

# Septic Program 101

The septic program protects human health from infectious diseases and prevents contamination of the environment through proper handling, treatment and disposal of wastewater.

The Director of the Department of Environmental Quality (DEQ) through a Memorandum of Understanding has delegated the responsibility to the district health departments for Individual/Subsurface Sewage Disposal Rules- IDAPA 58, Title 01, Chapter 3. The state has provided an on-site coordinator to oversee the program and the state has formed a technical guidance committee to keep Idaho current with the latest in technology. The state then provides to the districts a Technical Guidance Manual, along with the rules to govern Idaho's septic disposal.

It is the intent of the regulations to insure that blackwaste and wastewater generated in the State of Idaho are safely contained and treated and that blackwaste and wastewater contained in or discharged from each system:

- a. Are not accessible to insects, rodents, or other wild or domestic animals;
- b. Are not accessible to individuals;
- c. Do not give rise to a public nuisance due to odor or unsightly appearance;
- d. Do not injure or interfere with existing or potential beneficial uses of the waters of the State.

The Public Health District's authority is given under Idaho Code Chapter 4.

Section 39-409 states, "The district health department will provide the basic health services of public health education, physical health, environmental health, and public health administration, but this listing shall not be construed to restrict the service programs of the district health department solely to these categories."

Section 39-414(1) states, "To administer and enforce all state and district health laws, regulations and standards."

Section 39-414(2) states, "To do all things required for the preservation and protection of the public health and preventive health, and such other things delegated by the director of the state department of health and welfare and this shall be authority for the director to so delegate."

58.01.03- Individual/Subsurface Sewage Disposal Rules  
<http://adminrules.idaho.gov/rules/current/58/0103.pdf>

Technical Guidance Manual  
[http://www.deq.idaho.gov/media/491553-tgm\\_entire.pdf](http://www.deq.idaho.gov/media/491553-tgm_entire.pdf)

## SEPTIC PERMIT INFORMATION SHEET

FEES:	\$ 600.00	Individual System Permit (New)
	\$ 400.00	Individual System Permit (Expansion, Remodel)
	\$ 400.00	Individual System Permit (Repair, Failed)
	\$ 1,500.00	Central/Large Soil Absorption System Permit (New)
	\$ 750.00	Central/Large Soil Absorption System Permit (Repair)
	\$ 250.00	Tank Only & Vault Privy Permit
	\$ 50.00	Permit Renewal
	\$ 200.00	Speculative Site Evaluation (Evaluation of property when permit is not requested, i.e., for potential buying of property.) The fee may be credited toward the permit fee if requested within one (1) year.

**NOTE! NO APPLICATION WILL BE PROCESSED WITHOUT SCALED OR DIMENSIONAL PLOT PLAN AND BUILDING PLAN. (Board of Health Policy)**

**ALL documents submitted in the application package are considered part of the permit and are enforceable.**

### PROCESS:

1. Submit Application for Permit: **Completely fill out** application, submit with plot plan and building plan. Applications cannot be processed without payment of fee. **No payments can be taken in the field.**
2. Schedule Site Evaluation: An Environmental Health Specialist must go on-site in order to evaluate the application and to assess the situation before issuing the permit. (A representative must meet the EHS at the site to answer any questions.) (Test holes may be required to determine soil type, limiting layer, or water level, etc.) **Plan on a minimum of ten to twelve working days for processing of application.**
3. Permit Issuance: When the permit is ready, the applicant will be called and can come to the office to pick up the permit. The permit will be required to get a building permit from Planning and Zoning. A copy of the permit must be given to the licensed installer who will then be able to install the system. **(The permit is valid for one year. It can be renewed prior to the anniversary date at an additional cost of \$50.00.)**
4. Construction of Septic System: When a licensed installer has a copy of the permit, construction can begin. The system must be installed in accordance with the issued permit. **Any changes must be approved by Eastern Idaho Public Health District prior to changes being made.**
5. Final Inspection Mandatory: It is necessary to have the system inspected by an Environmental Health Specialist prior to covering in order to determine if the system was installed in accordance with the issued permit. It is the owner's or installer's responsibility to call for final inspection. **Systems covered prior to final inspection will be required to be uncovered for final inspection.**
6. Permit is transferrable within the first year (not applicable on renewed permits.) EIPHD must be informed of the transfer immediately.

### THINGS TO REMEMBER:

1. Septic systems **MUST** be installed by a licensed installer. (List of installers can be obtained from your local health district office.) Homeowners can only install their own septic system if it is a standard system.
2. No changes to the system specifications stated on the permit can be made without prior approval from Eastern Idaho Public Health District.
3. Septic systems (tank and drainfield) **MUST BE INSPECTED PRIOR TO COVERING.**
4. If the system is not inspected prior to covering, the installer or owner will be asked to uncover the system for inspection. This may cause more expense as system may become damaged if disturbed.
5. PERMIT MAY BE RENEWED if not completed within a year (See PROCESS # 3 above.) It is your responsibility to remember to renew the permit prior to the anniversary date.

**Eastern Idaho Public Health District requires 48 hours notice to schedule an inspection**

## **SOP Section 8. Enforcement Procedures**

Idaho Code 39-108 governs investigation, inspection, right of entry, violation enforcement, penalty and injunctions concerning an alleged violation of the act, any rule, permit or order. 39-108 provides authority to conduct periodic inspections, enter at reasonable times private and public property, conduct inspections and investigations and request district court issuance of search warrant when warranted.

No civil or administrative proceeding may be brought against the property owner for a known violation occurring over 2 years from the date the Health District is aware of the situation, Idaho Code 39-108(4).

The following are the steps for the Health Districts to take in enforcement of DEQ regulations per IC 39-108, IDAPA 58.01.03 and the MOU:

1. Education and Technical Assistance
2. Notice of Violation
3. Scheduling a Compliance Conference
4. Conduct a Compliance Conference
5. Consent Order
6. Effect of the Consent Order
7. Civil Enforcement Action

### **8.1. Education and Assistance**

The Health District's enforcement philosophy is to resolve violations or potential violations informally whenever possible. Informal resolution is attempted through education and technical assistance with the goal of voluntary compliance. Should the informal approach fail to resolve violations, more formal legal proceedings will be initiated. Informal action includes all measures taken from the time a violation of a statute, rule, regulation, or permit is verified, to the point where cooperative resolution of the violation is determined unlikely. If through investigation, it is found that there is a threat to public health, immediate action will be taken by issuance of a written Notice of Violation (NOV).

### **8.2. Notice of Violation**

The start of any enforcement action is initiated after an investigation of an alleged violation or an inspection shows a public health law or rule has been violated. The NOV will clearly identify the alleged violation(s), specify the statute, rule, regulation, order, or permit violated, state the amount of potential civil penalty associated with each violation and provide for a written response within 15 days.

### **8.3. Compliance Conference**

The recipient of a NOV shall be provided an opportunity to explain the circumstances of the alleged violation and, where appropriate, to present a proposal for remedying damage caused by the alleged violation and assuring future compliance. Recipients of an NOV shall have 15 days from the date of receipt of the NOV to contact the issuing Health District for the purposes of scheduling a compliance conference. Compliance conferences shall be held within 20 days of the date of receipt of the notice, unless a later date is agreed upon between the parties. If a compliance conference is not requested by the NOV recipient the issuing Health District may proceed with civil enforcement action as provided in Idaho Code 39-108(3)(b).

### **8.4. Consent Order**

If the recipient and the Health District agree on a plan to remedy damage caused by the alleged violation and to assure future compliance, the two parties may enter into a consent order formalizing their agreement. A consent order shall be effective immediately upon signing by both parties and shall preclude any civil enforcement action for the same alleged violation. If the parties cannot reach agreement on a consent order within 60 days after the receipt of the NOV or if the recipient does not request a compliance conference, the Health District may commence and prosecute a civil enforcement action in the district court in and for the county in which the alleged violation occurred.

### **8.5. Legal Action**

When it becomes obvious that no resolution can be reached to correct the violation(s), a Legal Action Package should be prepared and submitted to the District Director for referral to legal counsel. The Legal Action Package should include:

- A copy of the NOV.
- A list of the alleged violations, supporting documentation for each violation, and the date each occurred.
- Copies of all correspondence.
- Copies of any lab reports, if applicable, to the case.
- Copies of any photos taken.
- Copies of plans and specifications, if applicable to the case.
- A list of the actions taken to achieve compliance.
- A short statement of the compliance history and a statement summarizing the present assessment of the case.

8.6.1. Notice of Violation

HEALTH DISTRICT

NOTICE OF VIOLATION

You are being placed on Notice that your \_\_\_\_\_, located at \_\_\_\_\_, is in violation of \_\_\_\_\_, which states as follows:

\_\_\_\_\_  
\_\_\_\_\_.

This Notice of Violation is based on the following facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The civil penalty for such a violation is \_\_\_\_\_ per violation or \_\_\_\_\_ for each day of a continuing violation. The observed condition of your property is a continuing violation.

Failure to comply is also a misdemeanor violation punishable by a fine of not more than \_\_\_\_\_ for each separate violation.

A compliance conference is available at your request. If you wish to have a compliance conference, you have 15 days from receipt of this letter in which to contact this office to set a date for a compliance conference.

This public health hazard must be corrected or a compliance order entered into no later than \_\_\_\_\_. If this public health hazard is not corrected by this date or a compliance order entered into, the Health District will notify the \_\_\_\_\_ and begin the process for civil action against you. In the interim, it is your responsibility to \_\_\_\_\_.

We are available to discuss options to manage the interim situation.

Dated: \_\_\_\_\_

8.6.2. Consent Order

HEALTH DISTRICT

In the matter of: )

)CONSENT ORDER

\_\_\_\_\_ )

1. Health District (HD) and \_\_\_\_\_, enter into this Consent Order.

2. \_\_\_\_\_, and the property on which it is located, is owned by \_\_\_\_\_, and is located at \_\_\_\_\_ County, Idaho.

3. On \_\_\_\_\_, 20\_\_ in response to \_\_\_\_\_ HD conducted a site investigation. It appeared that:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

4. By Notice of Violation (NOV) dated \_\_\_\_\_, 20\_\_, HD notified \_\_\_\_\_ of the violation of \_\_\_\_\_. The NOV is incorporated by reference into this Consent Order. The NOV provided \_\_\_\_\_ an opportunity for a compliance conference to discuss the violations and enter into a consent order. A compliance conference was held on \_\_\_\_\_, 20\_\_. During the compliance conference the HD and \_\_\_\_\_ discussed:

\_\_\_\_\_ and how the \_\_\_\_\_ might be mitigated in the short term, and various long term options to \_\_\_\_\_.

5. \_\_\_\_\_, hereby agrees to the provisions of this Consent Order and the following terms and actions to be completed in conformance with the time schedules set forth below.

A. Corrective Action:

\_\_\_\_\_  
\_\_\_\_\_

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B. Time line:

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6. Interim Measures. Upon completion of the requirements outlined in Paragraph 5 of this CO, HD shall issue to \_\_\_\_\_ approval to \_\_\_\_\_. Until such time, in order to prevent the likelihood of harm to human health, welfare or the environment resulting from the \_\_\_\_\_, the following interim actions shall be performed and maintained:

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7. Any \_\_\_\_\_ at the property will constitute a new violation and will be subject to additional enforcement action and penalties.

8. HD Submittal Review and Approval Process. Unless otherwise set forth specifically herein, the following document submittal and review process (Submittal Review Process) shall be followed regarding submittals required by this CO for which HD approval is required. This process shall be followed until the document is approved by HD or the document review time frame has expired.

A. Within thirty (30) calendar days of receipt of a submittal, HD will (1) notify in writing the document is approved; (2) notify in writing of any deficiencies in the document; or, (3) notify of HD's extension of the HD review and comment period for an additional thirty (30) days. If HD notifies of deficiencies in the document, a revised document shall be submitted to resolve those deficiencies within thirty (30) calendar days of receipt of the HD notice. The approved document, including the deadlines and performance dates specified therein, shall be incorporated by reference into and enforceable as part of this CO.

B. The Submittal Review Process shall be repeated until HD provides notification that the document is approved. However, documents must meet the requirements of this CO, as determined by HD, within one hundred twenty days (120) days from the due date for the first submittal of the document. The failure to develop a HD-approved document within such time frame may be considered a breach of this CO.

9. All correspondence and submissions required of \_\_\_\_\_ by this Consent Order shall be addressed to:  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All correspondence required of HD pursuant to this Consent Order shall be addressed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. This Consent Order shall not relieve \_\_\_\_\_ from its obligation to comply with any relevant provisions of \_\_\_\_\_, or applicable local, state or federal law.

11. This Consent Order shall bind \_\_\_\_\_, its successors and assigns until such time as the terms of the Consent Order are met, and HD provides \_\_\_\_\_ with written notice of Consent Order termination.

12. \_\_\_\_\_ expressly recognizes failure to comply with the terms of this Consent Order may result in a district court action for specific performance of the Consent Order, civil penalties, assessment of costs and expenses, attorney's fees, restraining orders, injunctions and other relief available.

13. HD and \_\_\_\_\_, through the undersigned representatives, each represent and warrant that each has the authority to enter into this Consent Order and to take all actions provided herein.

14. The effective date of this Consent Order shall be the date of the signature by the representative of HD.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
\_\_\_\_\_ Health District

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
[Signature of respondent]