

MEMORANDUM OF UNDERSTANDING (MOU)
Between
THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)
and
THE IDAHO RURAL WATER ASSOCIATION (IRWA)

I. PARTIES TO THE UNDERSTANDING

This understanding is made between the Idaho Department of Environmental Quality (DEQ) and the Idaho Rural Water Association (IRWA).

Information relating to DEQ authorities and DEQ and IRWA programs relative to safe drinking water, wastewater, system capacity development, and ground water quality is provided in Appendix A. This understanding is not intended to change any of the programs or authorities listed in Appendix A.

II. PURPOSE

The purpose of this understanding is to coordinate efforts between DEQ and IRWA to maximize technical assistance, training, and support for drinking water and wastewater systems in Idaho. Specifically, this memorandum of understanding is intended to promote planning and implementation efforts in a unified manner, to promote consistency, to foster data sharing and effective transfer of information to reduce duplication of efforts, and to promote partnership opportunities between IRWA and DEQ. Regulatory activities are solely the responsibility of DEQ.

III. UNDERSTANDING

The parties to this understanding commit to the following activities:

The Idaho Department of Environmental Quality

General Obligations:

DEQ implements the Safe Drinking Water Act primacy program as delegated from EPA. DEQ administers the Wastewater Program (IDAPA 58.01.03, 58.01.16 and 58.01.17) and administers the Source Water Assessment (SWA) Program as outlined in the Idaho Source Water Assessment Plan, including the development of source water delineation(s), potential contaminant inventories, susceptibility analyses, and source water assessment reports for

public water systems. DEQ also provides regulatory assistance and rule interpretation pertinent to operation and management of regulated drinking water and wastewater systems. See Appendix A for information on DEQ programs and authorities.

Specific to this understanding, DEQ shall:

1. Provide IRWA with referrals, which are anticipated to be provided weekly, for specific public water systems (PWSs) in need of technical assistance. (Note: Referrals may include Preliminary Inspection Finding Forms [PIFFs] and systems identified by DEQ from the Enforcement Targeting Tool [ETT]).
2. Provide IRWA with referrals, as appropriate, for specific wastewater systems in need of technical assistance.
3. Provide IRWA with source water assessment information and related data as requested, consistent with public records law (Idaho Code §9-337 through 9-350).

The Idaho Rural Water Association

General Obligations:

The Idaho Rural Water Association provides training and technical assistance to water and wastewater communities and systems throughout Idaho. Primarily, IRWA administers programs subcontracted by the National Rural Water Association (NRWA), as awarded by USDA Rural Utilities Services (RUS) and other funding agencies for the purpose of providing specialized on-site, hands-on assistance and training for drinking water and wastewater operation and management, development, and implementation of local ground water source protection plans for communities, districts, and regional multi-jurisdictional areas. See Appendix A for more information on IRWA programs.

Specific to this understanding, IRWA shall:

1. Provide periodic (preferably no less than quarterly) feedback to DEQ on the status of referrals made by DEQ (likely from PIFFs or ETT-identified systems). Priority will be given to systems that qualify as “contacts” in the sub-award agreement with NRWA.
2. Encourage systems in need of DEQ assistance to contact the DEQ regional contact as identified in Appendix B.
3. Assist public water systems in submitting source water protection plans to DEQ for certification and coordinate efforts with DEQ to implement source water protection plans.
4. Work with DEQ to ensure trainings provided by or facilitated by IRWA meet the requests/needs of community operators and systems in the State of Idaho.

The Department of Environmental Quality and Idaho Rural Water Association

Specific to this understanding, DEQ and IRWA shall:

Source Water Protection:

1. Meet with public water systems (PWSs), government agencies, and others in the community to promote and assist in the development of Drinking Water Source Water Protection Plans (DWSPPs) and drinking water source protection programs in order to address existing sources of contamination and prevent future contamination.
2. Follow state certification guidelines identified in “Protecting Drinking Water Sources in Idaho” (DEQ, 2000) when assisting with the development of DWSPPs and obtain state certification of those plans.
3. Maintain quarterly communication regarding the systems each is assisting in the development of a DWSPP and the progress of that plan.

Communications:

1. Share annual reporting information.

DEQ will provide IRWA with copies of annual reports submitted to EPA regarding water quality activities including drinking water and source water protection. In regard to wastewater reporting, DEQ provides online access to its recycled water permits at <http://www.deq.idaho.gov/permitting/water-quality-permitting/recycled-water.aspx>. The website includes current status and requirements for those permits.

IRWA will provide DEQ with copies of annual operating plans submitted to National Rural Water Association and the Farm Service Agency regarding water quality activities including training, source water and ground water protection, and water and wastewater technical assistance. IRWA will provide information to DEQ annually regarding IRWA’s source water protection activities that meet substantial implementation criteria for source water protection (defined in Appendix C).

Substantial implementation activities may include:

- Names of systems IRWA assisted with completing source water or ground water protection plans.
 - Names of systems IRWA assisted with source water and ground water protection plan implementation.
 - Names of counties and/or cities where IRWA assisted with development of source water protection ordinances or overlay districts.
2. Utilize designated points-of-contact (identified in Appendix B) for each of the following programs: safe drinking water primacy, source water protection, wastewater, and training.

3. Share training schedules for the upcoming year and coordinate efforts to help ensure that DEQ and IRWA training efforts complement each other and limited training resources are most efficiently utilized. In addition, coordination will include notice of any planned DEQ funded training efforts.

Annual Meeting:

1. DEQ and IRWA will meet annually to review ongoing activities and the adequacy of the terms of this understanding and, if needed, to modify this understanding.

The effective date of this understanding is 10/4/11. The understanding shall be ongoing unless otherwise revoked by either signatory following a 30-day notice. This understanding may be amended only by mutual written agreement of the parties.

Mike Haight

Mike Haight, President
Idaho Rural Water Association

9-13-11

Date

Toni Hardesty

Toni Hardesty, Director
Idaho Department of Environmental Quality

10/4/11

Date

APPENDIX A: Programs and Authorities

I. IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ): Programs and Authorities

Safe Drinking Water:

DEQ's authorities for safe drinking water are established by the Idaho Environmental Protection and Health Act, Idaho Code Title 39, Chapter 1. DEQ promulgated the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08) pursuant to this legislative authority. These rules establish the standards, methods, and approaches by which DEQ requires safe drinking water. Additionally, DEQ has been delegated primary enforcement responsibility (primacy) for the federal Safe Drinking Water Act by the Environmental Protection Agency.

Source Water Protection:

DEQ's authorities for source water protection are established in the Safe Drinking Water Act and Idaho Code. The Idaho Legislature has given the Idaho Board of Environmental Quality authority to promulgate rules governing the quality and safety of drinking water, pursuant to Title 39, Chapter 1, Idaho Code. Section 1452 of the Safe Drinking Water Act, as amended (42 U.S.C. 300j-12) gives states the authority to use a portion of State Revolving Funds to assist in the development and implementation of local drinking water protection initiatives and other State programs (40 CFR §35.3535 (e)).

Operator Training:

DEQ's authorities for operator training are established in Section 1452 of the Safe Drinking Water Act, as amended (42 U.S.C. 300j-12), which gives states the authority to use a portion of State Revolving Funds to assist in the development and implementation of capacity development initiatives and other State programs (40 CFR §35.3535 (e)).

Wastewater:

DEQ's authorities for wastewater are established in Idaho Code. Title 39, Chapter 1 and Title 39, Chapter 36, Idaho Code, grants authority to the Board of Environmental Quality to adopt rules and standards to protect the environment and the health of the State, issue pollution source permits, and enforce all laws, rules, regulations, and standards relating to environmental protection and health. Promulgated rules for this purpose include Individual/Subsurface Sewage Disposal Rules (IDAPA 58.01.03), Wastewater Rules (IDAPA 58.01.16), and Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater (IDAPA 58.01.17).

II. IDAHO RURAL WATER ASSOCIATION (IRWA): Programs and Contract Responsibilities

IRWA is a non-profit organization that provides training and technical assistance to water and wastewater systems and communities throughout Idaho. IRWA's programs provide specialized on-site, hands-on assistance and training for drinking water and wastewater operation and management and the development and implementation of local ground water source protection plans for communities, districts and regional multi-jurisdictional areas. These programs and contract responsibilities are primarily provided for through subaward agreements administered by USDA Rural Utilities Services (RUS) and other funding agencies. Classroom training is provided to communities and system operators by facilitation of conferences and formal classroom training wherein fees are charged to cover the cost of providing such training.

Technical Assistance (Water):

IRWA's contract responsibilities for technical assistance are outlined in the Subaward Agreement between IRWA and NRWA wherein NRWA is the original recipient of a federal contract from RUS. Circuit Riders offer one-on-one technical assistance on-site with the operators and management of the systems. This assistance and training covers areas of operation and maintenance, management and finance, leak detection, cross-connection, sanitary surveys, rate structures, operator certification training, meter testing, treatment, disinfections, well construction, compliance and other issues pertaining to water and wastewater. By nature of the above referenced subaward, emphasis is placed on those systems that are in need of technical assistance (including becoming compliant with Federal and State drinking water regulations) that qualify as a "contact" in the Subaward Agreement and specific requests from the funding agency. Private (for-profit) water systems are not eligible "contacts."

Technical Assistance (Wastewater):

Technical assistance is offered in not only water but also wastewater. Wastewater addresses issues such as operator certification training, discharge monitoring reports, NPDES permits, collection systems, operation and maintenance, processes disinfections and safety. Prioritization and emphasis of work are the same as water technical assistance described above.

Ground Water / Source Water Protection:

The Ground Water and Source Water Protection Programs assist with technical assistance and training in the development of drinking water protection plans for communities' districts and regional multi-jurisdictional areas.

IRWA Training Seminars:

Subjects covered address various water and wastewater subjects. The IRWA also hosts an Annual Technical Conference in the spring and a conference in the fall with training sessions and exhibits that feature the latest in technological advances in the industry.

APPENDIX B: Contacts

A. Idaho Department of Environmental Quality

1. Source Water Protection Program:

State Office: Amy Williams, 373-0115, amy.williams@deq.idaho.gov

Regional Offices:

- Boise: Julia Achabal, 373-0321, julia.achabal@deq.idaho.gov
- Coeur d'Alene: Yvonne Pettit, 666-4620, yvonne.pettit@deq.idaho.gov
- Idaho Falls: Flint Hall, 528-2612, flint.hall@deq.idaho.gov
- Lewiston: Anna Moody, 799-4370, anna.moody@deq.idaho.gov
- Pocatello: Shannon Ansley, 236-5026, shannon.ansley@deq.idaho.gov
- Twin Falls: John Bokor, 736-2190, john.bokor@deq.idaho.gov

2. Safe Drinking Water Primacy Program:

State Office: Lance Nielsen, 373-0291, lance.nielsen@deq.idaho.gov

Regional Offices:

- Boise: Todd Crutcher, 373-0551, todd.cutcher@deq.idaho.gov
- Coeur d'Alene: Suzanne Scheidt, 666-4624, suzanne.scheidt@deq.idaho.gov
- Idaho Falls: Rochelle Mason, 528-2655, rochelle.mason@deq.idaho.gov
- Lewiston: Anna Moody, 799-4370, anna.moody@deq.idaho.gov
- Pocatello: Barbara Jones, 236-5009, barbara.jones@deq.idaho.gov
- Twin Falls: David Anderson, 736-2190, david.anderson@deq.idaho.gov

3. Operator Training:

Drinking Water: Don Lee, 373-0289, don.lee@deq.idaho.gov

Wastewater: Tressa Nicholas, 373-0116, tressa.nicholas@deq.idaho.gov

4. Wastewater Program:

State Office: Barry Burnell, 373-0194, barry.burnell@deq.idaho.gov

Regional Offices:

- Boise: Todd Crutcher, 373-0551, todd.crutcher@deq.idaho.gov
- Coeur d'Alene: Steve Tanner, 666-4628, stephen.tanner@deq.idaho.gov
- Idaho Falls: Greg Eager, 528-2663, gregory.eager@deq.idaho.gov
- Lewiston: Tom Moore, 799-4888, thomas.moore@deq.idaho.gov
- Pocatello: Tom Hepworth, 236-5008, tom.hepworth@deq.idaho.gov
- Twin Falls: David Anderson, 736-2190, david.anderson@deq.idaho.gov

B. Idaho Rural Water Association

1. CEO: Shelley Roberts 343-7001, sroberts@idahoruralwater.com

2. Source Water / Ground Water Protection:

- Keri Huston, 550-2056, khuston@idahoruralwater.com
- Melinda Harper, 761-4118, harperm@idahoruralwater.com

3. Wastewater:

- Craig Sturman, 716-2482, csturman@idahoruralwater.com
- Bill Burke, 630-3209, billb@idahoruralwater.com

4. Drinking Water:

- Diane Sauer, 818-2843, diane@idahoruralwater.com
- Bill Hays, 390-9979, bhays@idahoruralwater.com
- Kevin McLeod, 550-2651, kmcleod@idahoruralwater.com

5. Training:

- Barbi Burke, 634-6694, bburke@idahoruralwater.com

Appendix C

Idaho State Definition of Source Water Protection and Substantial Implementation

Source water protection in Idaho is a voluntary process and includes various mechanisms to meet protection and substantial implementation goals. Idaho defines initial protection as the development of a protection plan or program at the regional, local, or system level. Source water protection areas can include individual sources or groups of multiple sources (i.e., wells in a single aquifer, wells in a cluster, intakes in the same watershed, and systems within a jurisdictional boundary). Each source protected by the implementation of a plan, program or DEQ-approved source water protection activity would be considered to be implementing source water protection.

Initial protection may include:

- ✓ A current individual Drinking Water Source Protection Plan (DWSPP) for a single source or a regional DWSPP for multiple systems. Plans must be state certified and recertified every five years.
- ✓ A Ground Water Quality Improvement Plan (GWQIP) for ground water sources if source water protection is specifically identified and addressed in the improvement plan.
- ✓ A Total Maximum Daily Load (TMDL) implementation plan for surface water sources if drinking water is identified as a beneficial use and addressed in the implementation schedule.
- ✓ A city or county comprehensive plan that specifically addresses source water protection.

Note: The source water protection portion of a GWQIP or TMDL implementation plan must utilize a process equivalent to the DWSPP and be approved by DEQ to be considered "certified" for the purpose of receiving priority ranking in grant and loan programs.

Substantial implementation may include:

- ✓ Completion of at least one high priority source water protection action item and continued implementation of the source water protection action items listed in a DWSPP, TMDL implementation plan, or GWQIP.
- ✓ City or county ordinance or other binding land use control that protects source water protection areas and/or restricts development or potential contaminants within the source water protection area.
- ✓ Land acquisition within source water protection areas for the purpose of protecting these areas.
- ✓ Ongoing source water protection program that implements voluntary educational and best management practices within the community.