IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

Surface and Wastewater Division

58.01.17 – Recycled Water Rules

To whom does this rule apply?
This rule applies to municipal dischargers, industrial dischargers, facilities, organizations, and individuals seeking a land application or recycled water permit issued by the Department for the disposal of treated effluent from a wastewater treatment facility. Facilities specifically excluded from these rules include land application of wastewater from livestock truck washing facilities, feedlots, dairies, and mining.

What is the purpose of this rule?
This rule establishes procedures and requirements for the issuance and maintenance of pollution source permits for reuse facilities, also referred to as "reuse permits."

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

- Chapter 1, Title 39, Idaho Code – Health and Safety, Environmental Quality

Who do I contact for more information on this rule?

Mary Anne Nelson
Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
Phone: (208) 373-0291
Email: mary.anne.nelson@deq.idaho.gov
www.deq.idaho.gov

This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

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000. LEGAL AUTHORITY.
Pursuant to Title 39, Chapter 1, Idaho Code, the Department of Environmental Quality is authorized to adopt or formulate and recommend to the Board of Environmental Quality (Board), and the Board is authorized to adopt, rules to protect the environment and the health of citizens of the state, including provisions for issuing pollution source permits, authorized by Section 39-115, Idaho Code, and reviewing plans and specifications for wastewater treatment facilities, authorized by Section 39-118, Idaho Code. (4-6-23)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 58.01.17, "Recycled Water Rules." (4-6-23)

02. Scope. These rules establish the procedures and requirements to issue and maintain pollution source permits for reuse facilities, referred to as "reuse permits." (4-6-23)

002. ADMINISTRATIVE PROVISIONS.
Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, Contested Case Rules and Rules for Protection and Disclosure of Records. (4-6-23)

003. (RESERVED)

004. REFERENCED MATERIALS.

01. Idaho Guidance for Recycled Water. This document, and subsequent revisions, assist with applying and interpreting these rules. Review this document at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706, or online at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/guidance/. (4-6-23)

02. Treatment Technology Report for Recycled Water. The Alternative Treatment Technology Report for Recycled Water. (4-6-23)

03. Recommended Standards for Wastewater Facilities. Recommended Standards for Wastewater Facilities - Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, most current version, at https://www.health.state.mn.us/communities/environment/water/docs/tenstates/tenstatestan2014.pdf. (4-6-23)

04. AWWA Manual M24. AWWA Manual M24, Chapter 4 for Dual Water Systems, 4th edition. Review this document at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208) 373-0502, or it can be purchased from the AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235, (800) 926-7337. (4-6-23)

05. Idaho Standards for Public Works Construction. Purchase this document through the Local Highway Technical Assistance Council (LHTAC), 3330 Grace Street, Boise, ID, 83703, (208) 344-0565. (4-6-23)

06. American Water Works Association (AWWA) Standards. Review this document at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502, or it can be purchased from the AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235, (800) 926-7337. (4-6-23)

005. – 009. (RESERVED)

010. DEFINITIONS.
The terms "department," "person," and "waters" have the meaning provided for those terms in Section 39-103, Idaho Code. (4-6-23)

01. Beneficial Use. Uses of the water of Idaho including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. The beneficial use depends upon actual use, ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use. (4-6-23)

02. Biochemical Oxygen Demand (BOD). Amount of oxygen necessary to satisfy the biochemical oxidation requirements of the organic materials at the time the sample is collected; unless otherwise specified, this term means the five (5) day BOD (BOD5). (4-6-23)

03. **Buffer Distances**. Specified distance between an actual point of recycled water use and a land feature or resource use, such as wells, adjoining property, inhabited dwellings, or other features. (4-6-23)

04. **Ground Water Recharge**. Process of adding recycled water to the zone of saturation. (4-6-23)

05. **Industrial Wastewater**. All wastewater, treated or untreated, that is not defined as municipal wastewater. (4-6-23)

06. **Land Application**. Process of distributing wastewater or recycled water to the land surface. (4-6-23)

07. **Landscape Impoundment**. Any lake, pond, or other water-holding feature constructed or managed to store recycled water where swimming, wading, boating, fishing, and other water-based recreational activities are prohibited. Landscape impoundment created for storage may incidentally serve a landscaping or aesthetic purpose. (4-6-23)

08. **Maximum Day Flow**. Largest volume of flow received during a 24-hour period expressed as a volume per unit time. (4-6-23)

09. **Modal Contact Time**. Amount of time elapsed between the time a tracer, such as salt or dye, is injected into the influent at the entrance to a chamber and the time the highest concentration of the tracer is observed in the effluent from the chamber. (4-6-23)

10. **Municipal Wastewater**. Wastewater containing sewage and associated solids, whether treated or untreated. Municipal wastewater, also known as domestic wastewater, may contain industrial wastewater. (4-6-23)

11. **Non-Potable Mains**. Pipelines that collect and/or convey non-potable discharges from or to multiple service connections. Examples include sewage collection and interceptor mains, storm sewers, non-potable irrigation mains, and recycled water mains. (4-6-23)

12. **Non-Potable Services**. Pipelines that convey non-potable discharges from individual facilities to a connection with the non-potable main. Term also refers to pipelines that convey non-potable water from a pressurized irrigation system, recycled water system, and other non-potable systems to individual consumers. (4-6-23)

13. **Non-Potable Water**. Any fluids that do not meet the definition of potable water. (4-6-23)

14. **Nephelometric Turbidity Unit (NTU)**. Measure of turbidity that compares the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (4-6-23)

15. **Peak Hour Flow**. Largest volume of flow received during a one (1) hour period expressed as a volume per unit time. (4-6-23)

16. **Plan of Operation**. Manual that describes in detail the current operation, maintenance, and management of a reuse facility. (4-6-23)

17. **Point of Compliance**. Point in the reuse facility where the recycled water must meet the requirements of the permit. A permit may require more than one (1) point of compliance within the facility depending on the constituents to be monitored. (4-6-23)

18. **Potable Water**. Water used by humans for drinking, bathing for purposes of personal hygiene (including hand-washing), showering, cooking, dishwashing, and maintaining oral hygiene. In common usage, the terms “culinary water,” “drinking water,” and “potable water” are frequently used as synonyms. (4-6-23)

19. **Purple**. For the purposes of these rules, purple is specified as Pantone 512, 522, or equivalent. (4-6-23)

20. **Rapid Infiltration System**. Permeable systems designed and operated for high rates of recycled water infiltration followed by rapid percolation using wetting and drying cycles. (4-6-23)

21. **Recycled Water**. Water treated by a wastewater treatment system and used according to these rules. (4-6-23)

22. **Restricted Public Access**. Preventing public entry within the area or a facility's point of reuse and the buffer distance around the area by site location or physical structures such as fencing. (4-6-23)

23. **Reuse**. Use of recycled water or wastewater for beneficial purposes including irrigation, ground water recharge, landscape impoundments, toilet flushing in commercial buildings, dust control, and other uses. Also referred to as Beneficial Reuse. (4-6-23)

24. **Reuse Facility or Facility**. Structure or system designed or used for reuse of municipal or industrial wastewater including, but not limited to, industrial and municipal wastewater treatment facilities, pumping and storage facilities, pipeline and distribution facilities, and the property to which the wastewater or recycled water is used. Does not include industrial in-plant processes and reuse of process waters within the plant. (4-6-23)

25. **Sewage**. Water-carried human wastes from residences, buildings, and industrial establishments and other places, together with ground water infiltration and surface water as may be present. (4-6-23)

26. **Subsurface Distribution System**. System with a point of discharge beneath the earth's surface. (4-6-23)

27. **Turbidity**. Measure of the interference of light passage through water, or visual depth restriction from the presence of suspended matter such as clay, silt, nonliving organic particulates, plankton, and other microscopic organisms. Operationally, turbidity measurements are expressions of certain light-scattering and absorbing properties of a water sample. Turbidity is measured by the nephelometric method. (4-6-23)

28. **Wastewater**. Combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions, and other establishments, together with any ground water, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, gray water, or commercial or industrial pollutants; and sewage. (4-6-23)

011. – 099. (RESERVED)

100. APPLICABILITY.

01. **Applicability to Reuse Facilities**. All reuse facilities are subject to these rules except: (4-6-23)

a. Land application of wastewater from mining, livestock truck washing facilities, feedlots, dairies, and digesters where the digestate is applied according to the originating dairy's Idaho Department of Agriculture approved nutrient management plan; (4-6-23)

b. Recycled water used for landscape irrigation at a municipal wastewater treatment plant if: (4-6-23)

i. No other recycled water use would subject the municipal wastewater treatment plant to these rules; (4-6-23)

ii. The municipal wastewater treatment plant has, and is in compliance with, an IPDES permit; and (4-6-23)

iii. Public access to the area of landscape irrigation is restricted; and (4-6-23)

c. Other facilities identified by the Department, if covered adequately by other law. (4-6-23)

02. Reuse Policy. Department policy promotes, where appropriate, reuse of both municipal and industrial recycled water. (4-6-23)

101. – 299. (RESERVED)

300. PERMIT REQUIREMENTS AND APPLICATION.

01. Permit. No person may operate or continue to operate a reuse facility without a valid permit issued by the Department as provided in these rules. A permit does not relieve any person from meeting all applicable local, state, and federal laws. (4-6-23)

02. Pre-Application Conference. New applicants must meet with the Department to discuss the application process before submitting an application. (4-6-23)

03. Application Contents. Except as provided in Subsection 300.04, the following must be included in the application: (4-6-23)

a. Name, location, and mailing address of the facility; (4-6-23)

b. Name, mailing address, and phone number of the facility owner and signature of the owner or authorized agent; (4-6-23)

c. Nature and identification of the entities or persons owning the facility, facility components, and related real property; (4-6-23)

d. List of local, state, and federal permits, licenses, and approvals related to the activities applied for and the dates of application or approval and receipt; (4-6-23)

e. Topographic map of the facility site showing the location and extent of: (4-6-23)

i. Wastewater inlets, outlets, and storage structures and facilities, including the reuse area; (4-6-23)

ii. Wells, springs, wetlands, and surface waters; (4-6-23)

iii. Twenty-five (25), fifty (50), and one hundred (100) year flood plains, as available through the Federal Insurance Administration of the Federal Emergency Management Agency or through other sources acceptable to the Department; (4-6-23)

iv. Service roads; (4-6-23)

v. Natural or man-made features necessary for treatment; (4-6-23)

vi. Buildings and structures; and (4-6-23)

vii. Process chemicals and residue storage facilities. (4-6-23)

f. Topographic map that may be separate from or combined with the facility site map, extending one quarter (1/4) mile beyond the outer limits of the facility site, and showing the location and extent of the following: (4-6-23)

i. Wells, springs, wetlands, and surface waters; (4-6-23)

ii. Public and private drinking water supply sources and source water assessment areas (public water system protection area information); (4-6-23)

iii. Public roads; and (4-6-23)

iv. Dwellings and private and public gathering places. (4-6-23)

g. If the facility site or any portion thereof is not owned by the permittee, a copy of related agreements that allow the permittee access or use; (4-6-23)

h. Sources and volume of wastewaters to be treated; (4-6-23)

i. Physical, chemical, and biological characteristics of the recycled water to be used; (4-6-23)

j. Climatic, hydrogeologic, and soil characteristics of the facility site; (4-6-23)

k. Description of treatment process and alternatives for disposal of unanticipated excess recycled water that does not meet class specifications; (4-6-23)

l. Site management plans, including a cropping plan where applicable; (4-6-23)

m. Statement and supporting documentation demonstrating the proposed activity will comply with IDAPA 58.01.11, "Ground Water Quality Rule"; and (4-6-23)

n. Other information as requested by the Department to issue the permit. The Permitting Guidance for Recycled Water assists applicants with obtaining a reuse permit and the Department in determining the need for other information. (4-6-23)

04. Exceptions. Application content for permits will be clarified at the pre-application conference and may result in the omission of one (1) or more of the items listed in Subsection 300.03. (4-6-23)

05. Reuse Facility Plan of Operation. A plan of operation must contain, as applicable, operation and management responsibility, permits and standards, general plant description, operation and control of unit operations, reuse area site maps, wastewater and recycled water characterization, cropping plan, hydraulic loading rate, constituent loading rates, compliance activities, seepage rate testing, site management plans, monitoring, site operations and maintenance, solids handling and processing, laboratory testing, general maintenance, records and reports, store room and inventory, personnel, and an emergency operating plan. Permittees are required to submit a plan of operation for review and approval. Amendments are also subject to review and approval. (4-6-23)

301. – 399. (RESERVED)

400. APPLICATION PROCESSING.

01. Submittal. New facilities must submit applications at least one hundred eighty (180) days before beginning reuse activities. Existing facilities applying for permit renewals must submit an application at least one hundred eighty (180) days before the existing permit expires. (4-6-23)

02. Completeness. (4-6-23)

a. If the Department determines the application is complete, the Department will provide written notice to the applicant within thirty (30) days after receiving the application, specifying the effective date of application. (4-6-23)

b. After the application is complete, the Department or applicant may initiate a consultation to clarify, modify, or supplement the application. (4-6-23)

c. If the application is incomplete, the Department will provide written notice to the applicant within thirty (30) days after receiving the application, specifying the deficiencies and requesting additional information. The Department will not process an application until it is complete according to these rules. (4-6-23)

03. Preliminary Decision/Application Denial. Within thirty (30) days of the effective date of the

application, the Department will issue a written preliminary decision to prepare a draft permit or a written decision denying the application. (4-6-23)

04. **Staff Analysis**. The staff analysis states the facts considered when preparing the draft permit conditions, or intent to deny, and summarizes the basis for draft conditions or denial with references to applicable requirements and supporting materials. The Department will provide the staff analysis with the draft permit issuance or with the written decision denying the application. (4-6-23)

05. **Draft Permit**. (4-6-23)

a. The Department will issue a draft permit within sixty (60) days of issuing a preliminary decision to prepare a draft permit. The draft permit specifies the conditions of operation and management necessary for issuing the permit. (4-6-23)

b. The Department will provide a public notice for the draft permit. The notice specifies the time and manner that the public may provide written comments. The Department may offer an opportunity for oral comments. (4-6-23)

06. **Final Permit**. The Department will issue a written final permit decision to the applicant within sixty (60) days from the issuance of the draft permit, except the Department may issue the decision at a later date in response to a written request to extend the public comment period. (4-6-23)

07. **Effective Date**. The final permit becomes effective upon date of issue unless a later effective date is specified in the permit. (4-6-23)

08. **Expiring Permits**. (4-6-23)

a. The Department may administratively extend the terms and conditions of an expired permit pursuant to Section 67-5254, Idaho Code, provided a complete permit renewal application is submitted prior to the current permit expiration. (4-6-23)

b. A permittee must operate under the terms of the administratively extended permit until a new permit is issued. (4-6-23)

401. – 499. **(RESERVED)**

500. **STANDARD CONDITIONS.**
Permit conditions will protect human health and the environment from the potential hazard of an existing or proposed wastewater treatment system. The permittee must comply with all conditions of the permit. The following conditions apply to and are included in all permits. (4-6-23)

01. **Facility Operation**. At all times, the permittee must properly maintain and operate all structures, systems, and equipment installed or used by the permittee for treatment, control, and monitoring to achieve compliance with the permit or these rules. (4-6-23)

02. **Provide Information**. If requested by the Department, the permittee must provide the Department, within a reasonable time, information including copies of records, to help the Department determine whether cause exists for modifying, revoking, re-issuing, or terminating the permit, or to determine compliance with the permit or these rules. (4-6-23)

03. **Entry and Access**. The permittee must allow the Department, consistent with Title 39, Chapter 1, Idaho Code, to: (4-6-23)

a. Enter the permitted facility and all associated property; (4-6-23)

b. Inspect any records kept under the conditions of the permit; (4-6-23)

c. Inspect and photograph any permitted facility, equipment, practice, records, or operation; and (4-6-23)

d. Sample or monitor any substance or any parameter at the facility to ensure permit compliance. (4-6-23)

04. Reporting. The permittee must report to the Department as specified in this section. (4-6-23)

a. A written report submitted at least thirty (30) days before: (4-6-23)

i. Any planned physical or operational alteration to the permitted facility that results or would result in a significant change in information submitted during the application process. If a major permit modification is needed, the alteration cannot be made before the Department issues approval. (4-6-23)

ii. Any anticipated change that would result in noncompliance with any permit condition or these rules. (4-6-23)

b. Orally within twenty-four (24) hours from the time the permittee became aware of any noncompliance that may endanger human health and the environment at telephone numbers provided in the permit. (4-6-23)

c. A written report as soon as possible, but within five (5) days of the date the permittee knows, or should reasonably know, of any noncompliance unless extended by the Department, providing: (4-6-23)

i. Description of the noncompliance and its cause; (4-6-23)

ii. Period of noncompliance including, to the extent possible, times and dates, if the noncompliance has not been corrected, and the anticipated length of time it is expected to continue; and (4-6-23)

iii. Steps taken or planned, including timelines, to reduce or eliminate the continuance or reoccurrence of the noncompliance. (4-6-23)

d. In writing as soon as the permittee knows, or should reasonably know, of material facts not submitted or corrections to information submitted in a permit application, report, or notice provided to the Department. (4-6-23)

e. No person may knowingly make any false statement, representation, or certification in any form, notice, or report required under any permit, or any applicable rule or order in force pursuant thereto. (4-6-23)

05. Minimize Impacts. The permittee must take all necessary actions to eliminate and correct any adverse impact on human health and the environment resulting from permit noncompliance. (4-6-23)

06. Applied Waters Restricted to Premises. Wastewater or recycled water applied to the land surface must be restricted to the premises of the reuse site. (4-6-23)

07. Hazard or Nuisance Prohibited. Wastewater or recycled water must not create a public health hazard or a nuisance condition. (4-6-23)

08. Renewal. If the permittee intends to continue operating the permitted facility after the existing permit expires, the permittee must apply for a permit renewal according to these rules. (4-6-23)

501. – 599. (RESERVED)

600. SPECIFIC CONDITIONS.

01. Basis. Conditions necessary for protecting human health and the environment may differ from facility to facility because of varying environmental conditions and wastewater and recycled water compositions. The

Department may establish, on a case-by-case basis, specific conditions that consider facility characteristics and inherent hazards of those characteristics, including, but not limited to: (4-6-23)

a. Chemical, biological, physical, and volumetric characteristics of the wastewater and recycled water; (4-6-23)

b. Geological and climatic nature of the facility site; (4-6-23)

c. Size of the site and its proximity to population centers and to ground and surface water; (4-6-23)

d. Legal considerations relative to land use and water rights; (4-6-23)

e. Techniques used in wastewater or recycled water distribution and the disposition of vegetation exposed to wastewater or recycled water; (4-6-23)

f. Abilities of soils and vegetative covers to treat the wastewater or recycled water without undue hazard to human health and the environment; and (4-6-23)

g. Monitoring and record keeping that determine if the facility is operated in conformance with its design and if its design is adequate to protect human health and the environment. (4-6-23)

02. **Duration**. A permit is effective for a fixed term of not more than ten (10) years. (4-6-23)

03. **Operational Limitations**. Conditions of the permit may specify or limit: (4-6-23)

a. Wastewater and recycled water composition; (4-6-23)

b. Method, manner, and frequency of wastewater treatment; (4-6-23)

c. Wastewater pretreatment requirements; (4-6-23)

d. Physical, chemical, and biological characteristics of a reuse facility; and (4-6-23)

e. Other conditions the Department finds necessary to protect human health and the environment. (4-6-23)

04. **Compliance Schedules**. The Department may establish a compliance schedule for facilities as part of the permit conditions including: (4-6-23)

a. Specific steps or actions necessary for the permittee to achieve compliance or final permit conditions; (4-6-23)

b. Dates by which those steps or actions are to be taken; and (4-6-23)

c. When the time period for compliance exceeds one (1) year, the schedule may also establish interim requirements and dates for achievement. (4-6-23)

05. **Monitoring**. Any facility may be subject to monitoring conditions including, but not limited to: (4-6-23)

a. Installation, use, and maintenance of monitoring equipment; (4-6-23)

b. Sampling methodology, frequency, and locations; (4-6-23)

c. Monitored substances or parameters; (4-6-23)

d. Testing and analytical procedures; and (4-6-23)

e. Reporting requirements including both frequency and form. (4-6-23)

601. MUNICIPAL RECYCLED WATER: CLASSIFICATION, TREATMENT, USE.

01. Class A Recycled Water. To be classified Class A recycled water, municipal wastewater must be treated using processes identified in Table 1, or an equivalent process, and adequately disinfected. Class A treatment systems are reviewed by the Department and approved on a case-by-case basis. The Department may require pilot testing or demonstration before approval, or may condition approval upon the success of testing or demonstration. (4-6-23)

a. Total Coliform. (4-6-23)

i. Recycled water must be disinfected by either: (4-6-23)

(1) Chlorine disinfection process following filtration that provides a CT (the product of concentration and modal contact time measured at the same point) of four hundred and fifty (450) milligram-minutes per liter (mg-min/L) measured at the end of the contact time based on total chlorine residual and a modal contact time of not less than ninety (90) minutes based on maximum day flow; or (4-6-23)

(2) Disinfection process that, when combined with filtration, has been demonstrated to achieve 5-log removal/inactivation of virus. Acceptance by the State of California as published in their Alternative Treatment Technology Report for Recycled Water is one (1) method to constitute such a demonstration. (4-6-23)

ii. Median number of total coliform organisms may not exceed two and two-tenths (2.2) per one hundred (100) milliliters, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. No sample may exceed twenty-three (23) organisms per one hundred (100) milliliters. (4-6-23)

iii. Daily sample and analyze recycled water for total coliform when allowed uses specifically require Class A recycled water. (4-6-23)

b. Turbidity. (4-6-23)

i. Recycled water must meet the following turbidity limits before disinfection: (4-6-23)

(1) For filtration systems using sand or other granular media or cloth media, the daily arithmetic mean of all measurements of turbidity may not exceed two (2) NTU, and turbidity may not exceed five (5) NTU at any time. (4-6-23)

(2) For filtration systems using membrane filtration, the daily arithmetic mean of all measurements of turbidity may not exceed zero point two (0.2) NTU, and turbidity may not exceed zero point five (0.5) NTU at any time. (4-6-23)

ii. One (1) in-line, continuously monitoring, recording turbidimeter exists for each treatment train after filtration and before disinfection. (4-6-23)

c. Nitrogen, pH, and BOD5. (4-6-23)

i. Total nitrogen may not exceed ten (10) milligrams per liter (mg/L) for ground water recharge systems and thirty (30) mg/L for residential irrigation and other non-recharge uses based on a monthly arithmetic mean as determined from weekly composite sampling. If a ground water quality impact assessment indicates lower limits are necessary to protect existing ground water quality beneficial uses, the Department will require lower limits. (4-6-23)

ii. The pH as determined by daily grab samples or continuous monitoring must be between six point zero (6.0) and nine point zero (9.0). (4-6-23)

iii. BOD5 may not exceed five (5) mg/L for ground water recharge systems, and ten (10) mg/L for residential irrigation and other non-recharge systems, based on a monthly arithmetic mean as determined from weekly composite sampling. (4-6-23)

02. Class B Recycled Water. To be classified Class B recycled water, municipal wastewater must be treated using processes identified in Table 1, or an equivalent process, and adequately disinfected. Class B treatment systems are reviewed by the Department and approved on a case-by-case basis. The Department may require pilot testing or demonstration before approval, or may condition approval upon the success of testing or demonstration. (4-6-23)

a. Total Coliform. (4-6-23)

i. Recycled water must be disinfected by either: (4-6-23)

(1) Chlorine disinfection process that provides a residual chlorine at the point of compliance of not less than one (1) mg/L total chlorine residual after a contact time of thirty (30) minutes at peak hour flow; or (4-6-23)

(2) An alternative disinfection process that has been demonstrated to the Department's satisfaction that the alternative process is comparable to that achieved by chlorination with a total chlorine residual of one (1) mg/L after a minimum contact time of thirty (30) minutes. (4-6-23)

ii. Median number of total coliform organisms may not exceed two and two-tenths (2.2) per one hundred (100) milliliters, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. No sample exceeds twenty-three (23) organisms per one hundred (100) milliliters. (4-6-23)

iii. Daily sample and analyze recycled water for total coliform when allowed uses specifically require Class B recycled water. (4-6-23)

b. Turbidity. (4-6-23)

i. Daily arithmetic mean of all measurements of turbidity may not exceed five (5) NTU, and turbidity may not exceed ten (10) NTU at any time. The turbidity standard is met before disinfection. (4-6-23)

ii. One (1) in-line, continuously monitoring, recording turbidimeter exists for each treatment train after filtration and before disinfection. (4-6-23)

03. Class C Recycled Water. To be classified Class C recycled water, municipal wastewater must be treated using the processes identified in Table 1. (4-6-23)

a. Median number of total coliform organisms may not exceed twenty-three (23) per one hundred (100) milliliters, as determined from the bacteriological results of the last five (5) days for which analyses have been completed. No sample may exceed two hundred thirty (230) per one hundred (100) milliliters. (4-6-23)

b. Weekly sample and analyze recycled water for total coliform when allowed uses specifically require Class C recycled water. (4-6-23)

04. Class D Recycled Water. To be classified Class D recycled water, municipal wastewater must be treated using the processes identified in Table 1. (4-6-23)

a. Median number of total coliform organisms may not exceed two hundred thirty (230) per one hundred (100) milliliters, as determined from the bacteriological results of the last three (3) days for which analyses have been completed. No sample may exceed two thousand three hundred (2300) organisms per one hundred (100) milliliters. (4-6-23)

b. Monthly sample and analyze recycled water for total coliform when allowed uses specifically require Class D recycled water. (4-6-23)

05. Class E Recycled Water. To be classified Class E recycled water, municipal wastewater must be treated with screening, degritting, sedimentation and/or skimming processes to remove substantially all floatable and settleable solids. (4-6-23)

a. Class E recycled water has no disinfection requirements or applicable coliform standard. (4-6-23)

b. No sampling and analysis of total coliform are required for Class E recycled water. When sampling and analysis are required (e.g., buffer distance change reduction), the sampling frequency for total coliform will be established consistent with these rules to adequately protect human health and the environment. (4-6-23)

06. Point of compliance. For total coliform limits, the point in the system following final treatment and disinfection as defined in the permit. Recycled water disinfection requirements after storage will be determined by the Department on a case-by-case basis considering class and uses of recycled water, reuse site design, and protection of human health and the environment. (4-6-23)

07. Alternative Monitoring Frequency. Alternative total coliform monitoring frequencies may be considered by the Department on a case-by-case basis based upon demonstration that the alternative frequency is protective of human health and the environment. (4-6-23)

602. MUNICIPAL RECYCLED WATER: CLASSIFICATION AND USES TABLES

01. Municipal Recycled Water -- Classification Tables. The tables summarize treatment for municipal recycled water as outlined in Section 601. If discrepancies exist between Sections 601 and 602, follow Section 601.

		Class A	Class B	Class C	Class D	Class E
Oxidized		Yes	Yes	Yes	Yes	No
Filtered		Yes	Yes	No	No	No
Disinfected		Yes	Yes	Yes	Yes	No
Total coliform (organisms/ 100 milliliters)	Median results for last x-days for which analysis have been completed	2.2 7-day median	2.2 7-day median	23 5-day median	230 3-day median	No limit
	Maximum in any sample	23	23	230	2300	No limit
	Monitoring frequency	Daily	Daily	Once weekly	Once monthly	

(4-6-23)

		Class A	Class B
Turbidity (NTU)	24-hour - mean, Not to exceed	Granular or cloth media - 2 Membrane filter - 0.2	Granular or cloth media - 5
	Maximum, in any sample	Granular or cloth media - 5 Membrane filter - 0.5	Granular or cloth media - 10
	Monitoring frequency	Continuous	Continuous
Disinfection contact time requirements		CT of 450 mg-min/L with 90 minutes of modal contact time, or Disinfection to 5-log inactivation of virus	Total chlorine not less than 1 mg/L after 30 minute contact time, or Comparable alternate process
Maximum total nitrogen (mg/L) Monthly arithmetic mean, from weekly composite samples not to exceed		Ground water recharge - 10 Residential irrigation and other non-recharge uses - 30	
BOD5 (mg/L) Monthly arithmetic mean, from weekly composite samples not to exceed		Ground water recharge - 5 Residential irrigation and other non-recharge uses - 10	
pH Daily grab samples or continuous monitoring		Between 6.0 and 9.0	

(4-6-23)

02. Municipal Recycled Water - Uses Beneficial Reuse. This table summarizes municipal recycled water uses for specific classifications. Other uses not listed here may be considered on a case-by-case basis and approved by the Department.

Recycled Water Beneficial Reuse	Class A	Class B	Class C	Class D	Class E
Fodder, fiber crops	Yes	Yes	Yes	Yes	Yes
Commercial timber, firewood	Yes	Yes	Yes	Yes	Yes
Processed food crops or "food crops that must undergo commercial pathogen-destroying processing before being consumed by humans"	Yes	Yes	Yes	Yes	No
Ornamental nursery stock, or Christmas trees	Yes	Yes	Yes	Yes	No
Sod and seed crops not intended for human ingestion	Yes	Yes	Yes	Yes	No

Recycled Water Beneficial Reuse	Class A	Class B	Class C	Class D	Class E
Pasture for animals not producing milk for human consumption	Yes	Yes	Yes	Yes	No
Pasture for animals producing milk for human consumption	Yes	Yes	Yes	No	No
Orchards and vineyards irrigation during the fruiting season, if no fruit harvested for raw use comes in contact with the irrigation water or ground, or will only contact the inedible portion of raw food crops	Yes	Yes	Yes	No	No
Highway medians and roadside vegetation irrigation on sides	Yes	Yes	Yes	No	No
Cemetery irrigation	Yes	Yes	Yes	No	No
Parks, playgrounds, and school yards during periods of non-use	Yes	Yes	No	No	No
Parks, playgrounds, and school yards during periods of use	Yes	No	No	No	No
Golf courses	Yes	Yes	No	No	No
Food crops, including all edible food crops	Yes	Yes	No	No	No
Residential landscape	Yes	No	No	No	No
Dust suppression at construction sites and control on roads and streets	Yes	Yes	Yes	No	No
Toilet flushing at industrial and commercial sites, when only trained maintenance personnel have access to plumbing for repairs	Yes	Yes	Yes	No	No
Nonstructural fire fighting	Yes	Yes	Yes	No	No
Cleaning roads, sidewalks, and outdoor work areas	Yes	Yes	Yes	No	No
Backfill consolidation around non-potable piping	Yes	Yes	Yes	No	No
Soil compaction	Yes	Yes	Yes	No	No
Commercial campus irrigation	Yes	Yes	No	No	No
Fire suppression	Yes	Yes	No	No	No
Snowmaking for winter parks, resorts	Yes	No	No	No	No
Commercial laundries	Yes	No	No	No	No
Ground water recharge through surface application	Yes	No	No	No	No
Subsurface distribution	Yes	Yes	Yes	Yes	No

(4-6-23)

603. MUNICIPAL RECYCLED WATER: ACCESS, EXPOSURE, AND SIGNAGE.

01. Class A Recycled Water. When using Class A recycled water, notify the public and personnel in the area that recycled water is used and is not safe for drinking. Post signs stating "Caution: Recycled Water - Do Not Drink" or equivalent signage. (4-6-23)

a. Distribution system identification and signage. (4-6-23)

i. For all new buried pipe conveying Class A Recycled Water, including service lines, valves, and other appurtenances, must use the color purple consistently throughout the system. The color proposed for use will be identified in the plans and specifications and reviewed by the Department to ensure the pipes are adequately identifiable and distinguishable. If fading or discoloration of the purple pipe is experienced during construction, identification tape or locating wire along the pipe is required. Label piping every ten (10) feet with "Caution: Recycled Water - Do Not Drink" or equivalent signage in English and a secondary language as applicable. (4-6-23)

ii. If identification tape is installed along with the purple pipe, use white or black printing on a purple color field as approved by the Department and label with "Caution: Recycled Water - Do Not Drink" or equivalent signage. The overall width of the tape is at least three (3) inches. Install identification tape eighteen (18) inches above the transmission pipe longitudinally, center over the pipe, and run continuously along the pipe's length. (4-6-23)

iii. Ensure all valves have locking valve covers that are non-interchangeable with potable water valve covers and inscribed on the top surface with "Recycled Water." Ensure all above ground pipes and pumps are consistently color coded purple and marked to differentiate Class A recycled water facilities from potable water facilities. (4-6-23)

b. Pumping facilities identification and signage. (4-6-23)

i. Paint all exposed and above ground piping, risers, fittings, pumps, and valves in purple. Label all piping using a means accepted by the Department with "Caution: Recycled Water - Do Not Drink" or equivalent signage. In a fenced pump station area, post signs on all sides. (4-6-23)

ii. Install warning labels with "Caution: Recycled Water - Do Not Drink" or equivalent signage on designated facilities such as, but not limited to, controller panels and washdown or blow-off hydrants on water trucks, hose bibs, and temporary construction services. (4-6-23)

c. Where Class A recycled water is stored or impounded, or used for irrigation in public areas, install warning signs with, at a minimum, one (1) inch purple letters on a white or other high contrast background notifying the public the water is unsafe to drink. Signs may also have a purple background with white or other high contrast lettering. Label warning signs with "Caution: Recycled Water - Do Not Drink" or equivalent signage. (4-6-23)

d. Place drinking fountains, picnic tables, food establishments, and other public eating facilities out of any spray irrigation area, or otherwise protect areas in which Class A recycled water is used. In construction plans, indicate exterior drinking fountains, picnic tables, food establishments, and other public eating facilities or, if these areas do not exist, state this in the plans and specifications. (4-6-23)

02. Class B Recycled Water. When using Class B recycled water, notify the public and personnel in the area that recycled water is used and is not safe for drinking. Post signs stating "Caution: Recycled Water - Do Not Drink" or equivalent signage in English and a secondary language as applicable. (4-6-23)

03. Class C Recycled Water. When using Class C recycled water for irrigation, notify the personnel in the area that recycled water is used and is not safe for drinking. For the public, post signs around the perimeter of the irrigation site stating "Warning: Recycled Water - Do Not Enter" or equivalent signage in English and a secondary language as applicable. (4-6-23)

04. Class D Recycled Water. When using Class D recycled water for irrigation, notify the personnel in the area that recycled water is used and is not safe for drinking. For the public, post signs around the perimeter of the irrigation site stating "Recycled Water - Do Not Enter" or equivalent signage in English and a secondary language as applicable. (4-6-23)

05. Class E Undisinfected Recycled Water. When using Class E undisinfected recycled water for irrigation, prevent public access to the irrigation site using a physical barrier or other measure approved by the Department. Post signs around the perimeter of the irrigation site stating "Warning: Recycled Water - Do Not Enter" or equivalent signage in English and a secondary language as applicable. (4-6-23)

604. REUSE FACILITIES: BUFFER DISTANCES.

01. Considerations. Buffer distances are established to: (4-6-23)

a. Protect human health by limiting exposure to recycled water and conditions associated with reuse facilities; (4-6-23)

b. Protect waters, including surface water, ground water and drinking water supplies; and (4-6-23)

c. Ensure use of recycled water is restricted to within the physical boundaries of the reuse facilities. (4-6-23)

02. Distances. To determine buffer distances in a reuse permit, the Department considers the following: (4-6-23)

a. Characterization of the recycled water; (4-6-23)

b. Method of irrigation; (4-6-23)

c. Physical or vegetative barriers; (4-6-23)

d. Microbial risk assessments; (4-6-23)

e. Applicable best management practices; (4-6-23)

f. Environmental conditions, such as wind speed and direction; and (4-6-23)

g. Other information relevant to this section. (4-6-23)

605. REUSE FACILITY: DESIGN AND CONSTRUCTION.
The design and construction of new reuse facilities, or existing facilities undergoing material modification, must comply with these rules and applicable provisions of IDAPA 58.01.16, "Wastewater Rules." (4-6-23)

01. Distribution Pipelines. (4-6-23)

a. Recycled water mains are treated as non-potable mains when considering their separation from potable water mains. Recycled water mains are treated as potable water mains when separated from sewer mains. (4-6-23)

b. When a system proposes using an alternative to the distribution pipeline requirements in these rules, IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," or IDAPA 58.01.16, "Wastewater Rules," the design engineer submits data to the Department for review and approval to demonstrate that installing an alternative will protect human health and the environment. (4-6-23)

02. Pumping Stations. (4-6-23)

a. Protect potable water used as seal water for recycled water pump seals from backflow using a Department-approved backflow prevention device or air gap. (4-6-23)

b. Ensure no direct connection is made between the potable and recycled water system. If it is necessary to put potable water into the recycled water distribution system, provide a Department-approved reduced pressure principal device or air gap to protect the potable water system. (4-6-23)

c. Equipment or facilities such as tanks, temporary piping or valves, and portable pumps used or considered for use with recycled water may not be used with potable water or sewage. Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps used or considered for use with sewage may not be used with recycled water or potable water. (4-6-23)

03. Requirements for Class A Recycled Water. (4-6-23)

a. Distribution System. (4-6-23)

i. Where Class A recycled water will be provided by pressure pipeline, use the following guidance: current edition of "Recommended Standards for Wastewater Facilities - Great Lakes-Upper Mississippi River Board of State Sanitary Engineers," "AWWA Manual M24" Chapter 4 for dual water systems, and current edition of "Idaho Standards for Public Works Construction." (4-6-23)

ii. Irrigation systems proposed for conversion from non-Class A recycled water to Class A recycled water use will be reviewed on a case-by-case basis to evaluate the protection of human health and the environment. (4-6-23)

(1) Existing water lines converted to use with Class A recycled water or a combination of Class A recycled water and irrigation water must be accurately located, pressure tested, and leakage tested before conversion in coordination with the Department. Use AWWA Standard(s) for pressure and leakage testing of drinking water lines to be converted. (4-6-23)

(2) Physically disconnect the pipeline from any potable water lines and bring into compliance with applicable cross-connection rules as stated in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems" and meet minimum separation requirements. (4-6-23)

(3) If the existing lines meet water supplier and Department approval based on these rules, the lines will be approved for Class A recycled water distribution. If compliance of the system (accurate location, pressure testing, and verification of no cross-connections) cannot be verified with record drawings, testing, televising, or otherwise, uncover the lines and inspect, identify, or otherwise verify compliance to the Department's satisfaction before use. Retrofit accessible portions of the system to meet the provisions of these rules. (4-6-23)

(4) After converting the water or irrigation line to a Class A recycled water line, mark the lines as stated in Subsection 603.01.a.iii. (4-6-23)

iii. If either an in-line type or end-of-line type blow-off or drain assembly is installed in the system, submit a plan for proposed discharge locations to the Department for review and approval. (4-6-23)

iv. Mixing Class A recycled water with other irrigation waters may be conducted pipe-to-pipe if both the other irrigation water source and the Class A source are protected by Department-approved backflow devices. Class A recycled water may be mixed with other irrigation water in an unlined pond if the Class A recycled water is permitted for ground water recharge. Class A recycled water that is permitted for irrigation only and not ground water recharge may be mixed with other irrigation water only in a lined pond. Water from these mixed ponds may then be used for permitted Class A uses. (4-6-23)

v. Operators of Class A recycled water distribution systems, including operators of distribution systems that use a combination of Class A recycled water and other irrigation waters, operators of the distribution system from the wastewater treatment plant to the point of compliance or point of use or point of sale, as applicable, and operators employed by buyers of the Class A recycled water for subsequent use, including home occupants, must sign a utility user agreement from the utility providing the Class A recycled water that states the user understands the origin of the effluent and the concept of agronomic rate for applying the Class A recycled water. Include these requirements in contracts for sale of Class A recycled water for subsequent use. Individual homeowners are allowed to operate or maintain Class A recycled water distribution systems. Providers of the Class A recycled water must offer a public education program within its service area to teach potential customers the benefits and responsibilities of using Class A recycled water. (4-6-23)

b. Surface water features, such as landscape impoundments used for Class A recycled water, that are not lined or sealed to prevent seepage may be approved if ground water quality standards for ground water protection are met. (4-6-23)

c. The Department approves the use of the following filter technologies to comply with these rules: (4-6-23)

i. Technologies approved and listed in the State of California Alternative Treatment Technology Report for Recycled Water. (4-6-23)

ii. The Department may approve filtration technologies other than those referenced in Subsection 605.03.c.i. if a written request is submitted with the product information. Approval of these filtration technologies will be in accordance with procedures in the State of California Alternative Treatment Technology Report for Recycled Water. (4-6-23)

d. The Department may require certain types of Class A recycled water filtration facilities to install and operate a filter-to-waste system that operates each time a filter starts up. Filter-to-waste systems automatically filter to waste until the effluent meets the required turbidity standard. (4-6-23)

e. Reliability and Redundancy Standards. (4-6-23)

i. Treatment systems must treat maximum day flow for the season in which Class A recycled water is produced and provide one (1) of the following alternative back-up systems: (4-6-23)

(1) Another permitted disposal option; or (4-6-23)

(2) Diversion to adequate lined storage capable of storing Class A recycled water during a malfunction or emergency. (4-6-23)

ii. An alternative back-up system is automatically activated if turbidity exceeds or chlorine residual drops below the instantaneous required value for more than five (5) minutes, or if the alternative filtration/disinfection system is not achieving its required 5-log removal/inactivation of virus for more than five (5) minutes. The maximum number of times a facility could exceed on this basis is twice in one (1) week, and both times must be immediately reported. Failure to report or exceeding more than twice in one (1) week are sufficient grounds for the Department to shut down the system for inspection and repair. (4-6-23)

iii. Redundant monitoring equipment and automatic by-pass equipment must be provided. (4-6-23)

iv. Standby power is sufficient to maintain all treatment and distribution works or to meet the requirements for an alternative back-up system for the Class A recycled water facilities. (4-6-23)

f. New Class A recycled water systems defined as public utilities in Sections 61-104 (Corporation), 61-124 (Water System), 61-125 (Water Corporation), and 61-129 (Public Utility), Idaho Code, are governed by and must meet the requirements of Chapter 1, Title 61, Idaho Code, Public Utilities Law, and IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission." In any conflict arising out of the application of these rules and IDAPA 31.01.01, follow IDAPA 31.01.01. (4-6-23)

606. REUSE FACILITY: RAPID INFILTRATION SYSTEM.

01. Criteria. Plans and specifications submitted to the Department for review and approval must demonstrate compliance with the following design criteria: (4-6-23)

a. Design the system to allow complete infiltration of recycled water into the soil followed by subsurface soil percolation where applied recycled water is transmitted down and away from the infiltration basins, without excessive mounding; (4-6-23)

b. Ensure the system consists of either two (2) or more cells that can be alternately loaded and rested, or one (1) cell preceded by an effluent storage or stabilization pond system. Where only one (1) cell is provided, ensure the storage and stabilization pond(s) have sufficient capacity to allow intermittent loading of the rapid infiltration systems; (4-6-23)

c. Design the rapid infiltration system to provide even distribution of the recycled water and prevent erosion; and (4-6-23)

d. Design the system to ensure proper operation during cold weather conditions. (4-6-23)

02. Requirements. Loading to a rapid infiltration system may not exceed the hydraulic, organic, nitrogen, suspended solids, or other limits specified in the permit or plans and specifications developed pursuant to a permit requirement. The Department will consider past operating performance, ability of the soils to treat the pollutants in the recycled water, hydrogeologic characteristics of the site such as permeability and infiltration rates, and other relevant information when determining discharge limitations. (4-6-23)

607. GROUND WATER RECHARGE THROUGH SURFACE APPLICATION.

01. Requirements. Minimum requirements for site location and aquifer storage time are based on site-specific modeling. (4-6-23)

02. Ground Water Monitoring. Provision must be made for monitoring the quality of the ground water in proximity of the application site. The ground water monitoring program is subject to approval by the Department. (4-6-23)

03. Down Gradient Beneficial Uses. Ground water recharge systems must be designed and operated in a matter that protects the beneficial uses of ground water on down gradient properties not under the control of the system owner. (4-6-23)

608. PERMIT FOR INDUSTRIAL REUSE FACILITIES.

01. Requirements. Industrial wastewater or recycled water may only be used according to a permit issued pursuant to these rules. Permit conditions and limitations are developed by the Department on a case-by-case basis and take into account specific characteristics of the wastewater to be recycled and treatment needed to ensure recycled water use complies with IDAPA 58.01.11, "Ground Water Quality Rule," and IDAPA 58.01.02, "Water Quality Standards." The permit application, processing, and issuance procedures set forth in these rules apply to industrial reuse permits. (4-6-23)

02. Permit Content. The Department includes provisions from Section 500, Standard Conditions, in all permits issued for industrial recycled water use. The Department will develop additional permit conditions on a case-by-case basis considering the following: (4-6-23)

a. Risk to human health and the environment; (4-6-23)

b. Degree of public access to the facility site where the recycled water is used and degree of human exposure anticipated; (4-6-23)

c. Additional measures to prevent nuisance conditions; (4-6-23)

d. Specific recycled water quality needed for the intended type of reuse; and (4-6-23)

e. Means of applying the recycled water. (4-6-23)

609. GENERAL REUSE PERMITS.

01. General Reuse Permit. The Department may issue at its discretion a general reuse permit according to the following: (4-6-23)

a. For wastewater or recycled water reuse that is determined by the Department to have minimal impact to human health and the environment; and (4-6-23)

b. Involves the same or substantially similar: (4-6-23)

i. Wastewater sources; (4-6-23)

ii. Treatment practices; (4-6-23)

iii. Reuse methods; or (4-6-23)

iv. Monitoring. (4-6-23)

02. **Conditions**. General reuse permits must include applicable conditions from Sections 500 and 600. (4-6-23)

03. **Application for Coverage**. Facilities applying for coverage of a general reuse permit must provide the applicable information required under Section 300.03. (4-6-23)

04. **Administration**. (4-6-23)

a. When issuing general reuse permits, the Department will follow Section 400 as applicable. (4-6-23)

b. When modifying general reuse permits, the Department will follow Section 700 as applicable. (4-6-23)

c. The Department will develop a staff analysis for each general reuse permit. (4-6-23)

d. The Department may terminate, revoke, or deny coverage under a general permit, and require the applicant to apply for and obtain a reuse permit. (4-6-23)

e. Any owner authorized by a general permit may request to be excluded from the coverage of the general permit by applying for a reuse permit. (4-6-23)

610. -- 699. (RESERVED)

700. PERMIT MODIFICATION.

01. **Causes**. A permit modification may be initiated by a permittee through a modification request or by the Department if one (1) or more of the following causes exist. (4-6-23)

a. Material and substantial alterations or additions to the permitted facility or activity occurred after permit issuance which justify applying permit conditions that are different or absent in the existing permit. (4-6-23)

b. Standards or regulations on which the permit was based amended by promulgation or by judicial decision after the permit was issued. (4-6-23)

c. The Department determines good cause exists for modifying a compliance schedule or terms and conditions of a permit. (4-6-23)

d. Level of discharge of any pollutant that is not limited in the permit exceeds the level that may cause an adverse impact to surface or ground waters. (4-6-23)

e. Correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions. (4-6-23)

f. When a treatment technology proposed, installed, and properly operated and maintained by the permittee fails to achieve the requirements of the permit. (4-6-23)

02. Minor Modifications. Minor permit modifications may be made without issuing a draft permit or public review. Examples include: (4-6-23)

a. The correction of typographical errors or formatting changes; (4-6-23)

b. Transfer of ownership or operational control, or responsible official; (4-6-23)

c. Change in monitoring or reporting frequency requirements, or revision of a laboratory method; (4-6-23)

d. Extend the permit expiration date or change compliance due date; (4-6-23)

e. Change or add a sampling location; (4-6-23)

f. Change to a higher level of treatment without a change in end uses; (4-6-23)

g. Change in terminology; (4-6-23)

h. Removal of an allowed use; (4-6-23)

i. Correct minor technical errors, such as citations of law, and citations of construction specifications; (4-6-23)

j. Change in a contingency plan resulting in equal or more efficient responsiveness; or (4-6-23)

k. Removal of acreage from irrigation without an increase in loadings. (4-6-23)

03. Major Modifications. The procedure for major modifications is the same as for a new permit. Examples include: (4-6-23)

a. Changes in the treatment system; (4-6-23)

b. Adding an allowed use; (4-6-23)

c. Changes to a lower (less treated) class of water; (4-6-23)

d. Adding acreage used for irrigation; or (4-6-23)

e. Changes to less stringent discharge limitations. (4-6-23)

701. -- 799. (RESERVED)

800. PERMIT TRANSFER.

01. General. A permit may be transferred only upon Department approval. No transfer is required for a corporate name change if the permittee, via secretary of state filings, can verify a change in name alone occurred. An attempted transfer is not effective until approved in writing by the Department. (4-6-23)

02. Request. Either the permittee or the person to whom the permit is proposed to be transferred (transferee) must submit to the Department for transfer at least thirty (30) days before the proposed transfer date. The request for transfer includes: (4-6-23)

a. Legal name and address of the permittee; (4-6-23)

b. Legal name and address of the transferee; (4-6-23)

c. Location and the common name of the facility; (4-6-23)

d. Date of proposed transfer; (4-6-23)

e. Sufficient documentation for the Department to determine that the transferee will comply with IDAPA 58.01.16, "Wastewater Rules," relating to technical, financial, and managerial capacity; (4-6-23)

f. Signed declaration by the transferee that the transferee has reviewed the permit and understands the terms of the permit; (4-6-23)

g. Sworn statement that the request is made with the full knowledge and consent of the permittee if the transferee is submitting the request; (4-6-23)

h. Identification of any judicial decree, compliance agreement, enforcement order, or other outstanding obligating instrument, the terms of which have not been met, along with legal instruments sufficient to address liabilities under such decree, agreement, order, or other obligating instrument; and (4-6-23)

i. Other information the Department may reasonably request. (4-6-23)

03. Effective Date. The effective date of the transfer is the date of the Department's approval. (4-6-23)

04. Compliance with Permit Conditions. Responsibility for compliance with the permit and liability for any associated violation is assumed by the transferee upon the effective date. Before transfer approval, the permittee is responsible for complying with the permit and is liable for any associated violation, regardless of whether ownership or operational control of the permitted facility has been transferred. (4-6-23)

05. Transferee Liability Before Transfer Approval. If a proposed transferee causes or allows operation of the facility under his ownership or control before approval of the permit transfer, the transferee is considered to be operating without a permit or authorization required by these rules and may be cited for additional violations as applicable. (4-6-23)

06. Compliance Record of Transferee. The Department may consider the prior compliance record of the transferee, if any, in the decision to approve or disapprove a transfer. (4-6-23)

801. TEMPORARY CESSATION OF OPERATIONS AND CLOSURE.

01. Temporary Cessation. A permittee must implement any applicable conditions specified in the permit for temporary cessation of operations. When the permit does not specify applicable temporary cessation conditions, the permittee must notify the Department before a temporary cessation of reuse operations at the facility greater than sixty (60) days in duration and any cessation not for regular maintenance or repair. Cessation of operations necessary for regular maintenance or repair of a duration of sixty (60) days or less do not require Department notification under this section. Notification compliance under this section includes a proposed temporary cessation plan to ensure the cessation of operations will not pose a threat to human health and the environment. (4-6-23)

02. Closure. A closure plan is required when a facility is closed voluntarily and when a permit is revoked. A permittee implements any applicable conditions specified in the permit for facility closure. Unless otherwise directed by the terms of the permit or by the Department, the permittee submits a closure plan to the Department for approval at least ninety (90) days before ceasing operations. The closure plan ensures the closed facility will not pose a threat to human health and the environment. Closure plan approval may be conditioned upon a permittee's agreement to complete such site investigations, monitoring, and any necessary remediation activities. A permittee must complete all closure plan activities. (4-6-23)

802. -- 919. (RESERVED)

920. PERMIT REVOCATION.

01. Conditions. The Department may revoke a permit or coverage under a reuse general permit if the permittee violates any permit condition or these rules, or the Department becomes aware of any omission or misrepresentation of condition or information relied upon when issuing the permit. (4-6-23)

02. Notice. Except in emergencies, the Department will issue a written notice of intent to revoke to the permittee before final revocation. Revocation becomes final within thirty-five (35) days of the permittee receiving notice unless, within that time, the permittee requests an administrative hearing in writing. The hearing is conducted according to IDAPA 58.01.23, Contested Case Rules and Rules for Protection and Disclosure of Records. (4-6-23)

03. Emergency Action. If the Department finds the human health, safety, or welfare requires emergency action, the Department will incorporate findings to support the action and issue a written notice of emergency revocation to the permittee. Emergency revocation is effective upon receipt by the permittee. If requested by the permittee in writing, the Department will provide the permittee a revocation hearing. Hearings are conducted according to IDAPA 58.01.23, Contested Case Rules and Rules for Protection and Disclosure of Records. (4-6-23)

04. Revocation and Closure. A permittee must perform the closure requirements in a permit and these rules and complete all closure plan activities regardless of the permit revocation. (4-6-23)

921. -- 939. (RESERVED)

940. WAIVERS.
Waivers from these rules may be granted by the Department on a case-by-case basis upon full demonstration by the person requesting the waivers that activities for which the waivers are granted will not have a detrimental effect upon existing water quality and beneficial uses are adequately protected. A violation of a waiver from these rules is a violation of the rules. (4-6-23)

941. -- 999. (RESERVED)