



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

900 North Skyline Drive, Suite B • Idaho Falls, ID 83402 • (208) 528-2650

Brad Little, Governor  
John H. Tippetts, Director

**CERTIFIED MAIL 7013 1090 0001 7435 8481**

June 19, 2020

Mr. Todd Sutton, V.P. Operations  
P.O. Box 478  
Ririe, Idaho 83443

**RE: Reuse Permit I-030-04 (Currently LA-000030-03) Idaho Pacific – Final Reuse Permit Issuance**

Dear Mr. Sutton:

We are issuing the above referenced Reuse Permit. The enclosed document is your official copy of the permit and demonstrates that you are authorized to operate the reuse facility subject to certain specified requirements. Your permit is issued as of June 19, 2020 and expires on June 19, 2025.

A draft permit was issued on March 30, 2020 for public comment. The comment period closed on April 29, 2020. DEQ did not receive any comments during the public comment period. As you are aware, DEQ extended Idaho Pacific's comment period to June 9, 2020 and the facility submitted and discussed responses on June 5, 2020. Attachment 1 contains the response to comments received and summarizes changes made in the final permit.

Please contact our office within 30 days to schedule a permit hand-off meeting to review the terms of the new permit. If you have any questions or need further assistance, please contact Tyler Ayers at (208) 528-2625.

Sincerely,

A handwritten signature in black ink, appearing to read "Erick Neher".

Erick Neher  
Regional Administrator  
Idaho Falls Regional Office

Attachments (1)

EC: Todd Sutton, Idaho Pacific ([todd@idahopacific.com](mailto:todd@idahopacific.com)) (w/enclosures)  
Wally Browning, Idaho Pacific ([wally@idahopacific.com](mailto:wally@idahopacific.com)) (w/enclosures)  
Chris Baker, Idaho Pacific ([chris@idahopacific.com](mailto:chris@idahopacific.com)) (w/enclosures)  
Tom Wood, Clearwater Geosciences, LLP ([thomaswood@gmail.com](mailto:thomaswood@gmail.com)) (w/enclosures)  
Rachel Geringer, Clearwater Geosciences, LLP ([racheljgeringer@gmail.com](mailto:racheljgeringer@gmail.com)) (w/enclosures)

Greg Eager, DEQ-Idaho Falls Regional Office  
Tyler Ayers, DEQ-Idaho Falls Regional Office  
Andrew John, DEQ-Technical Services Division  
Michael Stambulis, DEQ-Technical Services Division  
Larry Waters, DEQ-State Office

## Attachment 1

### **DEQ Response to Idaho Pacific Comments on Draft Permit I-030-04 received and discussed on June 5, 2020 and a Summary of Permit Changes.**

1. Idaho Pacific requested clarification on the purpose of compliance activity CA-030-03 – Representative Recycled Water Sample.

**DEQ Response:** During the June 5, 2020 meeting, Idaho Pacific personnel stated that silt wastewater is sent to the recycled water pump station multiple times each day. Therefore, the facility believes both silt and process wastewaters are captured by the 24-hour composite sampler. As this was not clear in the facility's Plan of Operation, this compliance activity will remain in the permit to ensure there is a detailed description of how a representative sample is collected.

2. Idaho Pacific requested the due date for compliance activity CA-030-04 – Soil Available Water Holding Capacity Characterization be extended from 12 months to 18 months after the permit issuance date. Idaho Pacific believes this extension would provide enough time for a thorough analysis of soils on the reuse site and sampling to occur if necessary.

**DEQ Response:** Considering this compliance activity directly impacts how the facility operates during the non-growing season, it is important the facility has time to conduct a thorough analysis. Therefore, DEQ has accommodated the request (Section 3, p. 10).

3. Idaho Pacific requested the due date for compliance activity CA-030-05 – Evaluation of Canal Influence to Ground Water Monitoring Wells be extended from six months to 15 months after the permit issuance date. Idaho Pacific stated that six months was not enough time to adequately conduct this evaluation for the following reasons:
  - The canal company recently lined the canal with bentonite and it is expected that the canals influence to wells has changed. Therefore, the facility would like to monitor ground water over the course of a year.
  - Once the monitoring is completed, the facility would like to have three months to analyze the information.

**DEQ Response:** Considering a canal has recently been lined with bentonite, its impact to the ground water monitoring well network may have changed. DEQ concurs with Idaho Pacific that ground water monitoring will need to occur for an adequate evaluation to be conducted. DEQ has accommodated the facility's request.

However, to ensure DEQ and Idaho Pacific are in agreement with how the evaluation will be conducted, DEQ added a requirement that a plan should be submitted three months after permit issuance. The plan will outline how Idaho Pacific will conduct the monitoring well evaluation. The language of the compliance activity (Section 3, p. 10) has been changed to the following:

<p>CA-030-05 As specified</p>	<p><b>Evaluation of Canal Influence to Ground Water Monitoring Wells:</b> <i>Within three months of permit issuance the permittee shall submit to DEQ for review and approval a plan that outlines how the permittee will conduct an evaluation of canal influences to monitoring wells (Evaluation). Within 15 months of permit issuance, the permittee shall submit to DEQ for review and approval the Evaluation. The Evaluation shall be performed by a qualified hydrogeologist registered as a professional geologist in the state of Idaho. The Evaluation shall include:</i></p> <ul style="list-style-type: none"> <li>• Chemical and physical influences of adjacent canals to the monitoring wells specified in Section 5.2.1.</li> <li>• Determine the appropriate distances each monitoring well should be from a canal to adequately assess reuse site impacts.</li> <li>• If the Evaluation determines deficiencies with the monitoring well network, submit a plan and a schedule to remediate deficiencies. All well construction, recompletion, and abandonment shall be conducted as specified in the Rules for Well Construction (IDAPA 37.03.09).</li> </ul> <p><i>Within 12 months of DEQ approval of the Evaluation, the permittee shall implement all remedial actions specified in the Evaluation.</i></p>
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4. Idaho Pacific requested the due date for compliance activity CA-030-06 – Corrective Action Plan be extended from four months to 42 months after the permit issuance date. Idaho Pacific stated that four months was not enough time to complete the corrective action plan for the following reasons:

- Idaho Pacific will have a better understanding of how to address this compliance activity after completion of the CA-030-03, CA-030-04, and CA-030-05.
- Idaho Pacific would like to consider data from other studies and complete a thorough and reasonable corrective action plan that they can successfully complete.
- Idaho Pacific was concerned that completing the corrective action plan in four months would result in many review iterations with DEQ, as well as amendments once the results from the other studies are found.

**DEQ Response:** After further consideration, DEQ has determined to only extend the due date of the Corrective Action Plan to 30 months (Section 3, p. 11). This provides Idaho Pacific 12 months after the due date of compliance activity CA-030-04 to submit the Corrective Action Plan. Compliance activity CA-030-04 directly impacts the facility’s non-growing season loading allowance to the reuse site and, as such, corrective actions may need to be implemented in a timely manner based on the findings of the compliance activity.

After DEQ approval of the plan, Idaho Pacific will have 12 months to complete all the projects identified in the plan. In all, Idaho Pacific will have 42 months to complete the entire compliance activity, which is a substantial amount of time. Idaho Pacific’s request would allow for, at the earliest, 54 months to complete the compliance activity and the permit duration is only 60 months. This schedule would not provide enough time for DEQ to assess the facility’s compliance with the permit after completion of the compliance activity. Please note, DEQ reserves the right to enforce permit loading limits during the duration of the compliance activity.

During the June 5, 2020 meeting, facility personnel indicated that Idaho Pacific is continuously assessing ways to decrease loading on the management units. Facility personnel stated they would provide DEQ with updates regarding any improvements to decrease loading at the reuse site. DEQ has determined that these updates should be required in the annual reports. The following additional item has been added Section 6.1.2, p. 20:

*A list of reuse site improvements to decrease hydraulic and constituent loading on the management units.*

5. Idaho Pacific requested clarification on the purpose of compliance activity CA-030-03 – Flow Monitoring Validation and Verification Report.

**DEQ Response:** It was clarified that the submittal for this compliance activity should clearly demonstrate how Idaho Pacific ensures recycled water and supplemental irrigation water flows are accurately monitored. Idaho Pacific personnel requested the title be changed to the following:

*Flow Monitoring Validation and Verification ~~Report~~ Documentation*

DEQ has accommodated this request and added that the documentation should be incorporated into the PO (Section 3, p. 11).

6. Idaho Pacific requested that a <3 acre parcel of land be added to MU-030-23. This parcel of land had historically been irrigated with recycled water as part of MU-030-23 but DEQ required its removal for compliance with buffer distance restrictions. Idaho Pacific stated they had submitted a Well Location Acceptability Analysis that addressed the issue.

**DEQ Response:** In Section 5.1, p. 28 of the Staff Analysis, DEQ stated the following:

*In IPC's addendum to the permit application submitted on October 17, 2018, it was requested that DEQ reduce the buffer distance of the MU-030-23 farm house domestic well from 500 feet to 200 feet or 300 feet, depending on the occupancy (IPC 2018b, pp. 4–5). This was based on the facility's WLAA that showed a narrow capture zone for this well (IPC 2016, appendix C). Although, IPC's WLAA showed the well was at an acceptable distance from MU-030-23 (see Section 4.5.3), this was based on the facility's current management of the buffer zone (i.e. stopping irrigation ~225 feet from the property line). As noted in Section 4.5.3, DEQ does not recommend buffer distances to public water supply and domestic wells be reduced. However, it is recommended the permit specify that buffer zone distances apply unless a DEQ approved WLAA indicates an alternative buffer zone is acceptable.*

As indicated in Section 5.1, p. 27 of the Staff Analysis, Idaho Pacific has not yet designed and implemented a buffer zone plan. Section 4.4, p. 13 of Permit I-030-04 is written as such that buffer distances can be reduced if both a DEQ approved buffer zone plan and well location acceptability analysis indicate reduced distances are acceptable and protective. DEQ needs further justification for reducing this buffer distance on MU-030-23, including how Idaho Pacific will manage the reduction in a way that is protective of human health.