



Extended Treatment Package System Subcommittee Meeting

Agenda*

Thursday, February 21, 2013

9:15 a.m. – 4:30 p.m.

**Department of Environmental Quality
Conference Room C
1410 N. Hilton
Boise, Idaho**

- 9:15 AM Call to Order/Roll Call
- Sign in sheet for attendees who wish to comment or present to the subcommittee members
 - Introduction of subcommittee members, guests and attendees
- 9:20 AM January 17, 2013 Draft ETPS Subcommittee Meeting Minutes: Review, Amend or Approve (**Appendix A**)
- 9:30 AM Open to Public Comment – ½ hour reserved for public to provide comments to the ETPS Subcommittee on subjects not on the agenda
- 10:00 AM Update on Action Items from January 17, 2013 ETPS Subcommittee Meeting
- Delivery of Real Estate Transaction Brochure
 - Review of sampling port information and design from Ohio and Bio-Microbics, Inc. (**Appendix B**)
 - Update from James Bell regarding information determined through Bio-Microbics, Inc. legal counsel and financial staff regarding the legality of a non-profit maintaining a balance related to its operations specified in the Articles of Incorporation and Bylaws (i.e., reserve fund for maintaining and sampling units where members have refused to pay).
- 10:30 AM New Business
- Review of two enforcement letters related to refusal of service
 - Letter 1 (and enclosure) – It Has Come to Our Attention (**Appendix C**)
 - Letter 2 – Voluntary Deadline to Comply (**Appendix D**)
- 10:50 AM Break – Ten Minutes
- 11:00 AM New Business (continued)
- Continue review of two enforcement letters if necessary
 - Review of section 4.10.4 and 4.10.6 of the TGM edited to relay reporting and enforcement letter requirements in relation to letter 1 and 2 reviewed above (**Appendix E**)



12:00 to 1:00 P.M. Lunch

1:00 PM New Business

- Effluent Quality Testing Discussion (TSS, CBOD, and Total Nitrogen)
 - DEQ presentation on why the various effluent quality constituents are tested and the importance of testing these constituents to ensure proper ETPS unit operation
 - Donna Archibald will address the subcommittee at the invitation of Brent Gee

2:50 PM Break – Ten Minutes

3:00 PM New Business

- Effluent Quality Testing Discussion (continued)
 - Input from the subcommittee on effluent quality testing

4:25 PM Schedule Next Meeting

4:30 PM Adjourn

ETPS Parking Lot: This is an area reserved for subcommittee meeting topics for future agendas.

*Begin and end time will be observed. Agenda items and their allotted times may vary dependent upon the amount of interest and participation for each item.

The call in number is 373-0101 Bridge # 1

To Join a Conference Call

1) Auto-Attendant Transfer Option

Conference Call Auto-Attendant Number:

- Extension 0101: Inside DEQ phone system
- (208) 373-0101: Outside callers

Participants call auto-attendant number and are then prompted to enter their pre-arranged conference call bridge number and in this case press the number **1**. Once the bridge number has been entered, callers are automatically connected to their conference call.

Notification

As participants are added to a conference call, an audible chime is heard by participants already connected to the call. If the conference is in progress when the chime is sounded, it is advisable to acknowledge the new participant and ask who has joined the call. This will ensure that the new caller has gained access to the proper call.



GoToMeeting Instructions

To Join GoToMeeting

This will allow users joining the meeting via conference call to view the same computer material that the subcommittee members are seeing at the meeting location. To hear audio users will still need to call the conference call number above from their telephone.

1) Visit the Website Below

<https://www3.gotomeeting.com/join/877770358>

Meeting ID: 877-770-358



Appendix A

Extended Treatment Package System Subcommittee Meeting

Draft Minutes

January 17, 2013

Department of Environmental Quality

Conference Room "C"

1410 N. Hilton

Boise, Idaho

TGC-ETPS ATTENDEES:

Tyler Fortunati, R.E.H.S., On-Site Wastewater Coordinator, DEQ

Bob Erickson, Senior Environmental Health Specialist, South Central Public Health District

Ryan Spiers, Alternative Wastewater Systems, LLC

David Loper, Environmental Health Director, Southwest District Health Department

James Bell, Bio-Microbics, Inc.

Raymond Keating, Eastern Idaho Public Health District (via telephone and GoToMeeting)

Jay Loveland, Senior Environmental Health Specialist, Panhandle Health District (via telephone and GoToMeeting)

Brent Gee, Effluent Technologies, Inc. (via telephone and GoToMeeting)

GUESTS:

Barry Burnell, Water Quality Division Administrator, DEQ

Chas Ariss, P.E., Wastewater Engineering Manager, DEQ

PaRee Godsill, Everlasting Extended Treatment, Inc.

Steve Wielang, Bedrock Excavation

Kellye Eager, Environmental Health Director, Eastern Idaho Public Health Department (via telephone and GoToMeeting)

Janette Young, Administrative Assistant, DEQ

George Miles, P.E., Advanced Wastewater Engineering (via telephone and GoToMeeting)

CALL TO ORDER/ROLL CALL:

Meeting called to order at 9:15 a.m.

Committee members and guests introduced themselves.

MEETING MINUTES:

December 12, 2012 Draft ETPS Subcommittee Minutes: Review, Amend, or Approve

Motion: James Bell moved to accept minutes as presented.

Second: Ryan Spiers.



Voice Vote: Motion carried unanimously.

Minutes will post as final. See DEQ webpage and **Appendix A**.

OPEN PUBLIC COMMENT PERIOD: This section of the meeting is open to the public to present information to the ETPS subcommittee that is not on the agenda. The ETPS subcommittee is not taking action on the information presented.

No public comments were submitted during the allotted agenda timeframe.

NEW BUSINESS:

Review of Homeowner, Realtor, and Title Company Educational Brochure on Septic Systems and Real Estate Transactions

Review and discussion of the brochure content was held at this time. Ray Keating stated that Eastern Idaho Public Health District did not perform mortgage surveys anymore. Tyler Fortunati clarified that several health districts do provide this service but it is not required of the health districts from DEQ. David Loper stated that mortgage surveys are offered by some Health Districts when they are requested by underwriters/lenders on FHA loans. David Loper stated that he would like DEQ to deliver the brochure to Realtor and Title Company Associations upon its editing by DEQ technical publications staff. Tyler Fortunati agreed to deliver the brochure to these associations as well as post it to DEQ's website and provide the weblink to the health districts for posting on their own websites and for their printing of the document.

Motion: Bob Erikson moved that the Homeowner, Realtor, and Title Company educational brochure should be finalized and put on DEQ's and the health district's websites and sent to title and real estate associations.

Second: Ryan Spiers.

Voice Vote: Motion Carried unanimously. See **Appendix B**

Subcommittee Update on Requested Information from December 12, 2012 Meeting

See **Appendix C** for the presentation given for the three following areas.

- **Review of Secretary of State Determination of Administratively Dissolved Standing of Nonprofit Entities**

Tyler Fortunati presented an overview of Administratively Dissolved standings of a nonprofit entity. This occurs if the corporation fails to submit an annual report to the Secretary of State. The entity has 10 years to reinstate along with a \$30.00 fee and



paperwork. The entities do receive an annual reminder for submission of the annual report due date. The Secretary of State does not notify DEQ when a corporation has an Administratively Dissolved standing. The Administratively Dissolved status has no effect on the TGM requirements or the ability of the corporation to conduct business in the State of Idaho.

- **Review of Suspended Nonprofit O&M Entity Reporting, Testing, and Administration Status**

Tyler Fortunati presented the current status for suspended O& M Entities in relation to their submission of annual reports, performing annual testing of their membership, and their Secretary of State standing for administration status.

- **Review of Idaho Code 30-3 Important Points Related to Section 4.2 of the Technical Guidance Manual**

Tyler Fortunati presented an overview of Idaho Code 30-3. The information presented in this discussion was selected by Tyler based upon its relevance to current subcommittee discussions. Review of Idaho Code 30-3 was not a complete overview of the Code. Subcommittee members were provided with the web link to the entire Code for their review. Discussion surrounding several of the key points was held by the subcommittee.

Review Proposed Additions to Section 4.2 Nonprofit Corporations of the Technical Guidance Manual Addressing O&M Entity Creation

Tyler Fortunati reminded the committee that the presented format of this document represents the format developed at the last ETPS Subcommittee meeting and not the current TGM format. The finished document will be presented to the full TGM committee showing all changes that are proposed by the ETPS Subcommittee in relation to the current TGM format for section 4.2. The Subcommittee reviewed changes to proposed sections 4.2.1, 4.2.2, and 4.2.3. Jim Bell requested clarification on whether the nonprofit O&M would send amendments to their Articles of Incorporation and/or Bylaws to DEQ before sending them the Secretary of State or the other way around. Tyler Fortunati clarified that the DEQ would review and issue a letter of approval. The amendments would then be provided to the Secretary of State along with the letter from DEQ approving the proposed changes. Some minor modifications were made to the document by the Subcommittee. See **Appendix D** for the changes made to this document.

10:50 Break

11:00 Meeting resumed.



Review Proposed Changes to Section 4.10 of the Technical Guidance Manual Addressing Extended Treatment Package Systems

Tyler Fortunati presented proposed changes to the current format of this section of the TGM for easier reading/understanding of the requirements. Changes were also proposed that expanded on the requirements surrounding annual reports and O&M suspensions as currently handled but not described within this section of the TGM. Changes and additions are in red and items struck out in green were kept but moved to a different section. Future changes to this section will build off of the proposed format of the document that comes out of this meeting. Tyler reminded the subcommittee that these and any other changes still need to go to the full Technical Guidance Committee and these changes may or may not be what becomes final. Committee reviewed changes that were highlighted in red and made a few minor additional suggestions.

James Bell discussed sampling of effluent from an ETPS and will provide a copy of the Operator's sampling protocol that his service providers use. James Bell stated that there are a few common issues with sampling that may affect the results of the sample including:

1. Service providers do not get the sample bottles from the lab they are using so they do not have the necessary preservatives.
2. Samples are not delivered to the lab in a timely fashion.
3. The samples are not sufficiently covered in ice to maintain a 4° C temperature during transport to the lab.
4. Operators do not know where to collect the sample from the ETPS.

Discussion ensued that as stated in the proposed version of section 4.2 Non-Profit Corporations of the TGM, service providers should be trained and certified by manufacturer and yet there is not currently a mechanism in place to ensure this is the case. However, it is in the Service Provider and O&M Entity's best interest to be sure that they are properly trained to insure that proper service and testing procedures are being followed.

Bob Erickson questioned why DEQ would not want the annual report submitted to them from the O&M Entity. Tyler Fortunati clarified that currently the O&M Entities submit their annual reports to their local health district. The health district is the best location for this to occur due to the fact that DEQ does not maintain records of the septic permits associated with the annual reports. The health districts then report the status of the O&M Entities to DEQ after the review of the annual reports. If the O&M Entity results require suspension DEQ will issue the suspension to the O&M Entity and inform the health districts of the Entity's status. If an Entity is suspended, the annual reports should go to both the health district and DEQ. The health districts receive the annual reports and DEQ relies on the health districts to review the reports since they maintain the permit records and inform DEQ of the Entities' compliance status.



Discussion was held regarding the fact that when members do not pay their annual fees it leaves the O&M Entity without the money necessary to perform the annual maintenance and testing for everyone. Failure to perform maintenance and annual testing counts against the O&M Entity in the annual report and results in suspension if more than 10% do not pay. James Bell stated that O&M Entities need to set their fees annually, recognizing that they need to cover the costs of failed tests and re-testing fees and maintenance in addition to those that fail to pay their annual dues.

The meeting was adjourned for lunch
Lunch 12:00 - 1:00 p.m.

Review Proposed Changes to Section 4.10 of the Technical Guidance Manual Addressing Extended Treatment Package Systems (Continued)

George Miles addressed the subcommittee and would like the subcommittee to consider using operational permits as a possible alternative to the current nonprofit corporation structure. Tyler Fortunati explained that this would need legislative support and it would take roughly two years to go through the rule change process. In addition operational permits would not solve any of the issues surrounding the existing membership of the O&M Entities. David Loper stated that the ETPS Subcommittee had reviewed other possibilities in prior meetings and had made a decision to shore up the current nonprofit model and move forward rather than start all over. David Loper stressed that the health districts do not have the resources to be the administrative branch of the nonprofits in relation to tracking various service providers. In addition, the health districts do not want to be involved with homeowners not paying their O&M Entity and will not act as bill collectors for the O&M Entities. David Loper stated that the health districts are there for non-compliance, for example turning off blowers.

Ray Keating asked why annual reports for the O&M Entities are submitted in July or every year instead of December. Discussion ensued on the rationale behind the required date for submission of annual reports from the O&M Entities to the health districts. There was support for changing the reporting date back to December 31st of each year and support for maintaining it at the current July 31st date. Tyler Fortunati polled the members of the ETPS Committee on whether to keep the dates the same or change them back to December 31st. The subcommittee voted with 5 in favor of keeping the report date the same and 2 in support to change the date to December 31st. The date was left the same in the proposed revision based upon the poll results. Tyler Fortunati will make a note to have the TGC discuss the timelines for a final decision on the reporting date.



Discussion was held on how to handle medical waivers under the newly proposed section TGM section 4.10.4.2 Annual report Exemptions. There is no current verification process spelled out for this exemption. There was concern regarding the requirement of obtaining verification if someone is on long term medication that will prevent a unit from testing correctly. Tyler Fortunati clarified the intent was simply to obtain acknowledgement from a medical professional that the individual residing in the home was on long term medical care and not to obtain the diagnosis or specific prescription. The subcommittee accepted this approach.

David Loper suggested that the date for report submission deadlines be adjusted to August 31st.

The subcommittee raised the issue of what prevents a suspended O&M Entity from forming a new O&M Entity to continue their business while leaving behind the suspended Entity. Tyler Fortunati stated that DEQ reviews all Articles of Incorporation and Bylaws for new O&M Entities so a mirror O&M Entity would be recognized and not approved. Tyler Fortunati pointed out that the new suggested requirement that a manufacturer representative must be on the board of the O&M Entity may not be able to be retroactively required with already approved O&M Entities. This will need to be discussed with the Attorney General's office.

There was discussion on whether there should be separate requirements for seasonal homes and full time residences. James Bell conveyed the procedures of startup, testing, and shutdown for seasonal homes in the Cape Cod area. Tyler Fortunati stated that Idaho does not view the two home types differently in relation to septic system permitting. Currently, there is no difference in the standards and requirements between seasonal homes and year-round homes with respect to ETPS.

The subcommittee discussed making sure the ETPS installed has a readily accessible sampling port. James Bell discussed a sampling system that allowed samples from the ETPS system to flow directly into the laboratory sample bottle. James Bell will forward some information from Ohio and Bio-Microbics to DEQ on the sampling port designs. David Loper suggested developing a figure to indicate where the sample port should be installed in the effluent line after the aerobic treatment unit. See **Appendix E** for proposed changes to section 4.10 of the TGM.

Discussion on How to Handle O&M Entity Members Refusing to Pay the Required Annual Dues to their O&M Entity

Tyler Fortunati presented the following points regarding the current consequences to O&M Entity members that refuse to pay the annual dues assessed by their O&M Entity:

- O&M Entity Liens the Member's Property
- O&M Entity is still Responsible to Perform Annual Maintenance and Testing



- If Maintenance and Testing is not Performed and Reported the Associated Property Counts Against the 10% Malfunctioning Rate of the Entity
- The Entity has the Option to:
 - Take the Member to Small Claims Court
 - May Result in the Following Consequences to Owner:
 - Pay Annual Dues
 - Pay Interest
 - Pay Court/Attorney Fees
 - No Regulatory Action

James Bell added that the O&M has the option of using collection agencies. Brent Gee stated that collection agencies typically retain 33% of whatever is collected resulting in the Entity losing that money. Tyler Fortunati clarified that it is the responsibility of the O&M Entity to bill the O&M membership for services provided by the service provider. Service providers should not be directly billing homeowners under the current system.

James Bell described the situation in NC, MA and MN where there is one service provider servicing 80% of the units, and then the manufacturer needs to spend the rest of the time finding out who is servicing the remaining units. The manufacturer must attempt to contact the homeowners or utilize the health district to find out who is doing the servicing. If no service is being performed a letter from the Health District indicating non-compliance is sent by the health districts. However, enforcement is difficult.

Tyler Fortunati reminded the subcommittee of the original letters presented during the first meeting that attempted to gain voluntary compliance from homeowners which could lead to dues being paid. This was proposed as a three letter approach to encourage voluntary compliance. The first letter was meant to be informative and explains the requirements to the homeowner regarding having an ETPS and the need for annual sampling and servicing if it is not being performed. If the non-compliance through non-payment continues a second letter would be sent requesting that the homeowner comply with the service and testing requirements of their septic permit with information regarding legal issues if they do not comply, this letter would also contain a deadline for obtaining the necessary service and testing. A third letter in the form of a Notice of Violation (NOV) would follow after the deadline has passed and service and testing of the treatment unit has not occurred. These letters would be sent through the health districts assuming the health district had adequate information from the O&M Entity regarding the refusal to have the service and testing performed.

David Loper indicated that most O&M's were successful the first 2-3 years. After samples did not meet requirements and the O&M Entities and their members had additional costs of fixing them, they didn't want to pay. David Loper also conveyed that the health districts would not be comfortable taking any initial enforcement lead with homeowners or O&M Entities. Tyler Fortunati stated that DEQ understands this and



DEQ will need to discuss any enforcement action structure with the Environmental Working Group and health districts.

Bob Erikson indicated that the Health Districts have very little power over the O&M Entities and homeowners. Some health districts have good relationships with the county prosecutor's office, but others do not. Without their support enforcement would be tough.

James Bell asked what to do if no one is taking care of the ETPS, including the manufacturer. James Bell asked if the health districts could issue a non-conforming system variance. Tyler Fortunati stated that non-conforming permits are only issued for replacement systems and likely would not apply in this situation.

David Loper solicited input from the O&M Entity board members present at the meeting regarding what they felt would help gain compliance from their membership. George Miles, Brent Gee, and PaRee Godsill all provided input that some form of assistance from the health districts or DEQ would be beneficial. It was suggested that the letters discussed earlier would be a good start and would be appreciated by the O&M Entities.

The subcommittee tasked DEQ with developing draft letters to be utilized to gain compliance from homeowners. Three letters were asked for that included an informative letter discussing the required responsibilities of the homeowners and provided contact information, a second letter that provided a voluntary deadline for homeowners to comply with their permit requirements, and a third letter that is in the form of an NOV.

NEXT MEETING:

The next ETPS subcommittee meeting is scheduled to be on February 21, 2013, 9:15 a.m. – 4:30 p.m., at the DEQ State Office building.

Motion: David Loper moved to adjourn the meeting.

Second: Bob Erikson.

Voice Vote: Motion carried unanimously.

Meeting adjourned at 4:06 p.m.

ETPS Parking Lot: This is an area reserved for subcommittee meeting topics for future agendas.

- O&M notice to homeowner and health district regarding service refusal
- Service refusal letter (health district to homeowners)
- Testing requirements (TSS, CBOD₅, and Total Nitrogen)
- Variability of sampling results between labs
- Annual reporting exemptions



Appendix B

SAMPLING PORT INFORMATION

OHIO REQUIREMENTS

- Sampling ports are required for all treatment trains approved to meet the effluent standards outlined in the EPA's NPDES general permits.
- The general permits require the annual collection and testing of grab samples.
 - Samples must be collected after final treatment of the effluent in a location acceptable to the Ohio Department of Health, Ohio EPA, and the system manufacturer.
- The ODH determined that permits must include adequate access for the collection of effluent samples and the location of the port must be approved by the manufacturer.

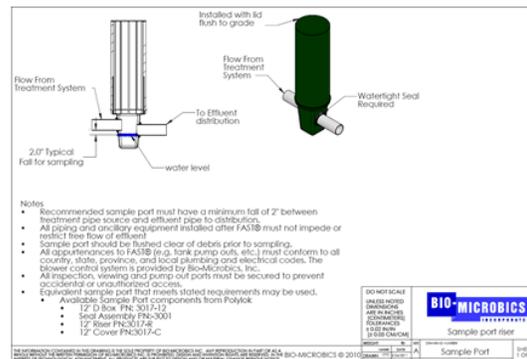
OHIO REQUIREMENTS

- Sample Port Requirements:
 - Grab samples must be collected from a free falling stream at the end of the effluent pipe within the inspection port.
 - Samples shall not come from stagnant water inside the port.
 - Ports shall be watertight
 - The inlet to the port is 8 inches above the bottom of the port
 - A minimum of 2 inches of fall is required between the inlet and outlet of the port
 - The port shall have a minimum diameter of 8 inches at the sample collection point
 - Samples must be collected in compliance with applicable standards and ODH sampling guidance or other manufacturer produced/product specific effluent collection guidance

OHIO REQUIREMENTS

- Valve in Pressurized Piping Sampling:
 - Collection of samples from a valve in pressurized piping located within a post aeration tank is acceptable provided the manufacturer has provided written guidance for the proper collection of samples from the valve, the guidance has been provided to the ODH, and the product specific guidance is followed for collection of samples.
- Point of discharge samples:
 - Allowed for NPDES surface discharges
 - Not applicable in Idaho

BIO-MICROBICS PORT



BIO-MICROBICS PORT





Appendix C

February 12, 2013

[Certified Mail No.]

[Name]
[Address]
[City, State]

Re: Refusal of Service for Extended Treatment Package System

Dear [Name],

It has come to our attention that you have not had your extended treatment package system (ETPS) [maintained and/or tested] for this reporting year. The subject property is located at [address or legal description]. It is a requirement of the septic permit issued for your property that the ETPS unit has annual maintenance performed and the effluent quality tested through your Operation & Maintenance Entity (O&M Entity) and the O&M Entity's associated Service Provider. According to our records your O&M Entity and Service Provider contacts are:

O&M Entity:

Service Provider:

Entity Contact Name
Entity Business Name
Entity Address
Phone Number

SP Name
SP Business
SP Address
Phone Number

Your ETPS unit is under contract with this O&M Entity through a Member Agreement that is recorded with the County your property is located within to your property records. It is the homeowner's responsibility to ensure the ETPS unit is provided with maintenance and that the effluent quality discharged from the unit is tested annually. Failure to have annual maintenance performed and effluent quality tested for your ETPS unit may result in this department pursuing legal action against you for failure to meet the responsibilities associated with your septic permit. Please work with your O&M Entity to schedule your annual maintenance and effluent quality testing. If you have any questions regarding your Member Agreement or the necessary requirements to schedule your maintenance and testing appointment please contact your O&M Entity. If you have questions concerning regulatory requirements regarding your ETPS system please contact [insert department name] at [insert phone number]. Your cooperation in meeting the requirements of your septic permit is appreciated.

Sincerely,

[Regulator Name]
[Regulator Title]

c: [O&M Entity]
enclosure



Dear Extended Treatment Package System Owner,

The Department of Environmental Quality (DEQ) would like to take this opportunity to provide some information about the treatment component of your septic system and remind you of the annual service and testing of the treatment unit that is vital to your systems overall functionality. The issuance of the septic permit for your property required a treatment component in order to install the drainfield. Without the septic permit the construction of buildings necessitating sewer connections on your property would not be possible.

Treatment is required in areas that are designated as *areas of concern*. An area of concern may be designated because nutrient and/or pathogen contamination already exists within the designated area and has the potential to create a health risk. Additionally the area may have shallow soil depths or types that do not support standard septic systems, and ground water or fractured bedrock is within 10 feet of the ground surface. Under these conditions the use of a standard septic system is not feasible due to the high probability of a health risk occurring or the soils are not capable of supporting standard wastewater strengths.

Extended Treatment Package Systems provide pretreatment to your wastewater prior to its discharge to the drainfield portion of your septic system. These treatment units reduce waste strength and nutrients (particularly nitrogen) in wastewater. This allows a reduction in soil depths below your drainfield to ground water, bedrock, or unsuitable soils. In addition they allow a reduced square footage of the drainfield installation requirements for your property, which leads to less area of your property being restricted to uses that comply with the subsurface sewage disposal rules.

In order for your drainfield to operate properly and to meet wastewater quality standards that help prevent environmental contamination and public health issues, annual service and wastewater quality testing must be performed on your treatment unit. The servicing and maintenance of your treatment unit ensures proper operation of the treatment system components. It is important that this is done by a service provider that has been trained to service the components of your treatment systems and has knowledge of the system operation. Additionally wastewater quality testing is necessary to ensure that the treatment system is discharging wastewater that complies with the septic system permit requirements in order to prevent public health issues and environmental contamination.

Please work with your Operation and Maintenance Entity and Service Provider to ensure that annual servicing and testing of your treatment unit is scheduled. Protection of public health and the environment is a team effort. Your participation in this program is a critical aspect to its success and is a requirement of the septic system permit for your property. If you have any questions surrounding this program and its requirements please contact DEQ's On-Site Wastewater Coordinator at 208-373-0140. Thank you for your participation and cooperation in this program.



Appendix D

February 12, 2013

[Certified Letter No.]

[Name]
[Address]
[City, State]

Re: Voluntary Deadline to Comply with ETPS Maintenance and Effluent Testing Requirements

Dear [Name],

[Regulatory Agency Name] has been informed that you are refusing to meet your responsibility and requirements surrounding your extended treatment package system (ETPS). As described in this Department's letter sent to you dated [insert letter 1 date] you are responsible for having annual maintenance performed on your ETPS unit and for annual testing of effluent quality discharged by the unit. Per *IDAPA 58.01.03.002.04.a.i* it is the responsibility of the property owner to treat and dispose of wastewater generated on their property in accordance with their subsurface sewage disposal permit.

Your Operation & Maintenance (O&M) Entity is responsible for reporting the completion of your unit's annual maintenance and effluent quality testing to this Department annually. The annual report is required to be submitted by your O&M Entity to this Department by July 31st of each year. As of the issuance of this letter you are delinquent in meeting these requirements by [insert number of days past July 31st]. This Department is providing you a 30 day window to voluntarily meet the requirements and responsibilities of your septic permit. You have until [insert voluntary compliance date] to accomplish your required annual maintenance and effluent quality testing. After this date this Department may pursue legal action against you for failure to meet the requirements of *IDAPA 58.01.03.002.04.a.i*, *58.01.03.004.01*, *58.01.03.005.14*, and *58.01.03.012.01-03*. To view the requirements of these Rules please reference the Individual/Subsurface Sewage Disposal Rules located at <http://www.deq.idaho.gov/water-quality/wastewater/septic-systems.aspx>.

Please contact your O&M Entity to schedule your required annual maintenance and testing of effluent quality. Your O&M Entity will be required to report the status of the completion and compliance of these activities on [insert voluntary compliance date]. Your cooperation in meeting the requirements of your septic permit is appreciated.

Sincerely,

[Regulator Name]
[Regulator Title]

c: [O&M Entity]



Appendix E

4.10.4 Annual Report

The reporting period is from July 1 of the preceding year through June 30 of the reporting year. The Nonprofit O&M Entity shall meet the following annual reporting requirements for each member of the Entity:

1. The Annual Report shall include the following items for each member of the Entity:
 - a. A copy of all service records for the reporting period.
 - b. A copy of all certified laboratory records for effluent sampling.
 - c. A copy of each Chain-of-Custody record associated with each effluent sample.
 - d. A current list of all members of the Nonprofit O&M Entity within the health district to which the Annual Report was submitted.
 - i. The member list shall clearly identify the status of each member in regards to completion of Annual Reporting requirements.
 - ii. If Annual Reporting requirements are not complete for any given member an explanation shall be included with that member's records within the Annual Report.
2. Annual Report Exemptions:
 - a. A member may be exempt from effluent testing based on extreme medical conditions.
 - i. The member's record in the Annual Report must include a doctor's note indicating that a resident of the property has been prescribed medication for the reporting period that will prevent the ETPS unit from testing correctly.
 - ii. Annual service and maintenance on the member's ETPS unit shall not be exempt due to medical conditions and record of annual service and maintenance shall still be submitted with the Annual Report.
 - b. An O&M Entity may be exempt from reporting annual service and testing results for individual members if that member's activities fall under section 4.10.6 of this manual.
 - iii.i. The O&M Entity is still required to report the activities described under section 4.10.6 of this manual for each member exempt from annual reporting through this section.
3. The annual reporting process:
 - a. The Annual Report shall be submitted by the Nonprofit O&M Entity no later than July 31 of each year for the preceding 12-month period to the local health district.
 - i. The Nonprofit O&M Entity shall submit Annual Reports to each local health district that the Entity has member agreements within which shall only include reporting records for the member agreements within the local health district jurisdiction.



b. The local health district shall provide the Nonprofit O&M Entity a written response within 30 days of receipt of the Annual Report detailing the Entity's compliance or non-compliance with their member's septic permit requirements.

i. All correspondence from the health districts to the Nonprofit O&M Entity regarding the Annual Report shall be copied to DEQ.

4. Delinquent Annual Reports:

a. If the Nonprofit O&M Entity does not submit the Annual Report by July 31 of the reporting year the local health district shall send the Entity a reminder letter providing a secondary deadline for report submission of August 31st of the reporting year detailing the report requirements and that failure to submit the Annual Report by this date will result in the district forwarding a notice of non-report to DEQ for the suspension of the Nonprofit O&M Entity.

All correspondence from the health district to the Nonprofit O&M Entity regarding delinquent Annual Reports shall be copied to DEQ.

4.10.6 Member Refusal of Maintenance or Testing Requirements

It is the responsibility of the individual O&M Entity members to ensure the O&M Entity is capable of performing the necessary annual maintenance and effluent testing required for their ETPS unit. Failure of an individual member to permit the O&M Entity from carrying out the required services, as designated within their member agreement, is considered a violation of *IDAPA 58.01.03.012.01 Failure to Comply*. The following activities from a homeowner towards their O&M Entity may be considered as refusal of service actions by a member, and may not be limited to:

- Refusal to allow annual maintenance or effluent quality testing (e.g., refusal to pay annual dues preventing the financial capability of service, denial of property access, etc.)
- Refusal to maintain the ETPS unit in operating condition (e.g., refusal to replace broken components, refusal to provide electricity to the unit, etc.)

If the refusal of service continues through the Annual Reporting Period the O&M Entity shall substitute the following documents in the Annual Report for members refusing service:

- Copies of all correspondence and associated certified mail receipts documenting the property owner's receipt of the correspondence regarding the refusal of service.
 - Failure to include this documentation within the annual report will void the property owner's exemption from the annual report and will count against the O&M Entity's overall compliance rate.

Upon receipt of an Annual Report that contains individual O&M Entity members exempt under section 4.10.6 of this guidance the reviewing regulatory authority and respective O&M Entity shall adhere to the following guidelines:



1. The regulatory authority shall issue Letter 1 and the associated enclosure that is found within section 3.3.11 of the Idaho Subsurface Sewage Disposal Standard Operating Procedures (SSD SOP).
 - i. This letter shall be sent to the property owner via certified mail and copied to the associated O&M Entity.
 - ii. The O&M Entity shall provide notice to the regulatory authority and associated property owner 30 days after receipt of Letter 1 informing the regulatory authority of the property owner's voluntary compliance status.
2. If the property owner fails to voluntarily comply within the 30 day timeframe the regulatory authority shall issue Letter 2 found within section 3.3.11 of the SSD SOP.
 - i. This letter shall be sent to the property owner via certified mail and copied to the associated O&M Entity.
 - ii. The O&M Entity shall provide notice to the regulatory authority and associated property owner by the voluntary compliance date provided within Letter 2 informing the regulatory authority of the property owner's voluntary compliance status.
3. If the property owner fails to voluntarily comply by the date provided in step 2 of this process the regulatory authority shall issue a Notice of Violation to the property owner and pursue legal action against the homeowner to ensure compliance with the property owner's septic permit requirements in regards to the ETPS unit.