



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Extended Treatment Package System Subcommittee Meeting

Minutes

November 15, 2012

**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 Health District
Jay Loveland, Senior Environmental Health Specialist, Panhandle Health District
Brent Gee, Effluent Technologies, Inc.
Raymond Keating, Eastern Idaho Public Health District
Ryan Spiers, Alternative Wastewater Systems, LLC
James Bell, Bio-Microbics, Inc.
Kim Walker, Simple Septic Solutions (via telephone)
David Loper, Environmental Health Director, Southwest District Health Department

GUESTS:

Barry Burnell, Water Quality Division Administrator, DEQ
Chas Ariss, P.E., Wastewater Engineering Manager
Paul Wakagawa, P.E., Wastewater Technical Engineer, DEQ
Kelley Eager, Eastern Idaho Public Health Department (via telephone)
Trey Spath, HD Fowler
Tyson Stewart, HD Fowler
Janette Young, Administrative Assistant, DEQ

CALL TO ORDER/ROLL CALL:

Meeting called to order at 9:15 a.m.
Committee members and guests introduced themselves.

HISTORY OF THE ETPS PROGRAM IN IDAHO:

Presented by Barry Burnell, Water Quality Division Administrator, DEQ

Origin and evolution of the ETPS program



- 1972- Subsurface sewage disposal rules were first adopted. This set the criteria for standard septic systems and the required setbacks to surface and ground water. The Health Districts (HD) began implementing the program through a Memorandum of Understanding (MOU). Mid 1970's- HD issued permits for Alternative Treatment Units (ATU) when standard systems could not meet setbacks to ground water. At this time there were no Operation and Maintenance (O&M) requirements. Late 1970's- ATU systems were failing and the HD stopped issuing permits for these systems.
- 1985- The Technical Guidance Manual (TGM) was first published, and was authored by Tom Turco, Ken Babin, and Gary Shook. This occurred in conjunction with a major Subsurface Sewage Disposal Rule rewrite. A majority of the manual was based on information from the ASCE conference on subsurface wastewater systems. The 25 non-profit O&M entity requirements were included in the development of this manual and were based off of a local engineering firm study on homeowner entities.
 - Part of the O&M requirements included testing for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). This required an effluent reduction of 85% from 200 mg/L to 30 mg/L for both BOD and TSS. These requirements remained for 11 years.
- 1996- Septic Systems Inc. was the first to incorporate under the new O&M structure with Jet system.
- 1997- Tricounty Wastewater Management, Inc. incorporated with approval of the Delta systems.
- 1998- Idaho Wastewater Treatment Services, Inc. incorporated with approval of the BioMicrobics systems.

2000- Madison County approved an enhanced system ordinance requiring ATU systems on developments meeting certain density requirements.

2000- TGM changed O&M Item 17 to specifically include monitoring and testing as outlined in the ETPS section.

2001- Added Total Nitrogen to testing requirements in conjunction with Nutrient Pathogen study requirements.

2001- South East Idaho Environment Treatment Services, Inc. (Nayadic systems), Valley Environmental Treatment Services, Inc. (Delta systems), Effluent Technologies, Inc. (Norweco systems), and Northern Extended Treatment Services, Inc. (Southern systems) incorporated.

2003- Idaho Onsite Services, Inc. incorporated with the approval of the Orenco systems.

2008- Shift from BOD to Carbonaceous Biological Oxygen Demand (CBOD₅) to reflect the NSF testing criteria and changed the reporting requirements from calendar year to July-June. Adjusted systems were required to be tested and a grace period was allowed for system start-up and medical issues.

2009- The O&M Entities had concerns over achieving 30/30 BOD and TSS requirements and that the testing did not follow NSF criteria. After discussion the TGC changed the requirements in the TGM to 40 mg/L CBOD₅ and 45 mg/L TSS.

Barry Burnell stated that service and testing is an important component of the program that is proven through the history of the program. As the program has matured additional elements are needed to support the program.



Bob Erickson asked for clarification as to whether the 25 non-profit O&M requirements came through the ASAE meetings. Barry clarified that a small portion did but the majority were through an engineering firm's study on homeowner entities and their recommendation to the State of Idaho through the study.

Ryan Spiers asked if the recent suspension of O&M Entities was initiated by the health districts and then followed up by DEQ. Barry Burnell clarified that initially the suspensions were issued by the health districts but over time this has become a DEQ role.

Bob Erickson stated that item 9 of the non-profit O&M requirements stated that the entity must own the system but this is not the case. Barry clarified that this is typically for community systems prior to the Large Soil Absorption System section of the TGM.

Brent Gee clarified that Madison County's adopted ordinance for ATU systems required that ATUs be installed when development density was less than 2 acres per lot.

Ray Keating asked for clarification of where the 40 mg/L and 45 mg/L testing requirements came from related to CBOD₅ and TSS respectively. Barry clarified that this reflects the NSF testing requirements for the weekly basis and that NSF requirements for monthly averages are 25 mg/L and 30 mg/L. DEQ shifted to the 40/45 requirements to reflect weekly limits since Idaho's testing program is a grab sample.

Jay Loveland would like clarification on the meaning of failure in the ETPS testing and reporting cycle. Barry clarified that this is more reflective of sample results, not necessarily treatment technology failure. This state of failure still allows for servicing and adjustment of treatment units to occur.

David Loper stated that he would like the subcommittee to look at the variability in system types (i.e., suspended growth, fixed film media, and trickling filters) in relation to their testing results.

Tyler Fortunati provided an overview of the current status of O&M Entities in the State of Idaho. The table presented indicated entities that are suspended, number of units installed per entity and by health district, and the overall number of systems installed that are under suspended entities and operating entities within the State. **See 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.

REVIEW OF ETPS SURVEY RESULTS FROM OTHER STATES:

Tyler Fortunati presented the results of a survey that DEQ conducted of other States and their systems for managing ETPS/ATU systems in their jurisdiction. The results of the survey are varied.



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Most States allow the installation of ETPS/ATU systems and the majority require annual servicing at a minimum by a licensed service provider. Testing requirements vary from no testing required to several effluent constituents required. For full survey results **See Appendix B.**

AREAS OF THE ETPS PROGRAM THAT THE TGC HAS PLACED PRIORITY ON:

Tyler Fortunati presented the priority areas of the ETPS program that the TGC would like the ETPS subcommittee to review. They are as follows:

Generic ETPS reminder notifications (health district to homeowner)

Service refusal letter (health district to homeowner)

How to handle members refusing to pay the required annual dues to their O&M Entity

ETPS system testing requirements

Operation and Maintenance Entity transitions (i.e., new ownerships, service provider changes)

Title company and real estate transition notices, information, and education

Tyler Fortunati asked the subcommittee if they had additional areas of interest that they would like to discuss.

David Loper stated that the O&M model looks good on paper but it is not currently functioning.

Bob Erikson recommended that the manufacturer of the ETPS units be involved with the O&M Entity from the start.

David Loper would like to look at how each O&M Entity was setup, specifically the board makeup of each Entity.

Ray Keating would like to look at how the annual report is interpreted, specifically relating to exemptions in calculating results. Should non-paying members be exempted which would be in addition to medical waivers that are already in place (i.e., exempting non-paying members that were not tested while they are moved through the compliance/enforcement process due to not meeting the requirements of their septic permit).

David Loper stated that he has a few contacts in the Title company industry that he can speak with about notification issues. He will research this and report back to the subcommittee.

Brent Gee would like to look into standard language requirements within the member agreement that relate to title company notification (i.e., lien to property).

The subcommittee engaged in a roundtable conversation related to the areas of emphasis that the TGC has tasked the subcommittee with. Several opinions and ideas were expressed in relation to what is currently not working in the ETPS program setup.



The meeting was adjourned for lunch
Lunch 12:30 - 1:30 p.m.

TIME FOR SUBCOMMITTEE MEMBERS TO ADDRESS THE SUBCOMMITTEE:

The subcommittee continued their conversation that began prior to the lunch break.

Kim Walker stated that participation of neighbors affects other neighbors (i.e., one that doesn't pay their dues requires another to pay for them). The subcommittee must get them to work as a team to increase participation in the necessary programs.

David Loper asked that a discussion on the variability of sampling needs to occur among the subcommittee. Specifically David Loper would like to review if we are sampling the correct constituents and why there is variability among the labs when samples are split. James Bell stated that proper training should stop the incorrect sampling from occurring.

David Loper recommends amending the non-profit O&M requirements.

REVIEW OF DRAFT SERVICE REMINDER LETTER (DEQ TO HOMEOWNERS):

The subcommittee reviewed a draft copy of a service reminder letter that is to be provided to O&M Entities by DEQ. This letter will be on DEQ letterhead and is for O&M Entities to include in their annual mailings. The letter describes what the ETPS program is and why the servicing and testing requirements are in place. To review a copy of this letter that was presented to the committee See **Appendix C**.

Bob Erickson would like to see the letter shortened so that it is easier for homeowners to read. Bob Erickson would also like to see a reference to the DEQ website included in the letter. James Bell agrees that the DEQ phone number should be removed and the web address provided. The group would also like to see a reference to the ATU brochure produced by DEQ included in the letter.

The subcommittee would like to see the requested edits made to the document and to have the letter represented at the next subcommittee meeting.

REVIEW OF A DRAFT SERVICE/TESTING RESULTS LETTER (O&M ENTITY TO HOMEOWNERS):

The ETPS subcommittee reviewed Draft Service/Testing Results Letter to be sent to property owner. The intent of this letter is to provide feedback to homeowners on service and testing results. The letter describes service, maintenance, activities and operational changes performed. It provides test results, system notifications and whether the homeowner's septic system is currently in or out



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

of compliance. Also provides recommendations or need for follow-up service. To review a copy of this letter that was presented to the subcommittee **See Appendix D.**

The ETPS subcommittee recommends that this be included as a guideline. James Bell expressed concern about postage costs associated with these letters and the effect that would have on their annual member fees. DEQ explained that this is part of the proposed tools for O&M Entities to inform the health districts of systems that are out of compliance. Without notification the health districts will be reluctant to send out enforcement letters to homeowners when there is no proof that prior notification has occurred.

Brent Gee stated that he has several thousand service door hangers already printed and does not want to waste those.

Discussion was held relating to the delivery method of this letter and its overall use.

The committee would like to see this letter included as a guideline in the TGM ETPS section, not as a required letter. This letter was tabled for inclusion/revision as guidelines in the reporting process.

WHERE THE ETPS SUBCOMMITTEE GOES FROM HERE:

Discussion was held on the areas that the subcommittee would like to focus on for the next meeting. It was decided that the following items will be looked at:

The board makeup of the existing non-profit O&M Entities

Review of the 25 non-profit O&M requirements

Review of member agreement language (Brent Gee will provide examples of a lien to property for the subcommittee)

Review of Title company notice (David Loper will present the results that he finds in his discussions and research)

Review of the revised service reminder letter produced by DEQ and provided to O&M Entities.

DEQ will fill the agenda for the next meeting with additional areas from the ETPS subcommittee parking lot.

NEXT MEETING:

The next ETPS subcommittee meeting is scheduled to be on December 12, 2012, 9:15 a.m. – 4:30 p.m., at the DEQ State Office building.

Motion: Ryan Spiers moved to adjourn the meeting.

Second: James Bell.

Voice Vote: Motion carried unanimously.

Meeting adjourned at 4:30 p.m.



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

ETPS PARKING LOT: This is an area reserved for subcommittee meeting topics for future agendas.

Annual reporting exemptions.

Variability of sampling results between labs.

Testing requirements (TSS, CBOD₅, and Total Nitrogen).

Training requirements for service providers.

Service Refusal Letter (health district to homeowners).

How to handle members refusing to pay the required annual dues to their O&M Entity.

O&M Entity transitions (i.e., new ownerships, service provider changes, etc.).



APPENDIX A

2012	HD 1	HD 2	HD 3	HD 4	HD 5	HD 6	HD 7	Total
Idaho Wastewater Treatment Services (Bio-Microbics)	12		315	650	3	15	11	1006
Southeast Idaho Environmental Treatment Services (Consolidated Treatment Systems)					0	2	171	173
Intermountain Septic Solutions (Consolidated Treatment Systems)						6		6
Tricounty Wastewater Management (Delta Environmental)	25							25
Valley Environmental Protection (Delta Environmental)	7						26	33
Northern Extended Treatment Systems (Jet)						0	49	49
Northern Extended Treatment Systems (Southern)						0	56	56
Septic Systsems (Jet)			177	38				215
Wilbert Systems (Jet)	2	0						2
Effluent Technologies (Norweco)						0	283	283
Everlasting Extended Treatment (Norweco)			67	1				68
Idaho Onsite Services (Orenco)	70	0	8	15	23	2	3	121
Total	116	0	567	704	26	25	599	2037
Suspended	32	0	244	39	0	2	585	902
Operating	84	0	323	665	26	23	14	1135

Suspended



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

APPENDIX B

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Jason Baumgartner

Organization: DE Dept. of Natural Resources and Environmental Control

Website link to ETPS/ATU rules or guidance:

<http://www.dnrec.delaware.gov/wr/Services/Pages/GroundWaterDischarges.aspx>

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

ATU’s are typically used for high water tables and unsuitable soils. We have also enacted requirements in some watersheds where they are used for nitrogen reduction.

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

Delaware has an Operation & Maintenance Requirement for all systems utilizing ATU’s. Systems must be maintained by a certified service provider trained by the manufacturer. Systems are typically inspected biannually. All inspection reports are submitted to the Department.

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

[Click here to enter text.](#)

How often is testing required?

[Click here to enter text.](#)

Who performs the testing?

[Click here to enter text.](#)

How are results reported and to who are they reported?

[Click here to enter text.](#)

What are the consequences in your state if testing does not meet requirements?

[Click here to enter text.](#)

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

[Click here to enter text.](#)



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Are there consequences to the system owners if they cannot meet testing requirements?

[Click here to enter text.](#)

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

[Click here to enter text.](#)

If there are management entities in your state how do they handle annual dues or fees?

Delaware does not have any fees. The service providers charge a fee for the maintenance contract.

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

Non-payment is not regulated by the Department. However, if a homeowner does not pay the service provider does not provide a contract renewal or inspection. This causes the owner to be out of compliance and regulatory action is taken.

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

No.

Are there State licensing or training requirements for management entities or service providers?

Yes

How is management entity transition handled (i.e. existing entity to a new entity)?

A new service agreement is made with another service provider.

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

The new owner should be informed by the current service provider. Service contracts are written so they are transferrable. So a new owner is covered under an existing contract until it expires.

Are title companies aware of these requirements for properties and if so how?

No.

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

The Department insures inspection reports and contract renewals are submitted. The Department also performs random QA/QC inspections to follow up on service providers.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

No



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

No, but the Department can assist owners and service providers with finding educational opportunities.

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Alan Dunn

Organization: Indiana State Department of Health

Website link to ETPS/ATU rules or guidance: <http://www.in.gov/isdh/20404.htm>

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

Severe soil conditions; when a full sized soil absorption field cannot be installed when replacing a failed soil absorption field; prior to subsurface drip irrigation systems

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

[Click here to enter text.](#)

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

[Click here to enter text.](#)

How often is testing required?

[Click here to enter text.](#)

Who performs the testing?

[Click here to enter text.](#)

How are results reported and to who are they reported?

[Click here to enter text.](#)

What are the consequences in your state if testing does not meet requirements?

[Click here to enter text.](#)

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

[Click here to enter text.](#)



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Are there consequences to the system owners if they cannot meet testing requirements?

[Click here to enter text.](#)

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

[Click here to enter text.](#)

If there are management entities in your state how do they handle annual dues or fees?

[Click here to enter text.](#)

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

[Click here to enter text.](#)

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

[Click here to enter text.](#)

Are there State licensing or training requirements for management entities or service providers?

[Click here to enter text.](#)

How is management entity transition handled (i.e. existing entity to a new entity)?

[Click here to enter text.](#)

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

[Click here to enter text.](#)

Are title companies aware of these requirements for properties and if so how?

[Click here to enter text.](#)

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

[Click here to enter text.](#)

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

[Click here to enter text.](#)

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

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State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Gary Chapple

Organization: Fort Wayne – Allen County Department of Health

Website link to ETPS/ATU rules or guidance: [Click here to enter text.](#)

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

To reduce the size of the absorption field or for drip irrigation. Also used in Allen County with surface discharge.

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

In Allen County 1 year operating permit and required service contract.

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

Only for surface discharge. CBOD5, TSS, DO, pH, eColi, ammonia

How often is testing required?

Quarterly for eColi, 6 months for others

Who performs the testing?

Service provider

How are results reported and to who are they reported?

Hard copies to the Department of Health

What are the consequences in your state if testing does not meet requirements?

Resample for those parameters within 30 days

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

If still out must submit a corrective action plan

Are there consequences to the system owners if they cannot meet testing requirements?

If corrections don't bring compliance could result in vacating home

Are there consequences to the management entity if they cannot meet testing requirements, if so what



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

triggers them?

Management district is co-permittee for surface discharge systems

If there are management entities in your state how do they handle annual dues or fees?

Letter sent to homeowners for renewal

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

Letter from attorney, fines and/or vacate home

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

No

Are there State licensing or training requirements for management entities or service providers?

County certification of service providers

How is management entity transition handled (i.e. existing entity to a new entity)?

If homeowner changes service providers they must send us a copy of the new agreement

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

Either notified by seller or when annual renewal comes up

Are title companies aware of these requirements for properties and if so how?

Recorded notice

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

Owners must use certified service providers

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

Working on funding option through State Revolving Fund

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

Annual training for service providers by Department of Health

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Gretchen Sabel

Organization: Minnesota Pollution Control Agency



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Website link to ETPS/ATU rules or guidance: <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/subsurface-sewage-treatment-system-ssts/minnesota-s-subsurface-sewage-treatment-systems-program-ssts.html> for general info and rules, use the left nav bar to go to our Product Registration page for specific info on ETPS/ATU and other onsite pretreatment devices.

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

All of the above

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

System designer develops management plan (based on University guidance, see link to U of M website on Product Registration page, local government issues an operating permit (examples on Product Registration page; units are serviced by licensed Service Provider.

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

Case by case, some monitoring is required for some sites at local option, no consistent policy.

How often is testing required?

Click here to enter text.

Who performs the testing?

Click here to enter text.

How are results reported and to who are they reported?

Click here to enter text.

What are the consequences in your state if testing does not meet requirements?

Click here to enter text.

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

Click here to enter text.

Are there consequences to the system owners if they cannot meet testing requirements?

Click here to enter text.

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Click here to enter text.

If there are management entities in your state how do they handle annual dues or fees?

It varies from entity to entity. You can read about one of our management entities here:

http://septic.umn.edu/prod/groups/cfans/@pub/@cfans/@ostp/documents/asset/cfans_asset_126306.pdf. This study was developed by the U of M. We do not get involved with this aspect of the work.

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

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If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

Click here to enter text.

Are there State licensing or training requirements for management entities or service providers?

Click here to enter text.

How is management entity transition handled (i.e. existing entity to a new entity)?

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When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

Local governments handle this, not the state.

Are title companies aware of these requirements for properties and if so how?

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What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

Local governments handle this, not the state.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

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Does the regulatory agency provide any annual training to system owners or service providers/management entities?

Click here to enter text.

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Scott Hipple



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Organization: SD DENR

Website link to ETPS/ATU rules or guidance:

<http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=74:53:01:09>

<http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=74:53:01:40>

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

Near lakes and sensitive aquifer recharge areas

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

[Click here to enter text.](#)

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

[Click here to enter text.](#)

How often is testing required?

[Click here to enter text.](#)

Who performs the testing?

[Click here to enter text.](#)

How are results reported and to who are they reported?

[Click here to enter text.](#)

What are the consequences in your state if testing does not meet requirements?

[Click here to enter text.](#)

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

[Click here to enter text.](#)

Are there consequences to the system owners if they cannot meet testing requirements?

[Click here to enter text.](#)

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

[Click here to enter text.](#)



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

If there are management entities in your state how do they handle annual dues or fees?

N/A

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

[Click here to enter text.](#)

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

[Click here to enter text.](#)

Are there State licensing or training requirements for management entities or service providers?

[Click here to enter text.](#)

How is management entity transition handled (i.e. existing entity to a new entity)?

[Click here to enter text.](#)

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

Unknown

Are title companies aware of these requirements for properties and if so how?

[Click here to enter text.](#)

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

None

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

[Click here to enter text.](#)

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

[Click here to enter text.](#)

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: John Eliasson

Organization: Washington State Department of Health

Website link to ETPS/ATU rules or guidance:

<http://www.doh.wa.gov/CommunityandEnvironment/WastewaterManagement/RulesandRegulations.aspx>



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

On sites where our treatment levels apply; i.e. reduced vertical and horizontal separations and increased hydraulic loading rates of soil dispersal components (drainfields).

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

The systems are registered for use by our department. Registration requires product performance verification through testing according to national standards or protocols. The details of product monitoring and serving is determined at the local level by local health jurisdictions.

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

[Click here to enter text.](#)

How often is testing required?

[Click here to enter text.](#)

Who performs the testing?

[Click here to enter text.](#)

How are results reported and to who are they reported?

[Click here to enter text.](#)

What are the consequences in your state if testing does not meet requirements?

[Click here to enter text.](#)

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

[Click here to enter text.](#)

Are there consequences to the system owners if they cannot meet testing requirements?

[Click here to enter text.](#)

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

[Click here to enter text.](#)

If there are management entities in your state how do they handle annual dues or fees?

[Click here to enter text.](#)



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

Click here to enter text.

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

Click here to enter text.

Are there State licensing or training requirements for management entities or service providers?

Click here to enter text.

How is management entity transition handled (i.e. existing entity to a new entity)?

Click here to enter text.

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

Local health jurisdictions may require a notice to title identifying requirements for system operation, maintenance and monitoring, and/or require an inspection report at the time of property transfer.

Are title companies aware of these requirements for properties and if so how?

This is determined at the local level.

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

I do not have an example of an established management entity for systems with design flows under 3500 gpd to answer this question.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

I do not have an example of an established management entity for systems with design flows under 3500 gpd to answer this question.

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

Some local health jurisdictions provide training to system owners or service providers.

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Karl Rockeman

Organization: ND Dept. of Health

Website link to ETPS/ATU rules or guidance: Click here to enter text.



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

Large systems, high strength waste

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

[Click here to enter text.](#)

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

[Click here to enter text.](#)

How often is testing required?

[Click here to enter text.](#)

Who performs the testing?

[Click here to enter text.](#)

How are results reported and to who are they reported?

[Click here to enter text.](#)

What are the consequences in your state if testing does not meet requirements?

[Click here to enter text.](#)

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

[Click here to enter text.](#)

Are there consequences to the system owners if they cannot meet testing requirements?

[Click here to enter text.](#)

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

[Click here to enter text.](#)

If there are management entities in your state how do they handle annual dues or fees?

[Click here to enter text.](#)

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Click here to enter text.

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

Click here to enter text.

Are there State licensing or training requirements for management entities or service providers?

Click here to enter text.

How is management entity transition handled (i.e. existing entity to a new entity)?

Click here to enter text.

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

Click here to enter text.

Are title companies aware of these requirements for properties and if so how?

Click here to enter text.

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

Click here to enter text.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

Click here to enter text.

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

Click here to enter text.

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: James McCaine

Organization: Texas Commission on Environmental Quality

Website link to ETPS/ATU rules or guidance: <http://www.tceq.texas.gov/rules/indxpdf.html#285>

Does your state allow the installation of "Extended Treatment Package Systems" (ETPS), or "Advanced Treatment Units" (ATU), for subsurface sewage disposal? Yes X No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

Usually as pretreatment for surface application or drip irrigation. These two disposal technologies are often



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

used in unsuitable soils

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

The rules used to be tougher statewide, but our legislature now allows homeowners to do the maintenance. However, the legislature allows local governments to be more stringent, and many have done so. The greater stringency usually is a requirement for a third party to maintain the system, and report on its performance every four months.

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

When it is tested, it is usually chlorine residual. However, on some systems, we do BOD and TSS testing

How often is testing required?

For homes that are tested, every four months. For restaurants and commercial institutions, the requirements are permit specific.

Who performs the testing?

We have a licensing structure for maintenance personnel. The licensees are called licensed maintenance providers

How are results reported and to who are they reported?

Generally reported to the local permitting authority

What are the consequences in your state if testing does not meet requirements?

Fix it

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

Resampling will be required until the system meets code. For residences, this often just means adding disinfectant during the maintenance visit

Are there consequences to the system owners if they cannot meet testing requirements?

They will get nasty letters, with court and possibly fines if they do not comply

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

No, the burden is on the property owner

If there are management entities in your state how do they handle annual dues or fees?

Not statewide. Some local governments have systems like this, but I am not intimately familiar with them.

How is non-payment by an individual homeowner handled, and what are the ramifications to that



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

homeowner for non-payment?

Click here to enter text.

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

They are trained on all types

Are there State licensing or training requirements for management entities or service providers?

See licensing discussion above

How is management entity transition handled (i.e. existing entity to a new entity)?

Click here to enter text.

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

We require an affidavit with the property records notifying future buyers, but this is hardly a failsafe system

Are title companies aware of these requirements for properties and if so how?

When they find the affidavit

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

Since we license maintenance providers, we have the ability to take their license away. A local permitting authority can take them to court if they do not follow the rules.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

Generally no.

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

Some local permitting authorities do that.

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: René E. Meints

Organization: Arkansas Department of Health, Environmental Health Protection

Website link to ETPS/ATU rules or guidance: www.healthy.arkansas.gov

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

water/unsuitable soils/nitrogen reduction, etc.):

ADH Environmental Health Protection permits Onsite Wastewater systems (less than 2000 gpd, domestic waste only). The following types of dispersal methods require secondary treatment units prior to discharge: drip dispersal, reduced absorption areas and standard field lines (certain lake communities require secondary treatment prior to discharging into standard field lines). Drip dispersal systems are used to increase separation from limiting factors.

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

Subsurface wastewater systems discharging 3000 gpd or more require an Arkansas Department Of Environmental Quality NPDES Permit. Please contact ADEQ for more information.

Wastewater Systems >2000 gpd are permitted through ADH Engineering Division. Please contact Engineering Division for more information.

Wastewater System less than 2000 gpd are permitted through the Onsite Wastewater System Section of the Environmental Health Protection Division.

The Onsite Section requires owners of subsurface systems utilizing secondary treatment to obtain a monitory contract. Depending on the designer’s/manufacturer’s and/or health department’s requirements, systems may be monitored once a year, every three months, every six months or as often as deemed necessary. Onsite Wastewater System Assessments are submitted to the Environmental Health Protection, by Certified Monitoring Personnel licensed through ADH, for each site visit.

All secondary treatment systems must be ANSI/NSF Standard 40 approved. As long as the system components are in working order, the effluent quality testing has been completed by ANSI/NSF retesting of the units

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

Wish you could see this better. All system components are inspected by the CMP for proper working order. If a noncompliant assessment is submitted, an ADH representative will conduct a General Sanitation Inspection, which may include effluent sampling, to verify the noncompliance and determine corrective action time line. Test will include TSS, CBOD(5) and pH.

How often is testing required?

See above.

Who performs the testing?

See above.

How are results reported and to who are they reported?

See above.



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

What are the consequences in your state if testing does not meet requirements?

The penalty for violating the Rules and Regulations Pertaining to Onsite Wastewater Systems is a misdemeanor and is punishable by a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1000.00). The State Board of Health can also levy a civil penalty of \$1000.00 per day.

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

See above.

Are there consequences to the system owners if they cannot meet testing requirements?

See above. However, we encourage spending money on repairing the system rather than collecting fines.

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

If the monitor proven neglectful or fraudulent by the Sewage Disposal Advisory Committee, he or she may have their license suspended or revoked.

If there are management entities in your state how do they handle annual dues or fees?

Annual license fees are paid to the ADH and a late fee is due, if not paid within three months of the due date. If delinquent for a year, subject will have to retest. If they do not pay, they are considered operating without a license are subject to fines.

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

Nonpayment covered in their contract with the monitoring provider.

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

No.

Are there State licensing or training requirements for management entities or service providers?

Yes, we require annual training and testing before licensing.

How is management entity transition handled (i.e. existing entity to a new entity)?

Contract changes are sent to ADH Environmental Health Protection Division.

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

A Memorandum of Agreement signed by owners and submitted with their Onsite Wastewater System Construction Permit which, requires notification to new buyers.

Are title companies aware of these requirements for properties and if so how?



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Yes, they are aware through their representative on the Sewage Disposal Advisory Committee.

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

We supply list of licensed personnel and permit requirement letters to owners. This Department maintains a data base for contract and assessment submittal. This Department is opened to calls from the public in regards to concerns, complaints and questions. We enforce the permit requirements through warning letters listing penalties and take action when needed.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

We provide accurate information concerning contract requirements.

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

We provide annual training to Monitoring Personnel, which must be completed for license renewal.

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Gary Buttermore

Organization: Nebraska Department of Environmental Quality

Website link to ETPS/ATU rules or guidance: [Click here to enter text.](#)

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

[Click here to enter text.](#)

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

[Click here to enter text.](#)

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

[Click here to enter text.](#)

How often is testing required?

[Click here to enter text.](#)

Who performs the testing?



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

[Click here to enter text.](#)

How are results reported and to who are they reported?

[Click here to enter text.](#)

What are the consequences in your state if testing does not meet requirements?

[Click here to enter text.](#)

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

[Click here to enter text.](#)

Are there consequences to the system owners if they cannot meet testing requirements?

[Click here to enter text.](#)

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

[Click here to enter text.](#)

If there are management entities in your state how do they handle annual dues or fees?

[Click here to enter text.](#)

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

[Click here to enter text.](#)

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

[Click here to enter text.](#)

Are there State licensing or training requirements for management entities or service providers?

[Click here to enter text.](#)

How is management entity transition handled (i.e. existing entity to a new entity)?

[Click here to enter text.](#)

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

[Click here to enter text.](#)

Are title companies aware of these requirements for properties and if so how?

[Click here to enter text.](#)

What responsibility does the regulatory agency have in relation to the interactions between



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

management entities and system owners?

Click here to enter text.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

Click here to enter text.

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

Click here to enter text.

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Brad Harris

Organization: Tennessee Dept. of Env and Conservation

Website link to ETPS/ATU rules or guidance: <http://www.tn.gov/environment/gwp/divregs.shtml>

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

ATU’s allow for the use of drip dispersal systems. Drip systems require the least depth of suitable soil (20 inches). As yet we do not offer reductions for conventional septic systems with the use of an ATU.

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

We require the manufacture provide quarterly maintenance for the first four years as a part of the purchase. Maintenance must be provided by a state certified maintenance provider that has also been certified by the manufacturer. Each property owner is required to file a deed amendment announcing to future owners that the property is served by an ATS and that a maintenance contract with a certified maintenance provider is required for as long as the system is in operation.

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

We only allow those units that are listed as Class I by NSF 40.

How often is testing required?

Click here to enter text.

Who performs the testing?

Click here to enter text.



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

How are results reported and to who are they reported?

[Click here to enter text.](#)

What are the consequences in your state if testing does not meet requirements?

[Click here to enter text.](#)

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

[Click here to enter text.](#)

Are there consequences to the system owners if they cannot meet testing requirements?

[Click here to enter text.](#)

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

[Click here to enter text.](#)

If there are management entities in your state how do they handle annual dues or fees?

Maintenance providers are required to report any contract that has been terminated by a homeowner.

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

[Click here to enter text.](#)

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

[Click here to enter text.](#)

Are there State licensing or training requirements for management entities or service providers?

Yes

How is management entity transition handled (i.e. existing entity to a new entity)?

We haven't had a transition. Our program began in late in 09 and the initial 4 year requirement has not expired for the early installations.

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

A deed amendment is required before the initial construction permit is issued.

Are title companies aware of these requirements for properties and if so how?

We haven't had a property transfer that I am aware of, but it should show up with the title search.

What responsibility does the regulatory agency have in relation to the interactions between



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

management entities and system owners?

Insuring that the maintenance providers are certified and show up on the required schedule.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

All ATS systems installed in TN for individual homes are required to be equipped with a telemetry based monitoring system that records maintenance visits and alarms through an online database that the state has access to.

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

Maintenance providers are required to get 6 PDH's annually.

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Barbara Dallemand

Organization: Colorado Department of Public Health & Environment – Water Quality Control Division

Website link to ETPS/ATU rules or guidance: [Click here to enter text.](#)

Does your state allow the installation of “Extended Treatment Package Systems” (ETPS), or “Advanced Treatment Units” (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

Strength reduction. Some counties with separation distances greater than Colorado's state requirements allow reduction back to state levels with treatment

Are ETPS/ATU systems under a “management system” in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):

[Click here to enter text.](#)

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

[Click here to enter text.](#)

How often is testing required?

[Click here to enter text.](#)

Who performs the testing?

[Click here to enter text.](#)

How are results reported and to who are they reported?



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

[Click here to enter text.](#)

What are the consequences in your state if testing does not meet requirements?

[Click here to enter text.](#)

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

[Click here to enter text.](#)

Are there consequences to the system owners if they cannot meet testing requirements?

[Click here to enter text.](#)

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

[Click here to enter text.](#)

If there are management entities in your state how do they handle annual dues or fees?

[Click here to enter text.](#)

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

[Click here to enter text.](#)

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes No

Are management entities limited to one type of ETPS/ATU manufacturer or system type?

[Click here to enter text.](#)

Are there State licensing or training requirements for management entities or service providers?

[Click here to enter text.](#)

How is management entity transition handled (i.e. existing entity to a new entity)?

[Click here to enter text.](#)

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

[Click here to enter text.](#)

Are title companies aware of these requirements for properties and if so how?

[Click here to enter text.](#)

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

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State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

Click here to enter text.

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

Click here to enter text.

Name: Deb Knauss

Org: RI Department of Environmental Mgt

Email: deb.knauss@dem.ri.gov

Phone: 401-222-4700, ext 7612

Web: <http://www.dem.ri.gov/>

Link to section of site w/ access to rules, AE program (alternative/experimental) and other:

<http://www.dem.ri.gov/programs/benviron/water/permits/isds/index.htm>

RI does allow use of advanced treatment systems in RI, that have been approved by the RIDEM AE program.

They are used where site constraints cannot accommodate a pipe and stone leachfield, or other "conventional" leachfield: the eff from these systems can be dispersed using a bottomless sand filter or pressurized shallow narrow drainfield, both of which occupy a smaller footprint. RI also has N-removal requirements in our "critical resource areas" see Rules for more on this if you are need details.

The mgt system is a requirement that all of these systems have a service contract in place, as long as the system is in use. The service is performed by service providers who are trained by the vendor or vendor rep. Some municipalities have wastewater mgt programs in place that require regular reporting that service has been performed. I do not have a list of these available; you could contact Jon Zwarg for help on this topic.

For Class 2 technology approvals (tech approvals are described in the rules, in Rule 37) we require that the vendor monitor three systems that are occupied year-round for a minimum of two years. This may be terminated or extended as a function of the results. Large systems (over 2,000 gpd) might all have monitoring requirements as terms of their permits. I am not certain of how the Permitting program establishes monitoring protocol, it may be a function of use, waste strength, purpose (N-reduction?) and sensitive receptors). If you want more on this, you may try the permitting supervisor Brian Moore; note for contact information for anyone cited herein, you may go to DEM home and scroll down a bit, on the left there is a link "contact us" that you may use to find email addresses and phone numbers). Constituents for waste strength reduction are: At a minimum the following parameters shall be monitored: BOD5, TSS and fecal coliform

N-removal: d-box or pump chamber prior to the leachfield. Each of the systems shall be monitored at least four times a year for a period of two years. Two samples shall be taken in the summer months and two in the winter months. At a minimum the following parameters shall be monitored: BOD5, TSS, pH, TKN, nitrate, nitrite, ammonia, alkalinity and fecal coliform.

Total nitrogen concentration in the effluent as measured (at the D-Box) shall not exceed 19 mg/l.



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Testing in these cases (Class 2 tech cert) is quarterly for a minimum of two years. Individual permit conditions, I cannot speak on, you would need to contact Brian Moore.

The testing is performed by the service provider.

Results are reported to the vendor, RIDEM and the wastewater management program, if there is one in the municipality. No, I don't always get this data and since I am usually not able to keep up with new requests made of vendor, I am not as diligent as I wish I could be chasing it. The tech program is administered by the same individual (me) who also administers the designer licensing program, so I can't tell you I get everything we require, nor that I have time to enforce it.

The consequences are currently that a renewal will not be issued, but even then, we have not suspended the certifications. We continue to allow the technologies to be specified in design plans submitted to the Permitting program with construction permit applications while the vendors get to work on collecting the data and submitting it to us. If the data do not meet the treatment objective, we suspend the certification while the vendor works out a solution.

Resampling is required in the Class 2 certs (individual permit terms would be a question for Brian Moore), until the system comes into compliance. I have not ever noticed as I review data, that this has ever been done. We also require that when resampling is done, that we are notified and in 7 or more years in the tech program, I have never received such notification. I don't recall that we have ever identified in a certification a maximum number of times that a system may be sampled.

If a system is not in compliance with the terms if the certification under which it is used, we could turn the case over to our division of compliance, which has the ability to issue penalties. I do not recall the table for assigning monetary penalties, but it is in their regulations that are available at the section of the RIDEM website that is dedicated to the Office of Compliance & Inspection.

We write certifications with requirements placed on the vendor, and the system owner is ultimately responsible for their own system. The mgt entity has responsibilities specified in the certifications, such as respond to calls, execute the required visits, ect...you may read the certs (some of which are expired, but as I stated earlier, are still being honored) which may be accessed from the AE Tech list (the tech names are links to the certs) that is available from the section of the website from which the Rules are available, url provided above), but we do not specify consequences to be borne by mgt entity, by whom I mean the service provider with whom the system owner has a contract. I guess one could think of consequences to the individual service provider as: if the system fails irreparably, it may be replaced with a new one of the same type (warranty/homeowner expense – as a function of a post-mort I would expect) and then hopefully work. If not and the system has to be replaced by some other system that the individual service provider is not authorize to service, he or she loses the contract.

The ww mgt programs in the municipalities do not charge fees, but the system inspectors who are authorized by the municipalities to inspect systems, charge for their service as do the pumpers. I do not know the means by which the ww mgt program staff are paid in each of the municipalities.

Other mgt entity questions not applicable.



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Service providers are trained by the vendor or their representative. RIDEM has no authority regarding this specific professional practice, although we require in tech certifications that service providers are trained by vendor or their authorized reps.

Copies of the permit and 1st service contract are filed in land evidence records, so hopefully the existence of the system and the maintenance requirement will come to light during a transaction. Although one would also think that the covers and vents (where required) service panels, etc) in the yard might draw questions.....

By now some title companies are aware of these requirements, although I can't state that all are, or guess as to the level of "awareness" of each. Some funding is obtained from entities far away from RI, and they may have boiler plate inquiry regarding sewer/onsite with varying level of detail required to be provided.

RIDEM approves the wastewater mgt plans if they wish to receive eligibility for the Septic System Loan Program (SSLP) I do not have details: for wwmgt plan review try Jon Zwarg, who will be able to answer some questions on SSLP too, for details about the program administration, seek out Jay (in the contacts list, he may be John) Manning), but we do not oversee their administration.

We will send letters to system owners reminding them of their responsibility to maintain their system, if the mgt program is not getting anywhere with them. That is all we do as assistance, as far as I am aware.

RIDEM does not train system owners or waste water mgt program staff. The New England Onsite Wastewater Training Program (NEOWTP) at URI has a load of courses available for a fee that are crafted for homeowners, designers, installers, and a staff of the waste water management programs have attended in the past and probably continue to. I have never sought this information. The NEOWTP site is at: <http://www.uri.edu/ce/wq/OWT/index.htm>

Extended Treatment Package System (ETPS)/Advanced Treatment Unit (ATU) Survey

Contact Information

Name: Dana Hill, Environmental Engineer

Organization: MassDEP, Bureau of Resource Protection, Wastewater Management Program- Title 5 Innovative/Alternative Technologies

Website link to ETPS/ATU rules or guidance: <http://www.mass.gov/dep/water/wastewater/iattap.htm>

Does your state allow the installation of "Extended Treatment Package Systems" (ETPS), or "Advanced Treatment Units" (ATU), for subsurface sewage disposal? Yes No

If yes please describe their typical use in your state (i.e. reduced separation to groundwater/surface water/unsuitable soils/nitrogen reduction, etc.):

All of these

Are ETPS/ATU systems under a "management system" in your state? Yes No

If yes please describe the management system in your state (i.e. who monitors/services and tests these units, what are the requirements of this system):



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

We have evolved to where currently the treatment technology manufacturer or authorized distributor, the system owner/homeowner, the Operator or Service Contractor and the local approving authority (or Board of Health(BOH)/Health Dept.) all share oversight and responsibility to install correctly, operate and maintain and follow compliance rules set by MassDEP. All these requirements are spelled out in the applicable Technology approval issued by MassDEP. MassDEP involvement for General and Remedial technology approvals is now limited to evaluation of applications for new technologies to these categories and to possibly rescind technology approvals for significant non-compliance. We also have Piloting and Provisional categories where we continue to maintain significant responsibility for evaluation and oversight.

Do you require operational testing of effluent quality in your state? Yes No

If yes please list the constituents tested for:

MassDEP only requires effluent sampling for Piloting and Provisional approved technologies, and in cases of a site indicating repeated non-compliance of Field Testing of General and Remedial approved treatment technologies.

How often is testing required?

Under Piloting monthly pH, BOD, TSS, TN for 1st 18 months, then quarterly. For Provisional quarterly pH, BOD, TSS, TN for 3 years, then TN only two times per year.

Who performs the testing?

Operator obtains sample, Massachusetts certified laboratory analyzes

How are results reported and to who are they reported?

Provisional and Piloting data reported annually to MassDEP. All other data reported quarterly to the system owner, local BOH and the technology approval Permittee (usually the manufacturer).

What are the consequences in your state if testing does not meet requirements?

Depends on the level/category of approval. Self-implementing compliance steps are now or soon to be in place for further increased sampling and reporting. Under General and Remedial it is the local BOH's responsibility to implement consequences to non-compliance in order to maintain public health standards.

Is resampling required upon failure, if so how many times prior to the system being out of compliance for the testing period?

Yes, see above

Are there consequences to the system owners if they cannot meet testing requirements?

Yes, see above

Are there consequences to the management entity if they cannot meet testing requirements, if so what triggers them?

Each technology approval Permittee must report to MassDEP annually if they have problem installations. Technology approval conditions include self-implementing compliance consequences.

If there are management entities in your state how do they handle annual dues or fees?

Not clear who you mean by "Management Entities". MassDEP does not require annual dues or fees to the



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

homeowners/system owners for its management of the Technology approvals.

How is non-payment by an individual homeowner handled, and what are the ramifications to that homeowner for non-payment?

If a system owner elects not to maintain a service contract (if that is what you mean) then this is either a management issue for the local BOH (General and Remedial approvals) or an issue for the Technology approval Permittee (Piloting and Provisional approvals).

If homeowners do not pay required annual dues, are management entities still required to perform annual maintenance/testing? Yes ? No ?

**Are management entities limited to one type of ETPS/ATU manufacturer or system type?
?**

Are there State licensing or training requirements for management entities or service providers?

Operators/Service Contractors must be licensed Grade II (secondary) or Grade IV (nitrogen reducing) Wastewater Treatment Facility Operators. MassDEP also requires the operators to have received training in the operation of each Technology they operate.

How is management entity transition handled (i.e. existing entity to a new entity)?

Approval condition states existing owner /operator must inform local BOH of change in system ownership or operator.

When properties transfer ownership how are new owners informed about the requirements relating to their ETPS/ATU?

Technology approval requires existing to inform new owner.

Are title companies aware of these requirements for properties and if so how?

All properties with alternative technology installations must provide Deed Notice to local BOH prior to installation completion.....template provided by MassDEP.

What responsibility does the regulatory agency have in relation to the interactions between management entities and system owners?

Local Approving authority/BOH is principal regulating authority.

Does the regulatory agency assist management entities or system owners in any way (i.e. financially, contract disputes, etc.)?

Only as far as plan reviews/approvals and minimum compliance with state on-site system regs (310 CMR 15.000).

Does the regulatory agency provide any annual training to system owners or service providers/management entities?

No if local BOH



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

APPENDIX C

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.

Sincerely,

(Name of O&M President)
(Name of O&M Entity)



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

- c: (Name of O&M Entity)
 (Name of Service Provider)
 (Name of Local Health District)



State of Idaho
 Department Of Environmental Quality
 Technical Guidance Committee

APPENDIX D

MM/DD/YYYY

Property Owners Name
 Address
 City, State, Zip Code
 Septic Permit Number

Dear _____,

Your Extended Treatment Package System was recently serviced by *(Insert Service Provider Name)* on MM/DD/YYYY. During this visit the service provider performed annual maintenance to your treatment unit. The service and maintenance included the following activities:

Wastewater samples were also taken at the time of this visit to ensure compliance with the wastewater quality requirements of your septic permit *(insert permit number here)*. The results of your wastewater testing are as follows:

Carbonaceous Biological Oxygen Demand (CBOD ₅)	_____	(Permit Limit is 40 mg/L or ppm)
Total Suspended Solids (TSS)	_____	(Permit Limit is 45 mg/L or ppm)
Total Nitrogen (TKN + NO ₃ + NO ₂ -N)	_____	(Permit Limit is __ mg/L or ppm)
Nitrate (NO ₂ -N)	_____	
Nitrite (NO ₃)	_____	
Total Kjeldahl Nitrogen (TKN)	_____	

Based upon the service, maintenance, and testing results it is (recommended/required) that the following actions need to be taken in order for your treatment unit to function properly and the wastewater quality limits required by your septic permit to be met:

Failure to meet the required wastewater quality may result in your system being in violation of the Individual/Subsurface Sewage Disposal Rules (IDAPA 58.01.03). Please call us to schedule a service date so that your unit can be brought back into compliance with your septic permit requirements.

OR



State of Idaho
Department Of Environmental Quality
Technical Guidance Committee

Your treatment system appears to be in compliance with your septic permit requirements. No further service is necessary at this time. If you have any service needs related to your septic system prior to next year's annual maintenance visit please contact us as _____.

Sincerely,

(Name of O&M President)

(Name of O&M Entity)

c: (Name of Local Health District)