

1.9.5 Property Owner Operation, Maintenance, or Monitoring Requirements

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It is the property owner's responsibility to store, treat, and dispose of wastewater generated on their property. IDAPA 58.01.03.002.04.a.i. Additionally, IDAPA 58.01.03.005.14 allows the Director to require that specific operation, maintenance, and monitoring procedures be observed as a condition of issuing a subsurface sewage disposal permit. Individual property owners are responsible for ensuring that an approved service provider the operation, maintenance and monitoring conditions associated with their ETPS subsurface disposal permit are met. ~~performs OMM requirements for their wastewater treatment system.~~ Failure of an individual property owner ~~to have contracted with a service provider to perform~~ to have the required OMM services completed is considered a violation of IDAPA 58.01.03.012.01. OMM and reporting must be performed by an approved service provider and third-party tester. Actions engaged in by a property owner that may be considered a violation of rules include, but are not limited to, the following:

1. ~~1.~~ Refusal to maintain the wastewater treatment system in operating condition (e.g., refusal to replace broken components or refusal to provide electricity to the unit).
2. Refusal to meet their permit's OMM and reporting requirements.
~~— contract with a DEQ approved service provider to perform annual OMM services.~~
2. ~~Refusal to maintain the wastewater treatment system in operating condition (e.g., refusal to replace broken components or refusal to provide electricity to the unit).~~
3. Failure to submit or have their contracted service provider submit the annual report.

Failure to Perform Required OMM and Reporting Enforcement Procedures

Upon failure of an individual property owner to maintain and/or monitor their system as described in section 1.9.5, the following guidelines apply:

1. The regulatory authority shall issue Letter B with the associated enclosure provided in the DEQ program instruction, Extended Treatment Package System Education and Enforcement Letters.
 - a. Letter B shall be sent to the property owner by certified mail and copied to the associated service provider.
 - b. The property owner is responsible for working with the regulatory authority and the service provider to address their delinquent responsibilities. The service provider should contact the regulatory authority and associated property owner 30 days after receiving Letter B to inform the regulatory authority of the property owner's voluntary compliance status.
2. If the property owner fails to voluntarily comply with the 30-day time frame, then the regulatory authority shall issue Letter C provided in the DEQ program directive, Extended Treatment Package System Education and Enforcement Letters.
 - a. Letter C shall be sent to the property owner by certified mail and copied to the associated service provider.
 - b. The property owner is responsible for working with the regulatory authority and their service provider to address their delinquent responsibilities. The service provider should contact the regulatory authority and associated property owner by the

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voluntary compliance date provided in Letter C to inform 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 Letter C, then the regulatory authority may submit an Enforcement Referral Memorandum to DEQ to ensure compliance with the property owner's subsurface sewage disposal permit requirements.