

August 24, 2010

(Mayors/Public Works Directors/Municipal Planning and Zoning Chairs, in your Regions)
(Street Address)
(City, State, Zip)

Dear Mayor _____:

***RE: What Cities Need to Know About Senate Bill 1220:
Statutory Changes to Plan and Specification Review
Effective July 1, 2005***

As you may already know, the Idaho Legislature enacted substantive changes to Idaho Code §39-118 (SB 1220) during the last session which became effective on July 1, 2005. This particular section of Idaho Code addresses legislative changes to Department of Environmental Quality (DEQ) authorities for the review of plans and specifications for sewer and water projects at the local government level.

We have received feedback that SB1220 has become very confusing to many local government leaders regarding how individual cities may be impacted depending on whether or not the city chooses to conduct plan and specification review of sewer extension or water main extension projects.

Idaho Code §39-118 was revised to allow sewer extension and water main extension projects that will be owned or operated by cities, counties, quasi-municipal corporations or regulated public utilities to be reviewed prior to construction by a Qualified Licensed Professional Engineer (QLPE) that is working for either a city, county, quasi-municipal corporation or regulated public utility (via direct entity staffing or under a contractual agreement to provide a professional services) rather than by DEQ engineering staff. (Please note, the QLPE cannot be the design engineer.)

These plan and specification reviews for sewer extensions and water main extension projects by the QLPE representing the authorized public entity or public utility must

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determine that the project complies with established engineering standards of care and with State adopted facility and design standards.¹

Any city electing to participate in conducting plan and specification reviews for extension projects by their QLPE must complete the following:

1. The QLPE approval letter must be sent to DEQ at the time construction is authorized and prior to initiation of construction. (See attached example letter showing the required approval items).
2. Thirty (30) days after completion of construction record plans and specifications based on information provided by the construction contractor and field observations made by the engineer or engineers designee depicting the actual construction of facilities must be submitted to the Director by the engineer representing the city.
3. Alternatively, if construction does not materially deviate from the original plans and specifications previously provided to the Department, the owner may have a statement prepared by a licensed professional engineer and filed with the Department that indicates the construction did not materially deviate from the approved plan and specifications.

Please note that the review of plans and specifications and approval for construction by a QLPE is equivalent to a DEQ engineering review. The DEQ engineering review is the basis that DEQ uses to issue the “certificate of approval” as required under Idaho Code §50-1326. To help our cities better understand the changes in SB 1220, I am enclosing a simplified flow chart of the process (depending on what option an entity chooses to take).

There are many issues and details involved in implementing SB 1220. Cities have to determine how best to proceed in assuring that projects are appropriately reviewed and approved to best protect public health and the environment. We are experiencing record levels of economic growth and development in communities all across Idaho so you will hopefully find this information useful in sorting out the options that best meet the needs of the citizens you serve.

DEQ is available to visit with you in greater detail to answer your specific questions and to take the time necessary for you to better understand how SB 1220 can change the way you do business if you intend to utilize the services of a QLPE as a part of your staff or under contractual agreement for professional services with your city. DEQ can also assure you that the same quality service, and timeliness of service

¹ The State facility and design standards are found in the Idaho Rules For Public Drinking Water Systems (58.01.08), the Water Quality Standards and Wastewater Treatment Requirements (58.01.02), and the standards referenced in these rules. New rules are being adopted this year to address sewer and water main extension projects. Additional rulemaking is planned to address wastewater and drinking water treatment facilities.

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under the new changes in SB 1220, will be available should your city elect to have DEQ continue to review plans and specifications for your public sewer extension and water main extension projects.

Again, please carefully review the enclosed information regarding the changes you need to know about SB 1220 that was passed by the Idaho Legislature. I am also including a list of state and regional staff who can be contacted to answer specific questions you may have regarding these changes and how the changes may or may not impact your city.

If you have any questions about this letter, the revised Idaho Code §39-118 as the result of the passage of SB 1220 please contact me at (208) [xxx-xxxx](tel:208-xxx-xxxx) or by email at (sss.ssssss@deq.idaho.gov).

Sincerely,

[XXXXXXXXXXXXXXXXXX](#)

Regional Administrator

Attachments (**3 TOTAL: Flow Chart/Letter/Regional Staff Contact Info**)

cc: Barry Burnell, Administrator, Water Quality Division, DEQ

Jon Sandoval, Chief of Staff, DEQ

Ken Harward, Executive Director, Association of Idaho Cities (AIC)

**Plus Engineers you are in contact with working on projects for cities/ Public Works Directors, etc. in your respective Regions.*