

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING is made and entered into on this 4th__ day of ____April ___, 2003, between the Idaho Division of Building Safety, Plumbing Bureau (Bureau) and the Idaho Department of Environmental Quality (DEQ) for the purpose of defining and delineating the Bureau's and DEQ's statutory and regulatory duties and responsibilities with respect to public water supplies, public water systems, sewage collection systems, sewage treatment facilities, and plumbing systems within the State of Idaho and for the purpose of promoting and effectuating a cooperative effort between the Bureau and DEQ as regards the conduct and enforcement of their respective duties and responsibilities. The Bureau and DEQ may hereinafter be collectively referred to as the "Parties."

W I T N E S S E T H:

WHEREAS, the Parties agree and acknowledge that provisions of the Idaho Code and duly promulgated and administrative rules define and prescribe their respective duties and responsibilities with respect to public water supplies, public water systems, sewage collection systems, sewage treatment systems and plumbing systems in the State of Idaho;

WHEREAS, the Parties agree and acknowledge that the above-mentioned provisions of the Idaho Code and administrative rules include, but are not limited to, the following:

A. Statutory

1. The Idaho Environmental Protection and Health Act (EPHA), Idaho Code §§ 39-101 *et seq.*
2. Plats and Vacations, Idaho Code §§ 50-1301 *et seq.*
3. Division of Building Safety, Idaho Code §§ 67-2601 (d) *et seq.*

4. Plumbing and Plumbers, Idaho Code §§ 54-2601 *et seq.*
- B. Administrative Rules
1. Water Quality Standards and Wastewater Treatment Requirements, IDAPA 58.01.02 *et seq.*
 2. Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08 *et seq.*
 3. Rules Governing Plumbing Permits, IDAPA 07.02.01 and IDAPA 07.02.02 *et seq.*
 4. Rules Governing Permit Fee Schedule, IDAPA 07.02.03 *et seq.*
 5. Rules Governing Plumbing Safety Inspections, IDAPA 07.02.04 *et seq.*
 6. Rules Governing Plumbing Safety Licensing, IDAPA 07.02.05 *et seq.*
 7. Rules Concerning Uniform Plumbing Code, IDAPA 07.02.06 *et seq.*
 8. Rules Governing Re-adoption of Rules of Plumbing Division, IDAPA 07.02.07 *et seq.*

WHEREAS, the parties agree and acknowledge that it is in their best interests to define and delineate their duties and responsibilities regarding public water supplies, public water systems, sewage collection systems, sewage treatment facilities and plumbing systems in the State of Idaho as set forth in the above mentioned provisions;

WHEREAS, it is the Parties' mutual intent and desire to promote and effectuate an efficient and cooperative working relationship between themselves;

NOW THEREFORE, the undersigned Parties have reviewed the above listed legal authorities, Rules and Codes and hereby agree and acknowledge as follows:

C. Definitions

The following definitions apply to this agreement:

1. “Building sewer” means that part of the horizontal piping of a drainage system which extends from the end of the building drain and conveys it to a collection main, public sewer, private sewer, individual sewage disposal system or other point of disposal. (see Chapter 2, 2000 UPC Section 204.0).
2. “Building water service line” (BWSL) means the pipe carrying potable water from the water supply or water system to a single building, residence, manufactured house, structure, recreational vehicle site or any other point of use.
3. “Effluent line” means the discharge line from a septic tank.
4. “Mobile Home Park” means any real property that is rented or held out for rent to others for the placement of two (2) or more mobile homes for the primary purpose of production of income. (See, § 55-2003 (3), Idaho Code.)
If mobile home park lots are held for sale, then those lots are subject to the plats and vacations sections of the Idaho Code §§50-1301, *et seq.*
5. “Platted” subdivision as it applies to non-public drinking water systems with 2-9 connections and less than 25 people means that after 5 or more lots (splits), subdivisions are required to be platted through the local platting authority. Idaho Code § 50-1326 requires developers to choose between a public water facility or individual water facilities. Filing a plat requires that the method of water service be indicated on the plat. (The choices are individual wells, connection to an existing water system or new water

system). The plat and the plans and specifications for existing water system connections, or new water systems are then forwarded to the District Health Department and to DEQ for review. After DEQ approves the plans and specifications, DEQ authorizes the District Health Department to lift the sanitary restrictions on the plat. Therefore, the platting of a subdivision, with connection to an existing water system, or new water system, brings DEQ Plan and Specification authority into the water system review.

See Idaho Code §50-1301(15) for definition of “subdivision”.

See Idaho Code §50-1326 for Sanitary Restriction language.

See Idaho Code §50-1334 for Plat filing requirements.

6. “Plumbing systems”, public or private, means and includes:
 - (a) plumbing fixtures, interconnecting system pipes and traps;
 - (b) soil, waste and vent pipes;
 - (c) building drains and building sewers;
 - (d) sanitary and storm water drainage facilities;
 - (e) liquid waste and sewerage facilities;
 - (f) water supply systems and distribution and disposal pipes of any premises;
 - (g) water treating and water using equipment attached to a plumbing system except for water conditioning equipment; and
 - (h) all the respective connections, devices and appurtenances of any plumbing system, public or private, within or adjacent to any

building, residence, manufactured housing, or structure to and including a connection with any point of a public or private supply, distribution or disposal system or other acceptable terminal. (See § 54-2604, Idaho Code.)

7. “Public water supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use in incorporated municipalities; or unincorporated communities where ten (10) or more separate premises or households are being served or intended to be served; or any other supply which serves water to the public and which the department of health and welfare declares to have potential health significance. (See § 39-103(5), Idaho Code.)
8. “Public Drinking Water System”.
 - a. In General. A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not

under such control which are used primarily in connection with such system. A public drinking water system is either a “community water system” or a “noncommunity water system”.

b. Connections.

i. In General. For purposes of paragraph a. of this subsection, a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if:

- (1) The water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);
- (2) The Director determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or
- (3) The Director determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

- ii. Irrigation Districts. An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public drinking water system if the system or the residential or similar users of the system comply with paragraphs b.i.(2) and .b.i.(3) of this subsection.
 - c. Transition Period. A supplier of water that would be a public drinking water system only as a result of modifications made to the definition of a public water system by the Safe Drinking Water Act Amendments of 1996 shall not be considered a public drinking water system for purposes of the Safe Drinking Water Act until the date that is two (2) years after the date of enactment of the Safe Drinking Water Act Amendments of 1996. If a supplier of water does not serve fifteen (15) service connections (as set forth in paragraphs a. and b. of this subsection.) or twenty-five (25) people at any time after the conclusion of the two (2) year period, the supplier of water shall not be considered a public drinking water system.
9. Recreational vehicle park means a plot of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purpose (see Appendix E, 2000 UPC E 43). If recreational vehicle park lots are held for sale then these lots are

subject to the plats and vacations sections of the Idaho Code §§50-1301, et seq.

10. “Sanitary sewer main” means a main that receives the discharge from buildings, structures, mobile home park lots, or recreational vehicle lots (see drawings in appendix B) and conveys it to an approved point of disposal.
11. “STEP System” is the acronym for Sepic Tank Effluent Pumping System.
12. “Vacuum sewer collection system” means a sewage collection system utilizing a central vacuum pump station collecting sewage from one or more buildings via sewer mains and services that are under vacuum (negative) pressure.
13. “Water main” means a water supply pipe for public or community use (see Chapter 2, 2000 UPC Section 225.0). This includes any pipe carrying potable water that is not a BWSL.

D. The DEQ’s responsibility is to review engineering plans and specifications for the following projects:

1. Public water supplies and public water systems as defined in Idaho Code § 39-103(15) and IDAPA 58.01.08.003.35.
2. Individual water booster pump stations.
3. BWSL stub-outs up to curb-stop or meter, if DEQ does plan and specification review of mains.
4. Sewage treatment facilities
5. Sanitary sewer mains.

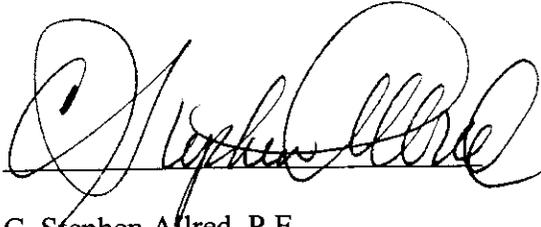
6. Sanitary sewer main stub-outs, if DEQ does plan and specification review of mains.
 7. Vacuum sewer collection systems, including central vacuum pump stations, vacuum sewer mains, and vacuum sewer services to and including outside holding tanks, if outside holding tanks are used. If vacuum fixtures are used instead of outside holding tanks, then DEQ's responsibility includes up through the vacuum sewer mains and stub-outs.
- E. The DEQ agrees to provide the Bureau with copies of all approval letters for projects that include building water service lines, building sewers, and building interior plumbing. This approval letter shall describe the locations or provide a vicinity map of the approved project. This correspondence shall be sent to the Idaho Division of Building Safety, Plumbing Bureau, 1090 E. Water Tower Street, Meridian, Idaho 83642.
- F. The Bureau inspects plumbing systems as defined by Idaho Code § 54-2604: Plumbing systems. (1) A plumbing system, public or private, means and includes:
- (a) plumbing fixtures, interconnecting system pipes and traps;
 - (b) soil, waste and vent pipes;
 - (c) building drains and building sewers;
 - (d) sanitary and storm water drainage facilities;
 - (e) liquid waste and sewerage facilities;
 - (f) water supply systems and distribution and disposal pipes of any premises;
 - (g) water treating and water using equipment attached to a plumbing system except for water conditioning equipment; and

(h) all the respective connections, devices and appurtenances of any plumbing system, public or private, within or adjacent to any building, residence, manufactured housing, or structure to and including a connection with any point of a public or private supply, distribution or disposal system or other acceptable terminal (this includes all drinking water production, treatment, and distribution facilities; and all wastewater collection, treatment, and disposal facilities).

- G. The Bureau agrees to notify DEQ whenever they learn of projects requiring DEQ review and approval (for example, individual water booster pump stations) that may not have received review and approval.
- H. The parties agree to meet as necessary to review implementation of this agreement or to discuss any other relevant matter. Any further agreement that is reached as a result of these meetings will be forwarded to relevant DEQ and Bureau personnel.
- I. The Parties agree to provide joint training to their respective employees regarding the Implementation of this Agreement as necessary in the future. This training to include District Health Departments.
- J. For assistance in interpreting this Agreement as to responsibilities of each agency or division, see attachments A and B that are incorporated by reference herein.
- K. Local codes or ordinances may be more restrictive.

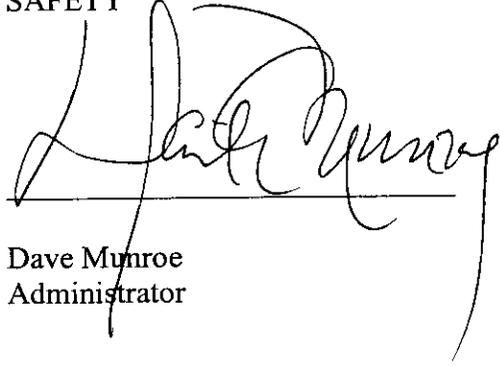
IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed:

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

A handwritten signature in black ink, appearing to read "Stephen Alfred", written over a horizontal line.

C. Stephen Alfred, P.E.
Director

IDAHO DIVISION OF BUILDING SAFETY

A handwritten signature in black ink, appearing to read "Dave Munroe", written over a horizontal line.

Dave Munroe
Administrator

PLUMBING BUREAU/DEQ RESPONSIBILITIES

LEGEND

PLUMBING BUREAU = **—————** (BOLD LINE)

DEQ = ————— (THIN LINE)

Note: All examples on this page (A-1) are for single buildings.

Public Drinking Water Supply Water Main (DEQ)



Building Water Service Line (BWSL)



BWSL



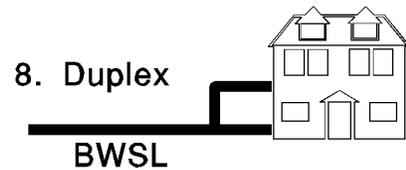
BWSL



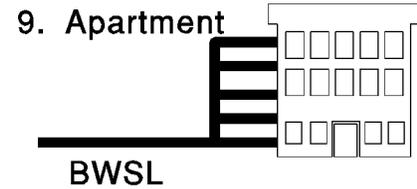
BWSL



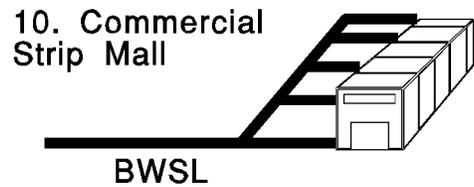
BWSL



BWSL



BWSL



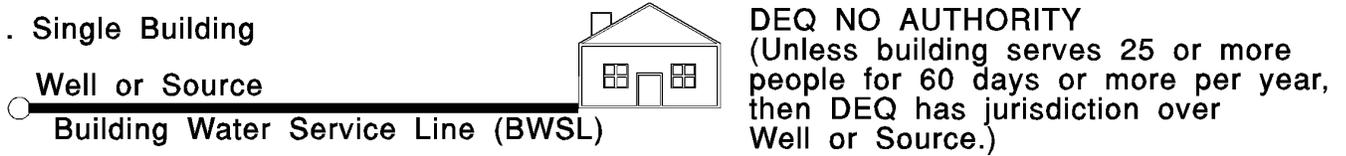
BWSL

PLUMBING BUREAU/DEQ RESPONSIBILITIES

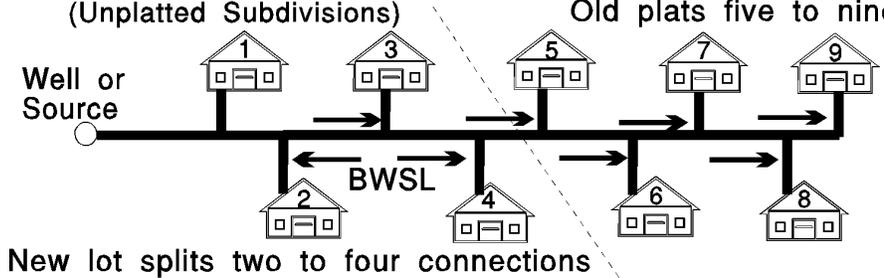
LEGEND

PLUMBING BUREAU = **—————** (BOLD LINE)
 DEQ = ————— (THIN LINE)

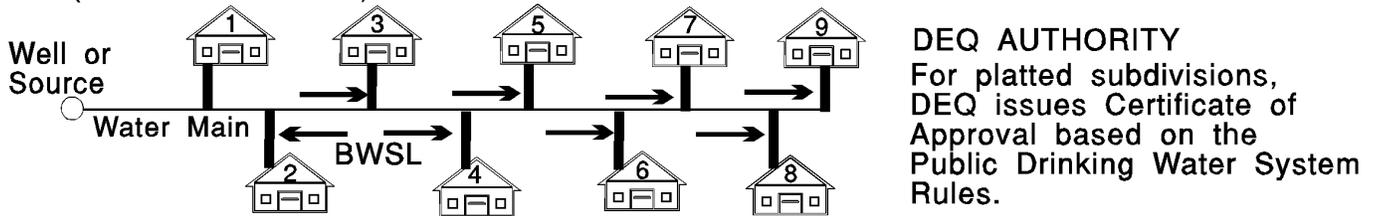
1. Single Building



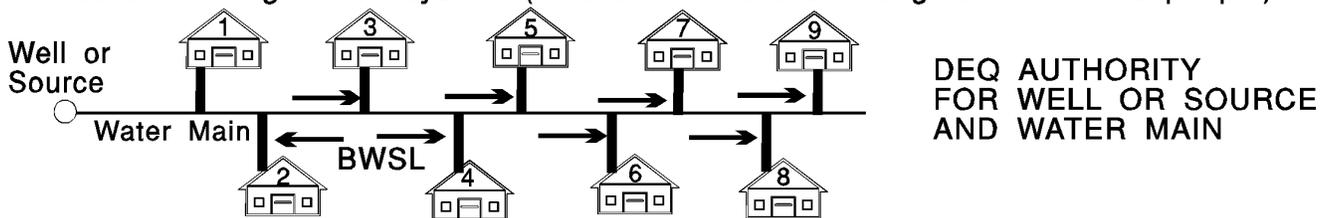
2. NON-Public Drinking Water System (2 to 9 connections and less than 25 people) (Unplatted Subdivisions) Old plats five to nine connections



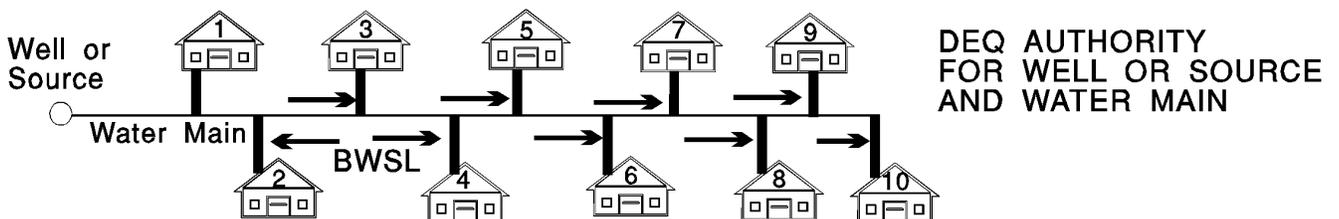
3. NON-Public Drinking Water System (2 to 9 connections and less than 25 people) (Platted Subdivisions)



4. Public Drinking Water System (2 to 9 connections and greater than 25 people)



5. Public Drinking Water System (10 or more connections)

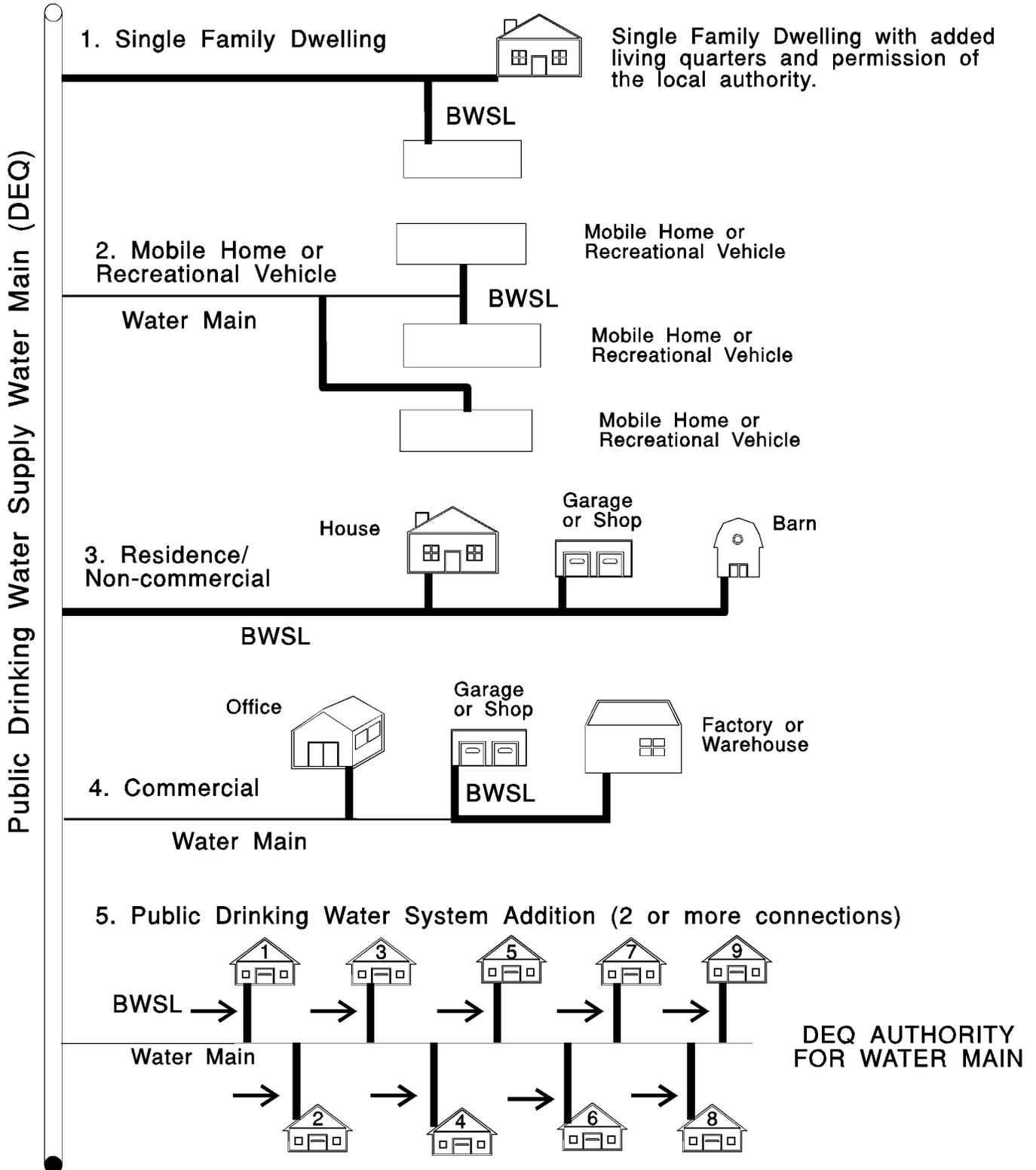


PLUMBING BUREAU/DEQ RESPONSIBILITIES

LEGEND

PLUMBING BUREAU = **—————** (BOLD LINE)

DEQ = ————— (THIN LINE)



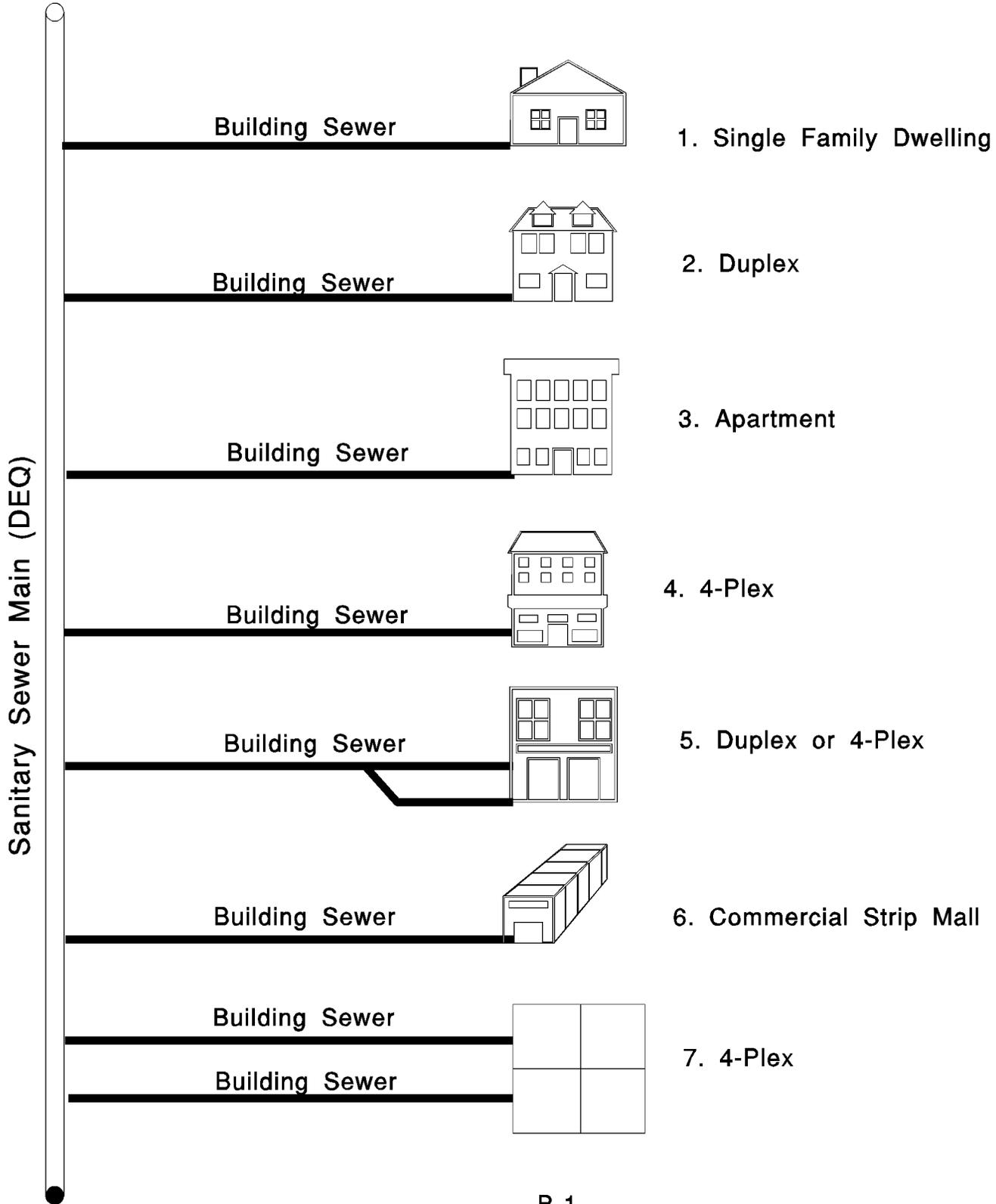
PLUMBING BUREAU/DEQ RESPONSIBILITIES

LEGEND

PLUMBING BUREAU = **—————** (BOLD LINE)

DEQ = ————— (THIN LINE)

Note: All examples on this page (B-1) are for single buildings

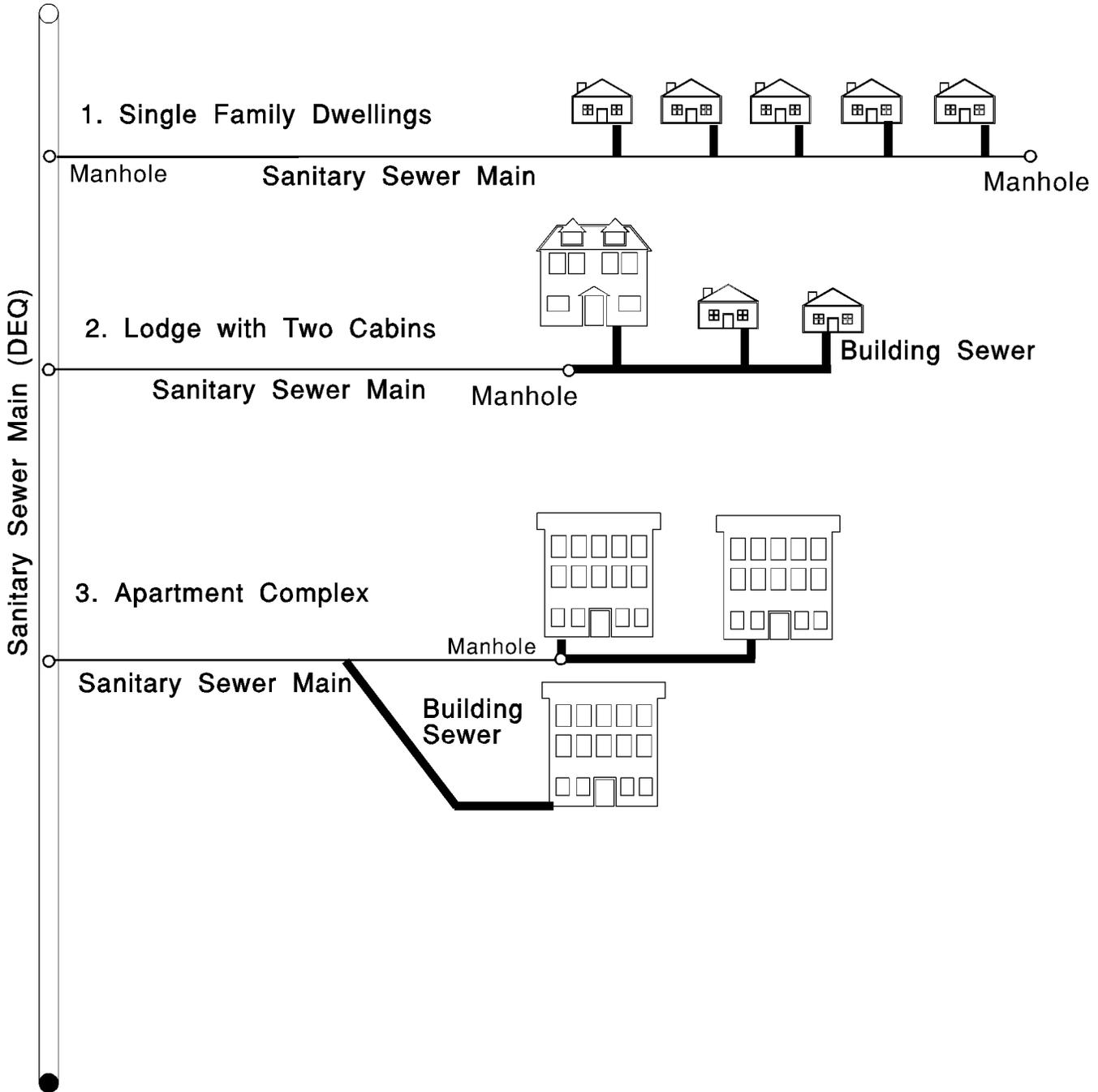


PLUMBING BUREAU/DEQ RESPONSIBILITIES

LEGEND

PLUMBING BUREAU = 

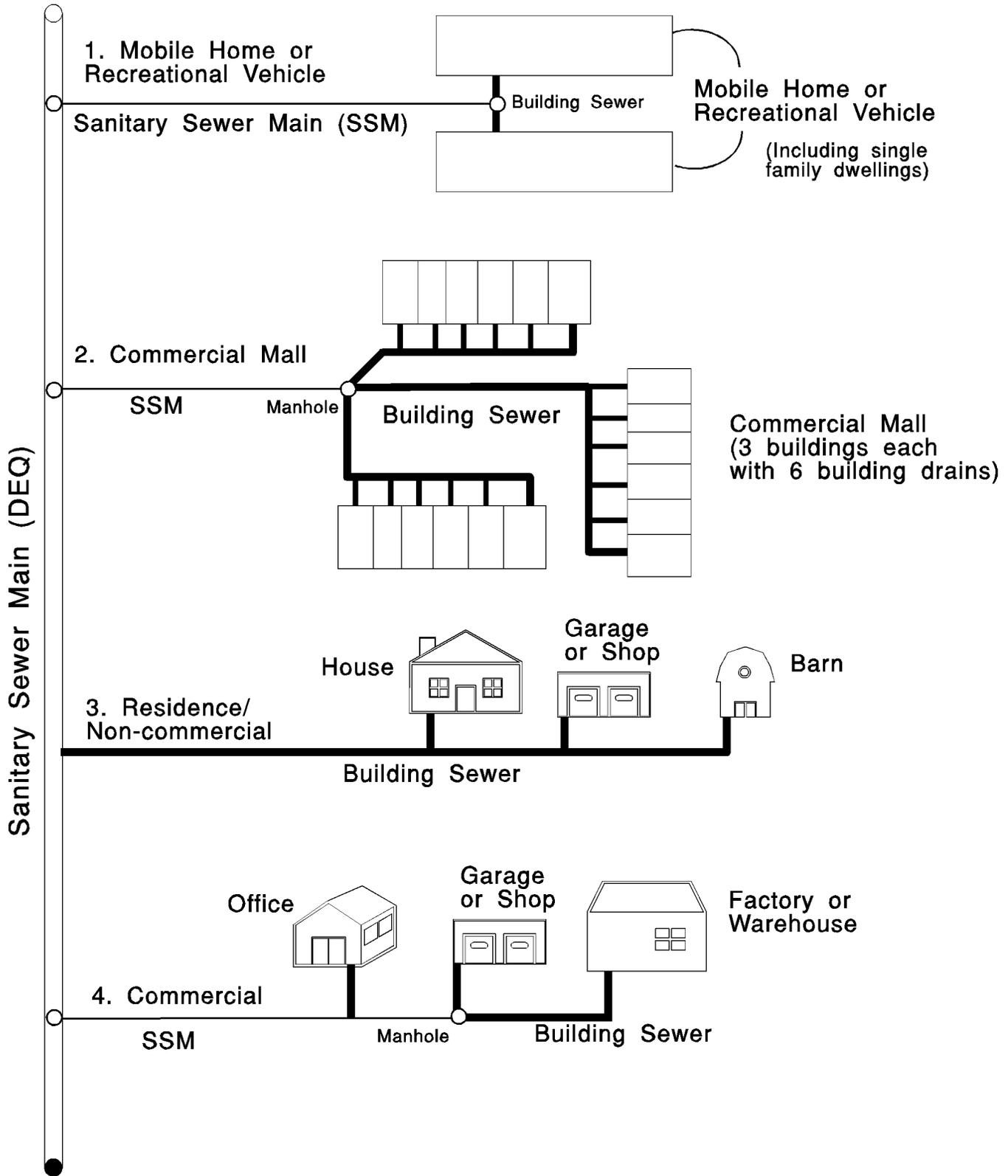
DEQ = 



PLUMBING BUREAU/DEQ RESPONSIBILITIES

LEGEND

PLUMBING BUREAU = **—————**
 DEQ = —————



PLUMBING BUREAU/DEQ RESPONSIBILITIES

LEGEND

PLUMBING BUREAU = **—————**
 DEQ = —————

