

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 410

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO INJECTION WELLS; AMENDING SECTION 42-3902, IDAHO CODE, TO REVISE  
THE DEFINITION OF "INJECTION WELL" AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-3902, Idaho Code, be, and the same is hereby  
amended to read as follows:

42-3902. DEFINITIONS. Whenever used in this chapter:

(1) "Aquifer" means any geologic formation that will yield water to a well in sufficient quantities to make production of water from the formation feasible for beneficial use, except when the water in such formation results solely from injection through a deep or shallow injection well.

(2) "Class II injection well" means a deep injection well used to inject fluids:

(a) Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants, dehydration stations, or compressor stations which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(3) "Deep injection well" means an injection well which is more than eighteen (18) feet in vertical depth below land surface.

(4) "Director" means the director of the department of water resources.

(5) "Drinking water source" means an aquifer which contains water having less than ten thousand (10,000) mg/l total dissolved solids and has not been exempted from this designation by the director of the department of water resources.

(6) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gaseous or any other form or state.

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

(8) "Hazardous waste" means any fluid or combination of fluids, excluding radioactive wastes, which because of quantity, concentration or characteristics (physical, chemical or biological) may:

(a) Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible or incapacitating reversible illness; or

(b) Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes

1 include, but are not limited to, materials which are toxic, corro-  
 2 sive, ignitable, or reactive, or materials which may have mutagenic,  
 3 teratogenic, or carcinogenic properties, but do not include solid or  
 4 dissolved material in domestic sewage or solid or dissolved material in  
 5 irrigation return flows.

6 (9) "Injection" means the subsurface emplacement of fluids through an  
 7 injection well, but excludes the following:

8 (a) The underground injection of natural gas for purposes of storage;  
 9 and

10 (b) The underground injection of fluids or propping agents, other than  
 11 diesel fuels, pursuant to hydraulic fracturing operations related to  
 12 oil, gas or geothermal production activities.

13 (10) "Injection well" means any feature that is operated to allow in-  
 14 jection which also meets at least one (1) of the following criteria:

15 (a) A bored, drilled or driven shaft whose depth is greater than the  
 16 largest surface dimension;

17 (b) A dug hole whose depth is greater than the largest surface dimen-  
 18 sion;

19 (c) An improved sinkhole; or

20 (d) A subsurface fluid distribution system.

21 Provided however, that "injection well" does not mean or include any well  
 22 ~~drilled~~ used for oil, gas or geothermal production activities, other than  
 23 one into which diesel fuels are injected pursuant to hydraulic fracturing  
 24 operations.

25 (11) "Irrigation waste water" means excess surface water from agricul-  
 26 tural fields generated during any agricultural operation, including runoff  
 27 of irrigation tailwater, as well as natural drainage resulting from precipi-  
 28 tation, snowmelt and floodwaters.

29 (12) "Licensed driller" means any person holding a valid license to  
 30 drill water wells in Idaho as provided and defined in section 42-238, Idaho  
 31 Code.

32 (13) "Operate" means to allow fluids to enter an injection well by ac-  
 33 tion or by inaction of the operator.

34 (14) "Operator" means any individual, group of individuals, partner-  
 35 ship, company, corporation, municipality, county, state agency, taxing dis-  
 36 trict or federal agency who operates or proposes to operate any injection  
 37 well.

38 (15) "Owner" means any individual, group of individuals, partnership,  
 39 company, corporation, municipality, county, state agency, taxing district,  
 40 or federal agency owning land on which any injection well exists or is pro-  
 41 posed to be constructed.

42 (16) "Radioactive material" means any material, solid, liquid or gas  
 43 which emits radiation spontaneously.

44 (17) "Radioactive waste" means any fluid which contains radioactive ma-  
 45 terial in concentrations which exceed those established for discharges to  
 46 water by 10 CFR 20.

47 (18) ~~"Shallow injection well" means an injection well which is less than  
 48 or equal to eighteen (18) feet in vertical depth below land surface.~~

49 ~~(19)~~ "Sanitary waste" means any fluid generated through residential  
 50 (domestic) activities, such as food preparation, cleaning and personal hy-

1 giene. The term does not include industrial, municipal, commercial or other  
2 nonresidential process fluids.

3 (19) "Shallow injection well" means an injection well which is less than  
4 or equal to eighteen (18) feet in vertical depth below land surface.

5 (20) "Surface runoff water" means runoff water from the natural ground  
6 surface and cropland. Runoff from urbanized areas, such as streets, park-  
7 ing lots, airports, and runoff from animal feedlots, agricultural process-  
8 ing facilities and similar facilities are not included within the scope of  
9 this term.