

From: [Allen Worst - R.C. Worst & Co., Inc.](#)
To: [Paula Wilson](#)
Subject: Individual/Subsurface Sewage Disposal Rules: Docket No. 58-0103-1501 - Negotiated Rulemaking Public Comment
Date: Friday, November 06, 2015 12:34:33 AM

Paula,

I would like to enter into the record the following comments regarding the above listed rule making attempt by the Idaho Department of Environmental Quality. Let me first make it known that I would support any rule that would improve the system within which complex wastewater systems operate in the State of Idaho. Also consider I have been responsible for the creation of a non-profit company under the ETPS program requirements and have operated this program successfully, without customer complaints, for the past 13 years.

At this time, I am not convinced that the proposed Service Provider Model provides solutions to the problems presented during the Technical Guidance Committee Meeting of March 20th, 2016 without creating an entirely new set of issues. Some of which are listed below:

1. Equipment manufacturers are ultimately responsible for the performance of treatment systems installed in Idaho given the 90% compliance requirement issued in the Technical Guidance Manual. I do not feel that the proposed rule will adequately protect each manufacturer's vested interest given their lack of control over service provider selection, education and continued performance in their service duties. Clear language should be provided to remedy a manufacturer's performance liability in the event of a service provider failure to perform the maintenance under this rule.
2. Training provided by the State under Idaho Rule for the subsurface onsite wastewater program has been extremely lacking under the license program offered to installers to date. Therefore any training required and offered by DEQ or the 7 Health Districts pertaining to O&M of complex systems should be considered of little value as well. Therefore the only valuable training received by the O&M providers will fall on the equipment manufacturers' alone. As indicated in the proposed rule, manufacturer training will occur at the time of initial operator training, and may not be required as products change and new products are introduced.
3. A recent rise in franchise service and repair companies have appeared in many areas of Idaho over the past few years. The commission salary base of many of these companies motivate field employees to "up-sell" replacement products and services while at a site. I am concerned that some of these companies will see the proposed O&M Provider Model as a opportunity to nefariously extort service fees through equipment replacement recommendations from unsuspecting treatment system customers.
4. The proposed move from the ETPS program to the Service Provider Model has been the direct response by the Technical Guidance Committee to remedy issues presented by customers of one ETPS service company. Other ETPS service companies have ran upstanding programs and maintained excellent relations with their treatment system customers. The financial investment required to enter the ETPS program should also be considered before this system is replaced. The companies that now operate within the ETPS program have an considerable investment and stake in the operation as currently

required under the TGM, and the investment to change systems is considerable. I do not feel that the misguided efforts of one should impact others operating within the current system while maintaining a satisfied customer base. Maybe a solution should be considered than fits within our current program.

5. The quality of service will most likely degrade under the Service Provider Model if adopted. Customers will naturally migrate to the low cost service provider whereby promoting substandard service. This issues could be made worse by the dilution of the current economies of scale had by the limited number of services providers under the ETPS program driving costs up on visits to specific geographic area containing multiple systems.
6. There is nothing in this model to limit the operation of a competitor's system by a person with a considerable stake in the failure of a competing product's systems.

Please do not consider the above as support for or against the proposed rule, but issues in need of consideration before movement forward is made.

Sincerely,

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