

## IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

### IN THE MATTER OF

City of Bellevue  
31 Allyson Road  
Bellevue, Idaho 83313

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**COMPLIANCE**  
**AGREEMENT SCHEDULE**  
Idaho Code § 39-116A

### FINDINGS AND CONCLUSIONS

1. Pursuant to the Idaho Environmental Protection and Health Act (EPHA), Idaho Code §§ 39-108 and 39-116A, the “Wastewater Rules” (IDAPA 58.01.16), and the “Recycled Water Rules” (IDAPA 58.01.17), the Department of Environmental Quality (Department) enters into this Compliance Agreement Schedule (CAS) with City of Bellevue (City).
2. The City owns and operates a central wastewater treatment and reuse facility (Facility), located in Bellevue, Idaho. The City was authorized under Reuse Permit No. M-112-03 (Permit) to land apply recycled water. The Permit expired on December 13, 2022.
3. The Facility is designed for a maximum month flow of 0.5 million gallons per day (MGD). The Facility is intended to produce Class C recycled water for land application to adjacent agricultural fields (management units, MU-112-05 and MU-112-06) and rapid infiltration basins (RIBs) (management units, MU-112-02, MU-112-03, and MU-112-04). The Facility includes primary screening, membrane bioreactor (MBR), chlorine disinfection, storage lagoons, slow rate irrigation and rapid infiltration. The Facility has three lined lagoons (LG-112-01, LG-112-02, and LG-112-03). Two of the lined lagoons, LG-112-01 and LG-112-03, are lined with high-density polyethylene (HDPE), while LG-112-02 is lined with polyvinyl chloride (PVC). Nothing in this CAS or the Department’s issuance of the Permit shall be construed as certifying or assuring the performance of the Facility.
4. Historical compliance concerns at this Facility include failure to submit a complete reuse renewal application and violations during MBR failure and bypass operations since March 2023. To address these matters, the City has submitted a permit application on September 13, 2025, that was deemed incomplete on October 31, 2025. On February 25, 2026, the City submitted corrective actions for returning the Facility to service.
5. On December 2, 2021, the City received a grant from the Department to complete a wastewater Facility Plan. The City received a technical draft approval of the Facility Plan from the Department on May 24, 2023; however, the City did not complete the state environmental review process and public involvement that are required for Department

funding for a construction project. The Facility Plan may not adequately account for the issues that resulted after the MBR failure and bypass.

6. On January 9, 2024, the Department met with representatives from the City, including City leadership, operations staff, and the City's consulting engineer, to discuss ongoing noncompliance at the Facility and establish a path toward returning the Facility to compliance. During the compliance conference, the Department outlined multiple areas of concern, including inadequate operation and maintenance practices, improper operation of the RIBs, the March 2023 failure and bypass event, failure to conduct required sampling during the bypass, unresolved nitrogen management issues associated with the RIBs, the need for lagoon seepage testing, and concerns regarding long-term groundwater protection. The meeting concluded with agreement that the Department would develop an initial draft CAS containing short-term compliance milestones, while the City would provide proposed long-term milestones and continue coordinating with the Department on permit renewal, Facility improvements, and future compliance actions. Both parties agreed to continue meeting as necessary to address outstanding technical and regulatory issues.
7. Following the January 9, 2024, compliance conference, the City continued working to stabilize Facility operations and evaluate long-term improvements while maintaining communication with the Department. As the City's plans became more defined and additional information regarding Facility conditions became available, the Department resumed development of a CAS to establish a structured, enforceable schedule for completing the corrective actions necessary to achieve compliance.
8. During a site visit on May 28, 2026, the Department met with representatives from the City to evaluate current Facility conditions. The meeting provided the Department with an opportunity to observe ongoing RIB and lagoon conditions.
9. The Department has evaluated the factors in Idaho Code § 39-116A(4) and finds that a CAS is an appropriate mechanism to return the City to compliance with Wastewater Rules (IDAPA 58.01.16), the Recycled Water Rules (IDAPA 58.01.17), and the conditions of Reuse Permit No. M-112-03. The Department has determined that entering into this CAS will be protective of human health and the environment while taking into account the resources of the City to achieve compliance.
10. To resolve this matter without litigation or further controversy, the City agrees to the provisions of this CAS.

## **AGREEMENT SCHEDULE**

11. The City is responsible for maintaining continued compliance with the requirements of the Permit issued by the Department to the City. These requirements are enforceable

under this CAS and the Permit. The City is responsible for providing reliable long-term operation and maintenance of the Facility.

**12. Groundwater Monitoring.** The City must conduct groundwater monitoring in accordance with this CAS and the Permit. At a minimum, the City must:

- a. Conduct quarterly groundwater monitoring at all groundwater monitoring wells identified in the Permit.
- b. Conduct monthly groundwater monitoring at wells GW-112-01, GW-112-02, and GW-112-07 during any month in which the RIBs receive recycled water.
- c. Collect and analyze groundwater samples in accordance with Table 5.2.2 of the Permit, including all required monitoring locations, sample types, sampling frequencies (increased sampling frequencies in this CAS supersede the Permit sampling frequencies), and analytical parameters. In addition, collect and analyze groundwater samples for quantitative monitoring for Total Coliform and if there is an exceedance of one colony forming unit/100 mL then additional or confirmation analysis for presence of *E. coli* must be conducted within five (5) business days. Any *E. coli* positive result must be reported to the Department by phone at (208) 736-2190 within 24 hours of the City becoming aware of the noncompliance.

**13. Recycled Water Monitoring.** The City must collect and analyze 24-hour composite samples of recycled water for Chloride, Sulfate, Carbonate, Bicarbonate, Sodium, Potassium, Calcium, and Magnesium at the discharge point of recycled water to management units. Sampling must be conducted quarterly for one year following the effective date of the CAS and then every other year during the month of April until specified in the renewed Permit or specified in an approved groundwater impact assessment. All other recycled water monitoring in Section 5.1.1 in the Permit must continue to be completed.

**14. Hydraulic Capacity Assessment.** The City must submit a Hydraulic Capacity Assessment to the Department for review and approval. At a minimum, the assessment must:

- a. Identify the design capacity of the Facility and the current operating flows.
- b. Evaluate current and projected influent flows, storage capacity, and available equalization capacity for operational flexibility.
- c. Identify alternative wastewater management or disposal methods to prevent lagoon overflows and maintain compliance.

Upon the Department acceptance of the Hydraulic Capacity Assessment, the City must implement the recommendations in accordance with the schedule in the approved Hydraulic Capacity Assessment.

15. **Nuisance Management Plan.** The City must submit a Nuisance Management Plan to the Department for review and approval based on Section 10 Part C Subsection III of the Department PO/PTR Checklist found in the reuse permit application. This plan must include the method(s) for receiving and responding to complaints. This plan must address the requirement in IDAPA 58.01.16.600.03, that states “wastewaters must not create a public health hazard or a nuisance condition.” The City must implement all findings and recommendations in accordance with the schedule in the approved Nuisance Management Plan.

16. **RIB Assessment.** The City must conduct a comprehensive assessment of the existing RIBs. At a minimum, the assessment must include:

- a. Evaluation of current operational and maintenance practices; surface and cold weather management; basin surface conditions (e.g., grading, sediment accumulation, clogging, and vegetation); berm conditions and integrity; inlet structures and distribution piping; flow control structures; monitoring equipment; etc.
- b. The assessment must include current hydraulic and nutrient loading rates and the design basis for those rates, including infiltration rates.
- c. Review of sampling and inspection frequencies, operation and maintenance checklists, and documentation of daily through annual activities.
- d. Identification of criteria and conditions under which recycled water may be applied to the RIBs, including expected application duration and recycled water quality requirements.
- e. Development of phased action items that would be based on groundwater and recycled water monitoring results to address potential impacts to groundwater conditions. This should include thresholds that trigger response, proposed alternatives, and the timeframes for response and implementing alternatives.

17. **Groundwater Impact Assessment.** The City must submit a Groundwater Impact Assessment, prepared by an Idaho licensed professional engineer or professional geologist, to the Department for review and approval. The assessment must evaluate background groundwater quality, results from the permittee's recycled water and groundwater quality monitoring, applicable requirements in Idaho's Recycled Water Rules (IDAPA 58.01.17) and Ground Water Quality Rules (IDAPA 58.01.11), and findings related to compliance with those Rules to be submitted to the Department for review and approval. At a minimum, the assessment must include:

- a. The City must re-evaluate the groundwater gradient of the reuse site and the effectiveness of the groundwater monitoring network.

- b. Recommend buffer distances with respect to groundwater time travel. Assess groundwater time of travel to the nearest downgradient drinking water well(s) and nearest property boundary.
- c. Summarize all groundwater monitoring results collected during the reporting period.
- d. Compare analytical results to applicable groundwater quality standards, ambient (background) concentrations, and recycled water quality and volume discharged to the rapid infiltration basins.
- e. Identify any constituent detections and groundwater standard exceedances.
- f. Document any notifications made to the Department, repeat sampling conducted for confirmation, and the results of such sampling.
- g. Evaluate trends in groundwater quality and discuss whether monitoring results indicate a need to reevaluate RIB operation and management, including loading rates.
- h. Evaluate groundwater mounding and develop a water quality model. Cite sources used to model concentrations of nitrate, TDS, time of travel and pathogen inactivation characteristics.
- i. Make recommendations for the Well Location Acceptability Analysis (WLAA) and RIB Assessment and Management Plan based on conclusions from this assessment.

**18. Well Location Acceptability Analysis.** The City must submit a Well Location Acceptability Analysis (WLAA) prepared as outlined in the Department Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater for Department review and approval. The City must implement all findings and recommendations in accordance with the schedule in the approved WLAA.

**19. RIB Management Plan.** The City must develop a RIB Management Plan that incorporates the findings of the RIB Assessment and Groundwater Impact Assessment and includes, at a minimum, the following elements:

- a. A comprehensive management plan for the operation and maintenance of the RIBs that includes, but is not limited to, proposed operational and maintenance practices; surface and cold weather management; basin surface conditions (e.g., grading, sediment accumulation, clogging, and vegetation); berm conditions; inlet structures and distribution piping; flow control structures; monitoring equipment; etc.
- b. Develop a rehabilitation design based on the RIB and Groundwater Impact Assessments that achieves even distribution of recycled water across the RIB and complies with the Idaho Recycled Water and Ground Water Quality Rules (IDAPA 58.01.17, 58.01.11), including necessary updates to operation and maintenance procedures, repairs, regrading, or replacement of system components that conform with standard practices.

- c. Provide a detailed implementation schedule identifying design, construction, and operation and maintenance milestones, including interim measures, to ensure timely completion and continued compliance.
- d. Basin infiltration rates used to determine hydraulic loading cycles and descriptions of application and drying periods that are based on current state of the science and standard practices.
- e. Describe operation and maintenance practices based on the groundwater mounding and water quality model.
- f. Sampling and inspection frequencies, operation and maintenance checklists, and documentation of daily through annual activities.
- g. Criteria and conditions under which recycled water may be applied to the RIBs, including expected application duration and recycled water quality requirements.
- h. Phased action items that would be based on groundwater and recycled water monitoring results to address potential impacts to groundwater conditions. This should include thresholds that trigger response, proposed alternatives, and the timeframes for response and implementing alternatives.
- i. Upon Department approval of the RIB Management Plan, it must be implemented in accordance with the approved RIB Assessment and incorporated into the Plan of Operation.

**20. Buffer Zone Plan.** The City must submit a Buffer Zone Plan to the Department for review and approval in accordance with Section 10 Part C Subsection I of the Department PO/PTR Checklist found in the reuse application and in the applicable sections of the Department Reuse Permit Writer's Manual. The Buffer Zone Plan must incorporate the findings of the WLAA. The City must implement all findings and recommendations in accordance with the schedule in the approved Buffer Zone Plan.

**21. Facility Plan Update.** As applicable, the City must update the Facility Plan to incorporate corrective actions determined from after the MBR failure. The City must implement the recommendations necessary for Permit renewal in accordance with the schedule in the approved updated Facility Plan.

**22. Seepage Testing Report.** By December 31, 2027, the City must complete seepage testing on LG-112-02 and LG-112-03 in accordance with IDAPA 58.01.16.493. A seepage testing procedure must be submitted to and approved by the Department prior to testing. After testing the City must submit a seepage testing report to the Department for review and approval, both must be sealed by an Idaho licensed professional engineer or Idaho licensed professional geologist.

**23. Progress Reports.** Within 90 days of the effective date of this CAS, the City must submit quarterly progress reports to the Department summarizing all activities undertaken to comply with the requirements of this CAS. The initial progress report is due within 90

days of the effective date of this CAS. Thereafter, progress reports are due on the first day of each calendar quarter. The Department may modify the reporting frequency, including reducing it to semiannual reporting, upon written notification to the City. At a minimum, each progress report must include:

- a. A summary of all significant activities performed to accomplish each requirement in Table 1.
- b. A detailed description of any issues encountered, including the actions taken to return to and to maintain compliance with this CAS.
- c. An account of any missed deadlines and associated corrective actions that have been or will be undertaken to maintain the timeline of this agreement schedule.
- d. A summary of future actions and a description of the milestones that will be targeted for the next quarterly progress report.
- e. Any potential delays that may cause the City to request an extension.

**24. Reuse Permit Renewal Application.** The City is responsible for submitting a complete reuse permit application upon completion of paragraphs 12 through 23.

**Table 1. CAS requirements and deadlines.**

| <b>Requirement</b>                        | <b>Paragraph</b> | <b>Deadline</b>                                                                                                                                                                                                            |
|-------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Groundwater Monitoring                    | 12               | Calendar year quarterly sampling. Continues until a new permit is issued or a groundwater impact assessment is approved.                                                                                                   |
| Recycled Water Monitoring                 | 13               | Quarterly sampling for one year following the CAS effective date. Thereafter, sampling is conducted every other year in April, beginning in the first April following completion of the initial one-year quarterly period. |
| Hydraulic Capacity Assessment             | 14               | Due 3 months after CAS effective date                                                                                                                                                                                      |
| Nuisance Management Plan                  | 15               | Due 6 months after CAS effective date                                                                                                                                                                                      |
| RIB Assessment                            | 16               | Due 6 months after CAS effective date                                                                                                                                                                                      |
| Groundwater Impact Assessment             | 17               | Due 18 months after CAS effective date                                                                                                                                                                                     |
| WLAA                                      | 18               | Due 24 months after effective date                                                                                                                                                                                         |
| RIB Management Plan                       | 19               | Due 24 months after effective date                                                                                                                                                                                         |
| Buffer Zone Plan                          | 20               | Due 24 months after CAS effective date                                                                                                                                                                                     |
| Facility Plan Update                      | 21               | Due 24 months after CAS effective date                                                                                                                                                                                     |
| Seepage Testing Report                    | 22               | December 31, 2027                                                                                                                                                                                                          |
| Progress Reports                          | 23               | Due within 90 days of the CAS effective date, then quarterly thereafter on the first day of each calendar quarter or as THE DEPARTMENT determines in writing.                                                              |
| Complete Reuse Permit Renewal Application | 24               | Due 3 years after CAS effective date                                                                                                                                                                                       |

## **INSPECTIONS**

25. In accordance with Idaho Code § 39-108, the Department must be provided with access to all portions of the Facility and locations where records are kept, at all reasonable times of day, for the purpose of inspecting or investigating to ascertain possible violations of the rules, permits, or orders adopted and promulgated by the Director. By signing this CAS, you provide consent to the Department, including any of its officers, employees, and authorized representatives, to enter the Facility to conduct inspections, site visits, or investigations, including the collection of samples or other materials, in accordance with Idaho Code § 39-108 and the Property Rights Protection Act, Idaho Code § 18-7101, *et seq.* This consent remains in effect for the full term of the CAS. By



signing, you acknowledge you have authority to provide consent for the purposes of the Property Rights Protection Act, Idaho Code § 18-7101, *et seq.*

## **CORRESPONDENCE**

26. All correspondence sent by City to the Department regarding this CAS must be addressed to:

Regional Engineering Manager  
Twin Falls Regional Office  
Idaho Department of Environmental Quality  
650 Addison Ave, W., Suite 110  
Twin Falls, Idaho 83301

27. All correspondence sent by the Department to the City regarding this CAS should be addressed to:

Mayor  
City of Bellevue  
PO Box 825  
115 East Pine Street  
Bellevue, ID 83313

## **DOCUMENT SUBMITTALS**

28. Unless a different process is specified herein or in rule or statute, the following document submittal and review process (Submittal Review Process) will be followed regarding document submittals required of this CAS. This process must be followed until the Department approves the document or the document review time frame expires, whichever comes first.

- A. After receipt of a submittal from the City, the Department will 1) notify the City in writing that the document is approved or 2) notify the City in writing of any deficiencies in the document. If the Department notifies the City of deficiencies in the document, the City must submit a revised document to resolve those deficiencies within thirty (30) calendar days of receipt of the Department's notice.
- B. The Submittal Review Process may be repeated until the Department notifies the City the document is approved. However, the submittal must receive the Department's approval within one hundred eighty (180) calendar days from the due date for the first submittal of the document, unless the Department provides the City with a written extension of the one hundred eighty (180)

calendar day time frame. The failure of the City to obtain the Department approval of a submittal within such time frames will constitute a violation of this CAS.

- C. If the date on which a submittal or other communication is due falls on a Saturday, Sunday, or federal holiday, the submission deadline is the next business day.
- D. Each document approved by the Department under the Submittal Review Process, or otherwise submitted and approved pursuant to this CAS, is incorporated into and enforceable as a part of this CAS.
- E. All submittals required of the City pursuant to this CAS must be submitted to the Department in accordance with Paragraph 26 of this CAS or as otherwise directed by the Department.

## **STANDARD PROVISIONS**

- 29. This CAS does not relieve the City from its obligation to comply with any of the provisions of EPHA, IDAPA 58.01.17, IDAPA 58.01.11, IDAPA 58.01.16, any provision of Reuse Permit No. M-112-03 issued by the Department to the City, or other applicable local, state, or federal laws and regulations.
- 30. This CAS binds the City and its successors and assignees to this CAS, until the terms of the CAS are met to the Department's satisfaction, and the Department terminates it in writing.
- 31. If the City fails to comply with the terms of this CAS, the Department may seek and obtain, in any appropriate district court, specific performance of the CAS and other relief as authorized in the EPHA.
- 32. If any event occurs that causes or may cause delay in the achievement of any requirement of this CAS, the City must notify the Department in writing within ten (10) calendar days of the date the City knew, or should have known, of the delay.
  - A. Any notice under this paragraph will describe in detail the date of the event that causes or may cause the delay, the event that causes the delay, the anticipated length of the delay, all anticipated consequences of the delay, measures taken by the City to prevent or minimize the delay, and a timetable by which those measures will be implemented.
  - B. The City will use all reasonable measures to avoid or minimize any such delay. If the Department determines that the delay or anticipated delay in achieving any

requirements of this CAS has been or will be caused by circumstances beyond the reasonable control of the City, the Department may grant an extension for a period equal to the length of the delay.

C. The burden of proving that any delay is caused by circumstances beyond the reasonable control of the City rests wholly with the City.

33. If the City wishes to seek an extension of any deadline contained in this CAS, it must make a written request to the Department. The written extension request must explain the reasoning for the request and state the length of extension requested. Any extension provided by the Department will be in writing, in response to the request.
34. If the City violates the terms of this CAS, the Department will provide written notice to the City describing the violation. No later than ten (10) calendar days after receiving the notification, the City must reply to the Department in writing to explain the violation and provide a date in which the violation will be cured, to the Department's satisfaction.
35. A waiver or decision by the Department to not enforce any provision, term, condition, or requirement of this CAS does not constitute a waiver of any other provision, term, condition, or requirement.
36. Each person signing this CAS certifies they have the authority to sign for the party represented and to bind that party to its terms.
37. In case any provision or authority of this CAS or the application of this CAS to any party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the CAS will remain in force and will not be affected.
38. If the City sells, offers for sale, or otherwise transfers ownership of the Facility (or any portion thereof) before termination of this CAS, the City must notify any prospective purchaser of the terms and conditions of this CAS and the current status of completion of the requirements of this CAS. The City must also provide notice to the Department of the offer for sale and identify new owners at least ten (10) calendar days before closing any sale or transfer of the Facility or any portion thereof.
39. Sale or transfer of the Facility or any portion thereof by the City does not relieve the City of its obligation to complete the terms and conditions of this CAS unless appropriate arrangements are made with the purchaser or receiver of the Facility for assignment of the obligations of this CAS and the Department consents in writing to the assignment of the obligations of this CAS to the new owner.

40. This CAS sets forth the entire agreement related to the subject matter of this CAS and may not be modified without written consent of all parties.
41. This CAS does not affect the right of the Department or the State of Idaho to pursue appropriate relief for any other violation of law, including civil penalties, injunctive or other equitable relief, or criminal sanctions.
42. The City agrees that this CAS will be admissible as evidence in any proceeding to enforce this CAS.
43. Pursuant to Idaho Code § 39-116A, the Department and the City may meet annually to reassess the necessity and appropriateness of this CAS. The City will contact the Department to schedule a meeting. The term of the agreement shall not exceed ten (10) years, although successive agreements may be entered into.

## **EFFECTIVE DATE AND TERMINATION**

44. The effective date of this CAS is the date of the signature by the Department Director.
45. If the Department determines that all CAS requirements have been met, the Department may terminate the CAS. The City may request that the CAS be terminated. The Department will issue a written notice of termination.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2026

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**Christina Giordani**  
**Mayor, City of Bellevue**

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2026

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**Jess Byrne**  
**Director, Idaho Department of Environmental Quality**