



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

FAQs for Class A Projects

Frequently asked questions for municipal, Class A recycled water projects

Background

The Idaho Department of Environmental Quality (DEQ) regulates recycled water projects using a fit-for-purpose framework grounded in the best available science and applicable federal and state authority. Recycled water is treated to standards that correspond to its intended use—such as irrigation, industrial use, or dust suppression—and are designed to protect public health and the environment. These requirements are implemented through enforceable, site-specific permits.

While there is no federal regulatory program governing recycled water reuse, its use is recognized and addressed within existing federal frameworks. For example, the US Food and Drug Administration acknowledges that recycled water may be used in agricultural operations and, under the Food Safety Modernization Act Produce Safety Rule, agricultural water quality and treatment requirements apply regardless of source, including recycled water. Available literature indicates that many state recycled water programs impose treatment and management requirements that are more advanced than federal food safety requirements for produce and sprouts. These requirements reflect a broader recognition that properly treated recycled water, when managed under protective standards, can be used for agricultural irrigation with low risk to consumers.

Consistent with this approach, recycled water projects in Idaho are authorized only when the treatment level and management practices are appropriate for the intended use. Permits include requirements for treatment, disinfection, monitoring, operational reliability, and use restrictions, and are subject to public notice and comment prior to issuance. This process allows DEQ to evaluate site-specific conditions and proposed uses and to consider public input before making a final decision.

Idaho's "Recycled Water Rules" (IDAPA 58.01.17) were developed primarily to address pathogen control and typical municipal wastewater parameters, reflecting the scientific understanding and statutory authority available when the rules were adopted. Emerging contaminants such as per- and polyfluoroalkyl substances (PFAS), pharmaceuticals, hormones, and microplastics are an area of increasing national focus, and DEQ continues to monitor evolving science, federal policy developments, and approaches taken by other states as this body of information continues to develop.

At the same time, DEQ's authority is defined by Idaho statute and rule. The "Environmental Quality Rules of Department or Board" (Idaho Code § 39-107D) applies to any rule proposed by the department that is broader in scope or more stringent than federal law, or that regulates an activity not regulated at the federal level. When triggered, this statute requires the department to clearly identify how a proposed rule exceeds federal requirements and to support that proposal with the best available peer-reviewed science, including identifying affected populations and environmental receptors, quantifying risk and uncertainty, and documenting supporting and conflicting studies. These requirements reflect deliberate legislative direction about how Idaho agencies may consider regulatory approaches that go beyond federal baselines.

Because the US Environmental Protection Agency (EPA) has not established Clean Water Act water quality criteria or municipal recycled water reuse standards for PFAS or other emerging contaminants, any effort by DEQ to impose new statewide treatment requirements or restrictions for these contaminants would likely constitute regulation broader in scope than federal law and trigger the requirements of the Idaho Code § 39-107D. While DEQ could initiate such a rulemaking, doing so would require extensive scientific justification, stakeholder engagement, and legislative review consistent with that statute. In the absence of a clear federal regulatory framework or sufficiently mature consensus science suitable for statewide application, meeting those requirements would be challenging and uncertain. Idaho law establishes a high bar for adopting new statewide environmental requirements without federal standards or legislative direction.

Under IDAPA 58.01.17, municipal recycled water treated to a Class A standard is expressly allowed for use in irrigation for all crops and landscape applications. Any expansion of regulatory requirements for agricultural reuse, particularly actions that would impose blanket treatment standards, restrict reuse, or differentiate reuse based on crop type, would require a formal rulemaking process and, in some cases, legislative direction.

With respect to reuse projects involving irrigation canals and Class A recycled water, it is important to note that canal systems in Idaho are managed primarily for agricultural irrigation and are part of a broader water delivery system. Canal water commonly includes a mix of inputs such as diverted surface water, agricultural return flows, nonpoint source inputs, and treated wastewater authorized by Idaho Pollutant Discharge Elimination System (IPDES) permits. Recycled water projects are evaluated within this context to ensure they are protective and compatible with downstream uses. Irrigation canal water is not intended for use as a drinking water or other potable source and is not regulated for this use.

DEQ remains engaged in national discussions with EPA and other states as research, analytical methods, and risk assessments related to emerging contaminants continue to develop. As that body of science matures and as federal direction becomes clearer, those developments will inform any future consideration of recycled water policy in Idaho. DEQ's role is to ensure that recycled water projects meet applicable requirements and are implemented in a manner that is safe, protective, and consistent with Idaho law and current scientific understanding.

What agency is involved with reuse permitting for use of recycled water?

The Idaho Department of Environmental Quality (DEQ).

What legal and regulatory frameworks govern reuse permits?

Under Idaho's "Recycled Water Rules" (IDAPA 58.01.17), DEQ issues pollution source permits called reuse permits to protect public health and prevent pollution of surface and groundwaters. Reuse is the use of recycled water for beneficial purposes.

Pursuant to the "Environmental Protection and Health Act" (Idaho Code § 39-1), DEQ's director is authorized to adopt or formulate and recommend rules to the Board of Environmental Quality. The Board of Environmental Quality is authorized to adopt rules, regulations, and standards necessary and feasible to protect the environment and the health of citizens of the state, including provisions for the issuance of pollution source permits, authorized by Idaho Code § 39-115, and review of plans and specifications for wastewater treatment facilities, authorized by Idaho Code § 39-118.

What is municipal Class A recycled water?

Municipal Class A recycled water has been treated according to Class A standards established in IDAPA 58.01.17 and used according to the rules. The treatment process includes secondary treatment followed by tertiary treatment with advanced filtration to extremely low turbidity standards before disinfection to meet stringent Class A water quality limits. Class A recycled water must be oxidized, filtered, and disinfected. Class A recycled water is highly treated with redundancy and reliability requirements, allowing its use for nonpotable applications where human contact is likely, such as distribution to homeowners for irrigating yards, gardens, and landscape.

Are there other states that allow the use of recycled water?

Other states have adopted recycled water frameworks that reflect their own statutory authorities and policy choices. The [National Water Reuse Action Plan](#) provides a [REUSE Explorer Tool](#) that summarizes state regulations and guidelines for a variety of water reuse applications.

Washington, California, and Idaho have treatment-based standards and use controls such as monitoring for fit-for-purpose uses rather than categorical prohibitions. Idaho's framework reflects deliberate legislative choices about how environmental regulations are developed and implemented. DEQ does not have unilateral authority to impose new prohibitions or treatment requirements for agricultural reuse absent a rulemaking process conducted consistent with Idaho law.

What opportunities exist for public input on a project or permit?

Because recycled water reuse is authorized and implemented through site-specific permits, the most effective opportunity for public engagement is during the reuse permitting process. The public is encouraged to provide comments on draft reuse permits when notice is posted. Subscribe to DEQ's [Public Comment Opportunities](#) page to receive notifications for public comment opportunities.

Are nearby private wells considered in permit evaluations?

Public and privately-owned drinking water wells are evaluated in a groundwater analysis performed by the project applicant and reviewed by DEQ during permitting. This analysis is based on the hydrogeology of the area, well construction, recycled water class, and vadose and aquifer travel times and is used to determine the acceptability of private and public water supply locations in relation to the proposed point of use for recycled water.

How are property rights considered in permitting decisions?

A reuse permit allows the use of recycled water for a specified purpose but does not require end users to receive it. Subsequently, for a project involving the discharge of Class A recycled water to an irrigation canal, it is a voluntary decision for irrigation canal districts to receive the Class A recycled water, and a voluntary decision for those on the canal to pay for and receive that canal water. The reuse permit for Class A recycled water will have education requirements to ensure those using the water understand it is for nonpotable uses.

How is groundwater protected under Idaho law and DEQ permitting programs?

Idaho's "Recycled Water Rules" (IDAPA 58.01.17) allow Class A recycled water to be used for groundwater recharge purposes. Reuse permit applications must contain a statement and supporting documentation demonstrating the proposed activity will comply with the "Ground Water Quality Rule" (IDAPA 58.01.11) (IDAPA 58.01.17.300.m). Issued reuse permits contain a general permit condition stating that the "permittee must comply with the requirements of the 'Ground Water Quality Rule' (IDAPA 58.01.11)."

How could recycled water irrigation affect USDA organic certification?

DEQ is not tasked with regulating organic certification. The National Organic Standards Board (NOSB) and the National Organic Program (NOP) do not have a single, unified federal regulation specifically governing "recycled water" as a broad category. Instead, its use in organic production is managed through existing standards for water quality, soil health, and contamination prevention.

Who bears responsibility for testing and compliance impacts on organic farms?

DEQ does not regulate organic certification. The Idaho State Department of Agriculture's (ISDA's) Organic Certification Program is an accredited certifying agent of the USDA's National Organic Program. ISDA operates this program under the Organic Food Products Law (Idaho Code § 22-11).

Does DEQ review the use of Class A recycled water in irrigation canals with considerations of downstream irrigation users?

DEQ reviews the Class A recycled water for its fit-for-purpose use. The Class A recycled water, conveyance of the recycled water, quality of the irrigation water, and downstream users will be considered in the reuse permit staff analysis. DEQ's review focuses on water quality, not water quantity or allocation. Questions about changes in water availability for water rights fall under the Idaho Department of Water Resource's (IDWR's) jurisdiction.

What are some of the conditions included in DEQ's review for establishing Class A recycled water discharge into an irrigation canal?

DEQ will base its reuse permit authorization for Class A recycled water discharge into an irrigation canal on treatment technology, operational practices, and continuous monitoring. For the reuse permit, DEQ does not consider the additional nonpoint source discharges into the irrigation canal that are comingled with the irrigation water. Examples of nonpoint source discharges include, but are not limited to, agricultural operations, livestock facilities, urban and residential runoff, and atmospheric deposition.

Does DEQ review permits for discharge and comingling of treated water into a canal that also conveys river water for irrigation purposes?

EPA has found that many surface waters in the United States foster "de facto water reuse" conditions, in which a drinking water or agricultural water supply contains wastewater effluent, typically from upstream wastewater discharges. De facto reuse is where reuse happens and is not officially recognized (e.g., discharge of nonpoint sources above an intake located downstream). DEQ, through the IPDES Program, permits the discharge of treated effluent of a potentially lower quality than Class A recycled water to surface water bodies throughout Idaho. In the case of planned nonpotable reuse involving canal water irrigation, tertiary-treated Class A recycled water is required to obtain a reuse permit.

DEQ has previously determined that commingling Class A recycled water with surface water in specific shared irrigation canals is consistent with water quality standards for agricultural use. Similar precedents exist in Idaho where Class A recycled water authorized by a reuse permit and treated wastewater authorized by a IPDES permit have been introduced into irrigation conveyance systems.

Does DEQ coordinate with, or defer to, IDWR or local water districts on any water quality or administration considerations related to Class A or other reuse projects?

IDWR's mission is to ensure Idaho's water is conserved and available to sustain Idaho's economy, ecosystems, and resulting quality of life. DEQ's mission is to protect human health and the quality of Idaho's air, land, and water, and this is considered when evaluating Class A recycled water use. IDWR manages water quantity, and coordination may occur if water administration or other considerations arise during permitting. IDWR is also the permitting authority for Underground Injection Control (UIC) wells. If a facility intends to use recycled water for deep injection wells, both IDWR and DEQ would be involved in permitting.

Are future rulemaking or stakeholder processes being considered?

Public participation is welcome during formal rulemaking or guidance development processes, and interested parties are encouraged to engage directly with municipalities proposing recycled water reuse to better understand individual projects. At this time, DEQ is reviewing a number of chapters as prescribed by the "Periodic Review of Administrative Rules" (Idaho Code § 67-5292) and will engage in negotiated rulemaking for chapters identified by the agency and Governor's

office as necessary. Visit DEQ's [Rulemaking](#) web page to access rulemaking dockets and upcoming public comment opportunities.

DEQ values informed public engagement on complex water quality issues and appreciates the opportunity to explain the legal and scientific framework under which the agency operates. DEQ will continue to monitor emerging science and federal policy developments related to recycled water reuse and emerging contaminants, and DEQ will apply that information consistent with Idaho law and established regulatory processes as it becomes available.

Who do I contact to obtain detailed information about the reuse program and projects?

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Are there resources to learn more about reuse?

[Reusing Water for Agricultural Activities Resources](#)
[Water Research Foundation](#)
[WateReuse Association](#)
[Water Reuse and Recycling | US EPA](#)

Are there resources to learn more about PFAS and other “emerging contaminants”?

PFAS has become ubiquitous in our environments from a variety of industries and sources. PFAS has been detected in rainwater in the northwest, nationally, and across the globe from atmospheric deposition that impacts soil and water sources. PFAS volatilization, atmospheric transport, and deposition has led to a widespread presence of PFAS, creating a complex situation. EPA is working to develop a comprehensive understanding of efficient detections methods, exposure, risks to people and the environment, removal, and management. EPA has committed to a strategic roadmap to protect public health and the environment from the impacts of PFAS. The following resources provide additional information:

[PFAS Strategic Roadmap | US EPA](#)
[Contaminants of Emerging Concern including Pharmaceuticals and Personal Care Products | US EPA](#)
[Emerging Contaminants | US Geological Survey](#)
[Treatment Plant Influent PFAS Study | US EPA](#)
[Per- and Polyfluoroalkyl Substances \(PFAS\) | US FDA](#)