed and certified. (7-1-93)

f. The Director shall be notified in writing of planned physical alterations or additions to any facility related to the permitted injection well operation. (7-1-93)

g. Additional information to be reported to the Director in writing: (7-1-93)

i. Transfer of ownership; (7-1-93)

- ii. Any change in operational status not previously reported; (7-1-93)
- iii. Any anticipated noncompliance; and (5-3-03)
- iv. Reports of progress toward meeting the requirements of any compliance schedule attached or assigned to this permit. (7-1-93)

056. -- 059. (RESERVED).

060. PERMIT ASSIGNABLE (RULE 60).

Permits shall be assignable to a new owner or operator of an injection well if the new owner or operator shall, within thirty (30) days of the change, notify the Director of such change. The new owner or operator shall be responsible for complying with the terms and conditions of the permit from the time that such change takes place. (7-1-93)

061. -- 064. (RESERVED).

065. VIOLATIONS, FORMAL NOTIFICATION AND ENFORCEMENT (RULE 65).

- 01. Violations.** It shall be a violation of these rules for any owner or operator to: (7-1-93)
 - a. Fail to comply with a permit or authorization, or terms or conditions thereof; (5-3-03)
 - b. Fail to comply with applicable standards for water quality; (7-1-93)
 - c. Fail to comply with any permit application notification or filing requirement; (7-1-93)
 - d. Knowingly make any false statement, representation or certification in any application, report, document or record filed pursuant to these rules, or terms and conditions of an issued permit; (7-1-93)
 - e. Falsify, tamper with or knowingly render inaccurate any monitoring device or method required to be maintained or utilized by the terms and conditions of an issued permit; (7-1-93)
 - f. Fail to respond to any formal notification of a violation when a response is required; or (5-3-03)
 - g. Abandon a well in an unauthorized manner. (7-1-93)
- 02. Additional.** It shall be a violation of these rules for any person to construct, operate, maintain, convert, plug, abandon or conduct any other activity in a manner which results or may result in the unauthorized injection of a hazardous waste or of a radioactive waste by an injection well. (7-1-93)
- 03. Formal Notification.** Formal notification of violations may be communicated to the owner or operator with a letter, a notice of violation, a compliance or enforcement order or other appropriate means. (7-1-93)
- 04. Enforcement.** Violation of any of the provisions of the Waste Disposal and Injection Well Act (Chapter 39, Title 42, Idaho Code) or of any rule, regulation, standard or criteria pertaining to the Waste Disposal and Injection Well Act may result in the Director initiating an administrative enforcement action as provided under Chapters 17 and 39, Title 42, Idaho Code. (5-3-03)

066. -- 069. (RESERVED).

070. HEARING BEFORE THE WATER RESOURCE BOARD (RULE 70).

01. General. All hearings before the Idaho Water Resource Board shall be conducted in accordance with Chapter 52, Title 67, Idaho Code, at a place convenient to the owner and/or operator. For purposes of such hearings, the Idaho Water Resource Board or its designated hearing officer shall have power to administer oaths, examine witnesses, and issue in the name of the said Board subpoenas requiring testimony of witnesses and the production of evidence relevant to any matter in the hearing. Judicial review of the final determination by the Idaho

Water Resource Board may be secured by the owner by filing a petition for review as prescribed by Chapter 52, Title 67, Idaho Code, in the District Court of the county where the injection well is situated or proposed to be located. The petition for review shall be served upon the Chairman of the Idaho Water Resource Board and upon the Attorney General. (7-1-93)

02. Hearings on Conditional Permits, Disapproved Applications, or Petitions for Exemption. Any owner or operator aggrieved by the approval or disapproval of an application, or by conditions imposed upon a permit, or any person aggrieved by the Director's decision on a petition for exemption under Rule 75 of these rules, shall be afforded an opportunity for a hearing before the Idaho Water Resource Board or its designated hearing officer. Written notice of such grievance shall be transmitted to the Director within thirty (30) days after receipt of notice of such approval, disapproval or conditional approval. Such hearing shall be held for the purpose of determining whether the permit shall be issued, whether the conditions imposed in a permit are reasonable, whether a change in circumstances warrants a change in conditions imposed in a valid permit, or whether the Director's decision on a petition for exemption should not be changed. (7-1-93)

03. Hearings on Permit Cancellations. When the Director has reason to believe the operation of an injection well for which a permit has been issued is interfering with the right of the public to withdraw water for beneficial uses, or is causing unreasonable contamination of a drinking or other ground water source as provided for in Title 42, Chapter 39, Idaho Code, the permit may be canceled by the Director. Prior to the cancellation of such permit there shall be a hearing before the Water Resource Board for the purpose of determining whether or not the permit should be canceled. At such hearing, the Director shall be the complaining party. At least thirty (30) days prior to the hearing, a notice, which shall be in accordance with Chapter 52, Title 67, Idaho Code, shall be sent by certified mail to the owner or operator whose permit is proposed to be canceled. The Board shall affirm, modify, or reject the Director's decision and make its decision in the form of an order to the Director. (7-1-93)

071. -- 074. (RESERVED).

075. EXEMPTION FROM DRINKING WATER SOURCE DESIGNATION (RULE 75).

01. General. Most aquifers in Idaho are likely to fit within the definition of "drinking water source." (Rule Subsection 010.15). Some portions of these aquifers, however, may be isolated or contain water of such quality that they will not be utilized as drinking water sources. Other deep ground water systems may contain water of such poor quality that they will not be used for drinking water. These aquifers, portions of aquifers and deep ground water systems may be employed in the best interests of Idaho as disposal sites for certain contaminants, as authorized for disposal under these rules. However, injection must be consistent with the requirements of the Ground Water Quality Act of 1989 and the Idaho Ground Water Quality Plan. (7-1-93)

02. Most Effective Means. Under the authorities of Section 1805, Title 42, Idaho Code, the Director may determine, "the most effective means by which these water resources may be applied for the benefit of the people of this state." The Director may exempt an aquifer or portion thereof from a drinking water source designation if: (7-1-93)

- a.** It is not currently a drinking water source; and (7-1-93)
- b.** It will not be utilized as a drinking water source in the future because: (7-1-93)
 - i.** It is situated at such a depth or location that recovery for drinking water purposes is economically or technologically impractical; or (7-1-93)
 - ii.** Is so contaminated that it would be economically or technologically impractical to render the water fit for human consumption; or (7-1-93)
 - iii.** The total dissolved solids content of the ground water is greater than three thousand (3,000) mg/l and it is not reasonably expected to supply a public water system. (7-1-93)
- c.** The Director shall not provide an exemption for any aquifer categorized as "Sensitive Resource" or "General Resource" by the Department of Environmental Quality. Procedures for Recategorizing an Aquifer to

“Other Resource,” (IDAPA 58.01.11, “Ground Water Quality Rule,” Section 350), may need to be completed prior to any petition for exemption. (5-3-03)

03. Petition for Exemption. Any owner or operator proposing to inject contaminants authorized under Rule Subsection 025.03 into an aquifer or portion thereof that is within the definition of a drinking water source, but is not currently used in that manner, and is not likely to be used as such in the future, may petition the Director for an exemption to that designation. The petition for exemption shall contain: (7-1-93)

- a.** Reason or reasons for the exemption; (7-1-93)
- b.** A description of the aquifer or part thereof proposed for exemption, to include the vertical and lateral limits of the aquifer and water table gradient or potentiometric surface; (7-1-93)
- c.** The expected direction and rate of movement of the contaminants; (7-1-93)
- d.** A description of the geology to include all aquifers or ground water systems, lithologies and controlling features; (7-1-93)
- e.** Ground water resources in the area overlying the aquifer proposed for exemption; (7-1-93)
- f.** Any other information that the Director may deem necessary to make a decision. (7-1-93)
- g.** Confirmation that the aquifer has been designated “Other Resource” by the DEQ. (5-3-03)

04. Director's Action. The Director shall provide legal notice of the proposed exemption in a newspaper or newspapers of general circulation in the area that may be affected by the exemption. The notice shall provide locations where the petition for exemption may be reviewed and shall provide for a comment period of thirty (30) days. (7-1-93)

a. A fact-finding hearing may be requested by any person or persons that could be affected by the exemption. All hearings shall be conducted in accordance with the procedures set forth in Rule Subsection 040.02 of these rules. (7-1-93)

b. A copy of the petition for exemption will be submitted to the Director of the Department of Environmental Quality for recommendations. A written notice of the recommendations shall be provided to the Director of the Department of Water Resources within thirty (30) days of receipt, or within fifteen (15) days of any hearing pertaining to the petition. (7-1-93)

c. After due consideration of the petition and upon receipt of the recommendation of the Director of the Department of Environmental Quality, the Director shall either approve or disapprove the petition for exemption. (7-1-93)

05. Hearing Before the Idaho Water Resource Board. Any person aggrieved by the Director’s decision shall have the right to a hearing before the Idaho Water Resource Board pursuant to Rule Subsection 070.01 of these rules. (7-1-93)

076. SEVERABILITY.

The provisions of these rules are severable. If any provisions or the application of such provisions to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity or remaining portions of these rules. (7-1-93)

077. -- 999. (RESERVED).

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