MEMORANDUM OF UNDERSTANDING (MOU)
Between
DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)
&
DISTRICT HEALTH DEPARTMENTS

OBJECTIVE

The objectives of this Memorandum of Understanding (MOU) are to define roles of the Idaho Department of Environmental Quality (DEQ) and the Public Health Districts (Districts) in protecting human health and the environment by maintaining and improving ground water and surface water quality in Idaho; through proper waste management; through wastewater management; and by assisting and supporting public water systems in the delivery of safe and reliable drinking water. This MOU sets forth a working arrangement of program delegation and program contract between the DEQ and Districts to reduce duplicative efforts, and to provide for a detailed description of program responsibilities and authorities.

BACKGROUND

This MOU was developed to delegate certain DEQ responsibilities and authorities to the Districts. The Public Water System program is contracted with the Districts and is not a delegated program. This memorandum expresses the roles and responsibilities, and clarifies the authority between the Districts and the DEQ. It is based on the desire of the Districts and DEQ to provide the public with an effective environmental health delivery system based on utilization of agency core competencies. This approach prevents gaps and avoids duplication in services and strengthens the communication of both the Districts and DEQ. The specific responsibilities and authorities are detailed in the program specific agreement sections of this MOU.

This MOU is entered into pursuant to the authority set forth in Idaho Code §39-414 and also Idaho Code §39-101 through §39-130.

AGREEMENTS

Whereas DEQ has responsibilities and rule making authority under the Idaho Environmental Protection and Health Act, Idaho Code §39-101 et. seq. and;

Whereas these authorities provide for the agency's sole mission to be the protection of human health and the environment, and;

Whereas the Districts were formed under the Public Health Districting Act, Idaho code §39-401 et. seq., and;

Whereas the Districts are directed to administer and enforce all state and district health laws, regulations, and standards certain responsibilities to protect public health and the environment, and;

Whereas, Idaho Code section 39-414 authorizes DEQ to delegate authorities and responsibilities to the Districts; and

Whereas, pursuant to Idaho Code section 39-414, the Districts have the power to do all those things delegated by DEQ; and

Whereas the DEQ and Districts desire to avoid duplication and to prevent gaps in providing services to the citizens of the state, the DEQ and the Districts agree to the following:

SEWAGE DISPOSAL

This section delegates the roles and responsibilities for subsurface sewage disposal as outlined in this MOU pursuant to DEQ rules (IDAPA 58.01.03) and guidance. The subsurface sewage program regulations are IDAPA 58.01.03 Rules for Individual/Subsurface Sewage Disposal (SSD Rules). Guidance is provided in the Technical Guidance Manual for Individual/Subsurface Sewage Disposal (TGM), and in the Nutrient Pathogen Evaluation Program For On-site Wastewater Systems.

The DEQ will:

1. Review plans and specifications and provide written comments to the Districts for Public Systems and Large Soil Absorption Systems as defined in the SSD Rules.
2. Review plans and specifications and provide written comments to the Districts for Central Systems that receive blackwaste or wastewater in volumes exceeding two thousand five hundred (2,500) gallons per day. DEQ will also review plans and specifications and provide written comments to the Districts with respect to the collection system only for those Central Systems that receive less than two thousand five hundred (2,500) gallons per day of blackwaste or wastewater, but that receive the blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership.
3. At the District's request, review plans and specifications and provide written comments to the Districts for approved Alternative Systems in which the drainfield exceeds 1,500 square feet.
4. For any of those systems for which DEQ reviews plans and specifications as set forth above, DEQ shall provide its comments to the Districts, for use by the Districts in issuing or denying the individual or subsurface sewage disposal permits, within 42 days of the date the plans and specifications were submitted to DEQ.
5. Review Alternative Systems that are not in the Technical Guidance Manual through the Technical Guidance Committee and make decisions regarding the approval of such systems as provided in the SSD Rules, IDAPA 58.01.03.004.07 through 10.
6. Review all experimental system design plans and specifications, prior to the District issuing a permit.

7. Review the design of commercially manufactured blackwaste and wastewater treatment and storage components as provided in the SSD Rules, IDAPA 58.01.03.009 in conjunction with the Technical Guidance Committee and may publish the approved design in the TGM.
8. Perform periodic surveys assessing the Districts' performance in conducting site evaluations, issuing subsurface sewage disposal system permits, and completing inspections of subsurface sewage disposal systems. This will be conducted by the DEQ State On-site Coordinator.
9. Require Nutrient-Pathogen Studies to be completed for Central Systems in nitrate priority areas and for Large Soil Absorption Systems. Provide written direction to the Districts concerning permitting limits associated with the proposed Central System or Large Soil Absorption System. Any pertinent comments or constraints will be defined in the documentation, which may include required minimum effluent quality, restrictions to drainfield and or well locations, or rejection of the project in its proposed configuration.
10. Evaluate the nutrient-pathogen studies on those developments that the Districts have requested assistance.
11. Provide periodic training on the Individual/Subsurface Sewage Disposal Rules to the Health Districts, and will provide support for the Health Districts' Continuing Education requirements for the Septic System Installer's Licensing program at the request of the Districts.
12. Issue wastewater reuse permits for subsurface distribution of Class A wastewater under the Wastewater Reuse Rules (IDAPA 58.01.17).
13. Provide Districts a copy of all inspection reports for Public Systems, Central Systems or Large Soil Absorption Systems (LSAS).

The Districts will:

1. Make permitting decisions pursuant to the SSD Rules and the TGM for all systems covered by the SSD Rules. This includes a review of plans and specifications for those systems not reviewed by DEQ, i.e., (a) the tank and drainfields for Central Systems that receive less than two thousand five hundred (2,500) gallons of blackwaste or wastewater per day, but that receive the blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership; (b) all other Standard Systems that are not Central, Public or Large Soil Absorption Systems; and (c) approved Alternative Systems. For those systems reviewed by DEQ, the Districts shall not issue a permit unless the Districts receive approval notification in writing from DEQ.
2. Perform onsite inspections as necessary of installed systems where a permit was issued by the District.
3. Determine the site suitability for proposed subsurface sewage disposal systems as specified in the SSD Rules, IDAPA 58.01.03. Districts shall provide DEQ with a copy of the site evaluation report and subsurface sewage disposal application for each proposed Large Soil Absorption System.
4. Issue permits to installers of subsurface sewage disposal systems in accordance with the rules (IDAPA 58.01.03).

5. Public Health District 7 will provide Seepage Pit Permit documentation, as required in the Rules 58.01.03.008.11, to DEQ.
6. Provide available information from Health District's electronic database on new and replacement Individual/Subsurface Sewage Disposal permits to assist DEQ in performing source water assessments or in assisting communities or public water systems in developing wellhead protection plans. The information provided to DEQ will be limited to information that exists in these databases. New or unique data collection activities will not be required of the Districts to fulfill this commitment.

Enforcement - Sewage Disposal

1. The Districts may refer enforcement actions to DEQ related to Public Systems for which they have some principal role, LSAS, and Central systems covered by the SSD rules. DEQ may initiate enforcement actions regarding these systems after an enforcement referral package is received from the Districts. DEQ also reserves the right to initiate enforcement actions with respect to all systems covered by the SSD rules when DEQ determines, after consultation with the Districts, that DEQ enforcement is necessary to protect public health and the environment. DEQ will coordinate with the Districts in the event DEQ determines it necessary to take such enforcement action.
2. DEQ will take the lead responsibility in defending DEQ decisions regarding Nutrient Pathogen Studies.
3. DEQ will take enforcement actions associated with wastewater reuse permitting.
4. DEQ may request the Attorney General's office provide advice regarding appeals, variances or enforcement cases that go to district court.
5. The Districts will take appropriate action to enforce the SSD Rules, including without limitation, following the open sewage complaint investigation protocol set forth in the TGM at page 89-1, hearing appeals and requests for variances.
6. The Districts will ensure all Administrative Appeals follow the administrative appeals process as agreed upon by each District Board for cases resulting from the Districts decisions.

PUBLIC WATER SYSTEMS (PWSs) AND INDIVIDUAL DRINKING WATER FACILITIES

Contracts are utilized between DEQ and the Districts for specific tasks in accordance with Idaho Code 39-401 and 39-414(4). DEQ and the Districts shall be provided 60 days to review the draft contract prior to expiration date of existing contracts. DEQ and the Districts shall implement and conform to the most recent PWS Contract awarded. The PWS Contract is more detailed than this MOU, and in the event of a conflict, the contract terms shall prevail. Generally, the Districts supervise groundwater PWSs with less than 25 service connections. In addition, Idaho Code § 50-1326 provides authority to DEQ to review information, issue certificates of approval and re-impose sanitary restrictions regarding individual drinking water facilities, and this MOU serves to delegate this authority to the Districts.

The DEQ will:

1. Coordinate the implementation of the Safe Drinking Water Act (SDWA) Program in Idaho.
2. Review engineering and technical plans, specifications and reports for public drinking water systems in accordance with Idaho Code §39-118.
3. Notify the appropriate district when new or revisions to source water assessments fall within their jurisdiction.
4. Ensure the Districts have the opportunity to be involved, as their resources allow, with the development of source water protection plans for public water systems within their jurisdiction.
5. Conduct drinking water program audits of District commitments, progress and correspondence. DEQ regional office staff are in charge of the drinking water contract management with the Districts. DEQ regional offices are responsible for issuing Drinking water system waivers and variances. Drinking water state office staff are responsible for negotiating the drinking water contract.

The Districts will:

1. Implement and conform to the most recent PWS Contract awarded by DEQ for the "Public Water System Supervision Program."
2. Provide available information from district office hard copy files or electronic storage media on public water systems that will assist DEQ in performing source water assessments or in assisting communities or public water systems in developing wellhead protection plans. The information provided to DEQ will be limited to information that exists in these storage formats. New or unique data collection activities will not be required or requested of the district to fulfill this commitment.
3. District staff will participate and assist in program audits.
4. Review the information necessary to determine whether to issue a certificate of approval as provided in Idaho Code § 50-1326 for individual drinking water facilities.

Enforcement – Public Water Systems

1. DEQ will evaluate, at the DEQ Regional Office level, all public water system enforcement referral packages submitted by the Districts and determine a specific course of action. The Regional Administrator will: determine whether or not the referred enforcement case is within the areas of this MOU and the PWS Contract; validate whether or not reasonable efforts were expended to resolve the issue at the local level; and determine whether or not the enforcement referral package contains adequate data to support a formal enforcement action. The DEQ Regional Administrator will either resolve the issue at the regional level or decide to refer the case through the appropriate DEQ State Program Office for formal enforcement.
2. DEQ will follow the enforcement protocol identified through contracts negotiated with the Districts.
3. The Districts will provide timely enforcement referral packages for public water systems from the District Director to the appropriate DEQ Regional Administrator if unable to get resolution at the local level through education and technical assistance.

4. The Districts will make staff available for consultation/participation for enforcement cases as requested by DEQ. These activities could include participation in compliance conferences or dispute resolution processes as deemed necessary by the DEQ Regional Administrator, and participation in civil or criminal actions as requested by the DEQ State Drinking Water Program Office.

SOLID WASTE MANAGEMENT

This section outlines the roles and responsibilities of the agencies for the solid waste program. The governing laws are contained within the Idaho Solid Waste Facilities Act, Idaho Code 39-7401 et. seq. and the Solid Waste Management Rules, IDAPA 58.01.06. The Idaho Solid Waste Facilities Act, Idaho Code 39-7401 et. seq. provides specific authority to DEQ and the Health Districts. These authorities are identified in subsection 2. The Environmental Protection and Health Act, Idaho Code 39-101, et. seq. provides DEQ the authority to promulgate rules to deal with problems related to solid waste management. Idaho Code 39-414 provides the District Board of Health to assume authority delegated to them by DEQ and provides DEQ the authority to delegate responsibilities to the District Board of Health. This section of the MOU delegates those responsibilities identified in subsections 3 and 4 (non-municipal solid waste facilities) from DEQ to the District Board of Health.

1. General Solid Waste

The DEQ will:

a. Coordinate periodic meetings between DEQ and the Districts to ensure statewide consistency.
b. Develop a system whereby questions on regulatory interpretation and other solid waste questions can be addressed.

The Districts will:

a. Participate in periodic solid waste meetings.
b. Support solid waste regulatory interpretations and other decisions or recommendations.

2. Municipal Solid Waste Landfill (MSWLF) Sites

The DEQ will:

a. Inform Districts of proposed facilities, sites, and systems and provide copies of relevant correspondence.
b. Issue certification letter of suitability for prospective MSWLFs to Idaho Code §39-7401 et. seq.
c. Issue commercial solid waste siting license.
d. Approve or disapprove final design including point of compliance, groundwater monitoring program, alternative daily cover, alternative final cover, alternative closure

and alternative post-closure care requirements and financial assurance plans for MSWLFs.

e. Approve final surface grade of fill area if slope exceeds 15 percent.
f. Provide the Districts with locations of mapped MSWLFs and any associated data.
g. Serve as lead agency when conducting jointly with the Districts the mandatory 3 – 5 year reviews of MSWLFs as set forth in Idaho Code §39-7419.
h. Provide courtesy reviews and submit comments to the Districts on operation plans, closure and post-closure plans as resources and staff availability allow.
i. Refer issues regarding operations, closure and post-closure to the Districts.
j. Perform all other activities for which DEQ is authorized under the Idaho Solid Waste Facilities Act, Idaho Code §39-7401 et seq.

The Districts will:

a. Approve or disapprove MSWLF Operation Plans including plans for the disposal of processed waste tires in accordance with the Waste Tire Disposal Act. The approval process shall be conducted in a manner similar to the site certification process set forth in Idaho Code § 39-7408.
b. Approve or disapprove MSWLF Closure and Post-closure plans. The approval process shall be conducted in a manner similar to the site certification process set forth in Idaho Code § 39-7408.
c. Require MSWLF personnel to contact DEQ prior to open burning as defined in Idaho Code § 39-7403(33) as part of any approved operation plan.
d. As needed, prepare and/or adopt technical guidance to meet operations, closure and post closure, except with respect to those alternative plans that need DEQ prior approval.
e. Review and recommend to DEQ approval or denial of alternative operating plans and alternative closure and post-closure plans.
f. Provide DEQ with corrections or updates on locations of MSWLF sites and any associated data.
g. Conduct routine unannounced inspections of MSW landfills.
h. Recertify operating procedures at intervals of no more than three years as specified in Idaho Code 39-7419(2).
i. Conduct jointly with DEQ the mandatory 3 – 5 year reviews of MSWLFs by Idaho Code §39-7419.
j. Inspect MSWLF sites at time of closure, prior to removal of any earth-moving or solid waste processing equipment.
k. Provide courtesy reviews and submit comments to DEQ on site certification applications and design plans as resources and staff availability allow.
l. Work with counties and cities on solid waste management issues, and refer any issues falling under DEQ jurisdiction to DEQ.
m. Perform all other activities for which the Districts are authorized under the Idaho Solid Waste Facilities Act, Idaho Code §39-7401 et seq.

3. All Non-municipal Solid Waste Sites (NMSW) and Activities

The DEQ will:

a. In accordance with the Solid Waste Management Rules, IDAPA 58.01.06, review, approve, or disapprove siting and design applications, including review of plans and specifications for new or modified Non-Municipal Solid Waste Sites to assure that they will not cause or contribute to the pollution of air, surface water, or groundwater. Notify the Districts when reviewing siting of new or modified facilities.

b. Upon written request from city council or board of county commissioners, issue written authorization in compliance with Idaho Code 39-6502 for waste tire storage sites.

c. Upon written request from city council or board of county commissioners, administer financial assurance for waste tire storage sites in compliance with Idaho Code 39-6502.

d. Issue air permits, when required, for incinerators or compost facilities.

e. Approve or disapprove any other beneficial use, reuse or recycling of waste tires, chips or similar materials from waste tires.

f. Provide the Districts with locations of mapped Non-Municipal Solid Waste sites and any associated data.

g. Provide courtesy reviews and submit comments to the Districts on operation plans, closure and post-closure plans as resources and staff availability allow.

The Districts will:

a. Approve or disapprove applications for the operation, closure and post-closure care plans for Non-Municipal Solid Waste Facilities (NMSWFs).

b. Provide regulatory oversight of the operations including unannounced inspections of NMSWFs.

c. Provide inspection reports and copies of all enforcement correspondence to DEQ.

d. Be the lead agency for requirements relating to closure and post-closure of NMSWFs.

e. Provide DEQ with copies of approved operations plans and closure/post-closure plans.

f. Provide DEQ with corrections or updates on locations of NMSWFs sites and any associated data.

g. Provide courtesy reviews and submit comments to DEQ on site approval applications and design plans as resources and staff availability allow.

h. Work with counties and cities on solid waste management issues, and refer any issues falling under DEQ jurisdiction to DEQ.

4. Enforcement—Solid Waste

The DEQ will:

a. Provide reports and copies of all enforcement correspondence to the Districts for all solid waste sites, unless determined to be attorney-client confidential.

b. Be the lead agency for corrective action under the Solid Waste Management Rules, IDAPA 58.01.06, where standards for groundwater, surface water, or air are being violated.

c. Evaluate, at the DEQ Regional Office level, all NMSW enforcement referral packages submitted by the Districts and determine a specific course of action. The Regional Administrator will: determine whether or not the referred enforcement case is within the areas of this MOU; validate whether or not reasonable efforts were expended to resolve the issue at the local level; and determine whether or not the enforcement referral package contains adequate data to support a formal enforcement action. The DEQ Regional Administrator will either resolve the issue at the regional level or decide to refer the case to the DEQ State Solid Waste Program Office for formal enforcement.

d. Provide timely notice to the respective District prior to conducting routine unannounced inspections for all solid waste sites.

e. Provide the Districts written documentation of any potential operational, closure or post-closure violations for all solid waste sites.

f. Upon referral from the District, take enforcement responsibility for disposal sites that have not received site certification per IDAPA 58.01.06

The Districts will:

a. Provide inspection reports and copies of all enforcement correspondence to the DEQ regional office solid waste contact.

b. Enforce all aspects of operations, closure and post-closure.

c. Provide a timely enforcement referral package in the format provided by DEQ for NMSW management from the District Director to the appropriate DEQ Regional Administrator if unable to get resolution at the local level through education and technical assistance.

d. Make staff available for consultation/participation for enforcement cases as requested by DEQ. These activities could include participation in compliance conferences as deemed necessary by the DEQ Regional Administrator, and participation in civil or criminal actions as requested by the DEQ State Solid Waste Program Office.

e. Provide DEQ written documentation of any potential design or ground water monitoring violations for all solid waste sites.

f. Investigate open dumps and attempt resolution through education and technical assistance.

SANITARY RESTRICTIONS

This section delegates authority for the lifting or re-imposition of sanitary restrictions to the Districts for water and sewer systems as outlined below and pursuant to the procedures specified in Idaho Code §50-1326 through 1329 and § 50-1334. When re-imposition of sanitary restrictions is required, the agency that was responsible for the review of plans and specifications and other information necessary to release sanitary restrictions is the responsible agency.

The DEQ will:

1. For water and sewer systems for which DEQ has reviewed plans and specifications, provide to the Districts a letter that will or will not recommend release of sanitary restrictions, and that indicates the form of the certificate of approval required on the plat. DEQ will issue guidance on the approval for all sewer and water extension projects that

are reviewed and approved for construction by the qualified licensed professional engineer (QLPE).

2. Initiate re-imposition of sanitary restrictions as provided in Idaho Code § 50-1326 for the water and sewer systems for which DEQ has reviewed plans and specifications. Sanitary restrictions shall be re-imposed if construction is not in compliance with approved plans and specifications, or the facilities do not substantially comply with regulatory standards in effect at the time of facility construction pursuant to Idaho Code § 50-1326.
3. DEQ may ask the Districts to assist DEQ or act on DEQ's behalf with respect to the re-imposition of sanitary restrictions for systems for which DEQ has reviewed plans and specifications. In the event DEQ makes such a request, DEQ shall provide adequate support to the Districts.

The Districts will:

1. For those water and sewer systems for which DEQ has reviewed plans and specifications, ensure that the certificate of approval in the form identified by DEQ is placed on the final plat and sign the final plat as is required under Idaho Code § 50-1326. The certificate of approval for these systems shall not be signed until the District receives a letter from DEQ recommending the release of sanitary restrictions.
2. For those water and sewer systems for which the Districts have reviewed plans and specifications or other information, issue to the owner or other responsible party the certificate of approval and ensure that the certificate of approval is signed on the final plat as is required under Idaho Code § 50-1326. The water systems addressed in this paragraph include those individual water facilities identified in Idaho Code § 50-1326.
3. For those water and sewer system extensions for which a qualified licensed professional engineer (QLPE) has reviewed plans and specifications as provided in Idaho Code § 39-118(2)(d), and for which DEQ has issued the general certificate of approval, ensure that the certificate of approval in the form identified by DEQ is placed on the final plat and sign the final plat as is required under Idaho Code § 50-1326. The Districts must receive QLPE letter(s) for both water and sewer extensions.
4. Initiate re-imposition of sanitary restrictions as provided in Idaho Code § 50-1326 for the water and sewer systems for which the Districts have reviewed plans and specifications or other information. Sanitary restrictions shall be re-imposed if construction is not in compliance with approved plans and specifications, or the facilities do not substantially comply with regulatory standards in effect at the time of facility construction pursuant to Idaho Code § 50-1326.

PUMPABLE WASTE

This section delegates authority for inspection, approval, and permitting of pumpable waste as described below and as per IDAPA 58.01.02 Water Quality Standards, IDAPA 58.01.06 Solid Waste Management Rules, IDAPA 58.01.15 Rules Governing the Cleaning of Septic Tanks, IDAPA 58.01.16 Wastewater Rules, and IDAPA 58.01.17 Rules For the Reclamation and Reuse of Municipal and Industrial Wastewater.

The domestic septage program regulations are specified in IDAPA 58.01.15 Rules Governing the Cleaning of Septic Tanks. Guidance for this program is also found in the "Technical Guidance Manual for Individual/Subsurface Sewage Disposal Systems" and the "Management of Pumpable Waste in Idaho" documents.

1. Solid Waste (examples: grease traps, sand traps, car wash sumps...)

DEQ will review and either approve or disapprove non-domestic septage sites used for ongoing applications from one or multiple pumpers to the extent it constitutes a non-municipal solid waste and will handle them as outlined in the solid waste section of this MOU.

2. Domestic Septage.

Activities associated with domestic septage are authorized by the Rules Governing the Cleaning of Septic Tanks, (IDAPA 58.01.15). The authority for implementing this program is partially delegated to the Districts as set forth below.

The DEQ will:

a. Approve the method and location of domestic septage disposal under the Rules Governing the Cleaning of Septic Tanks (IDAPA 58.01.15) if the disposal location is used for ongoing applications from one or multiple septic tank pumpers.
b. Approve operation plans and provide inspections at approved domestic septage sites.
c. Post a statewide list of permitted septic tank pumpers on to the DEQ webpage.

The Districts will:

a. Approve the method and location of one-time disposal of domestic septage.
b. Provide inspections at one-time approved domestic septage sites.
c. Inspect and permit domestic septic tank pumpers.
d. Send to DEQ, by March 1st of each year, a list of septic tank pumpers who have been issued a permit for the current year, including disposal methods and locations. The names of pumpers licensed after March 1 and their disposal methods will be forwarded to DEQ at the time of permitting.
e. Post on their webpage a list of the permitted septic tank pumpers or a link to the DEQ webpage.

3. Municipal Biosolid Land Application

DEQ will review and either approve or disapprove municipal biosolids sites as managed under section 650 of the Wastewater Rules (IDAPA 58.01.16).

The Districts will forward all inquiries for municipal biosolids to the DEQ regional office engineering manager.

4. Wastewater Land Application and Wastewater Reuse

DEQ will:

a. Issue wastewater reuse permits for municipal and industrial wastewater reuse sites.

b. Interpret the Rules For the Reclamation and Reuse of Municipal and Industrial Wastewater (IDAPA 58.01.17) and provide advice on implementation of these rules for proposed development.

The Districts will refer all wastewater land application and wastewater reuse proposals or submittals to the DEQ regional office engineering manager.

5. Enforcement – Pumpable Wastes

DEQ will:

a. Provide reports and copies of all enforcement correspondence relating to solid waste and domestic septage to the Districts.
b. Be the lead agency for corrective action under the Rules Governing the Cleaning of Septic Tanks, (IDAPA 58.01.15), where pumpers are land applying domestic septage without a disposal site approval or are not in compliance with the approved operations plan.
c. Provide the Districts with copies of any enforcement guidance.

The Districts will:

a. Provide inspection reports and copies of all enforcement correspondence to DEQ.
b. Enforce all aspects of permitting, and vehicle inspections for domestic septage.
c. Utilize available enforcement guidance when developing potential enforcement cases.

WATER POLLUTION / WATER QUALITY

This section outlines certain roles and responsibilities for addressing water pollution and water quality. The DEQ has responsibilities to protect surface and ground water quality. The ground water quality act directs all state agencies to incorporate the adopted ground water quality protection plan in the administration of their programs (I.C. § 39-126). This section of the Idaho Code also directs cities, counties and other political subdivisions of the state to incorporate the ground water quality protection plan in their programs and are also authorized and encouraged to implement ground water quality protection policies within their respective jurisdictions. Section 2 further states that whenever a state agency, city, county, or political subdivision of the state issues a permit or license which deals with the environment, the entity issuing the permit or license shall take into account the effect the permitted or licensed activity will have on the ground water quality of the state and may attach conditions to the permit or license in order to mitigate potential or actual adverse effects from the permitted or licensed activity on ground water quality of the state.

DEQ encourages each district health department to implement a land development policy that includes the requirement of nutrient pathogen studies as outlined in the "Nutrient Pathogen Evaluation Program For On-site Wastewater Treatment Systems" in order to protect ground water contamination from subsurface sewage disposal systems. Part of the "Nutrient Pathogen Evaluation Program For On-site Wastewater Systems" includes the evaluation of impacts from

subsurface sewage systems on surface waters as is required by the Individual/Subsurface Sewage Disposal Rules general requirement section (IDAPA 58.01.03.004).

> "These rules are intended to insure that blackwastes 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: ... **d.** Do not injure or interfere with existing or potential beneficial uses of the waters of the State."

> **"Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, which flow through or border upon the state of Idaho." IDAPA 58.01.03.003.37

Administration of the Individual/Subsurface Disposal Rules includes aspects of both public health protection and protection of surface and ground water quality. Acceptance of delegation of this program includes DEQ authority to protect surface and ground water quality.

Surface Water Quality

The DEQ will:

1. Conduct water pollution surveys in areas of concern and provide copies of studies to the District.
2. Work cooperatively with the Districts regarding sources of water pollution under the delegated authorities of this MOU.
3. Interpret any surface water samples collected by the District for compliance with the Water Quality Standards (IDAPA 58.01.02) and will advise the Districts when it is appropriate to conduct or post public health notices at primary contact recreation sites.

The Districts will:

1. Notify DEQ regarding available information on new, suspected, or known point and non-point sources of water pollution and work cooperatively under DEQ's direction regarding the identified sources of water pollution.
2. At their discretion, conduct public health surveys including sampling of surface waters for E. Coli only in known areas where primary contact recreation occurs (beach surveys). The Districts will not sample surface waters in areas of secondary contact recreation unless under direct coordination with the Regional Office, Surface Water Quality Program Manager.
3. Provide assistance when possible with public health outreach under advisement from DEQ regarding primary contact recreation sites.

Ground Water

> "Idaho Code 39-126. DUTIES OF STATE AND LOCAL UNITS OF GOVERNMENT. (1) All state agencies shall incorporate the adopted ground water quality protection plan in the administration of their programs...
> Cities, counties and other political subdivisions of the state shall incorporate the ground water quality protection plan in their programs and are also authorized and encouraged to implement ground water quality protection policies within their respective jurisdictions, provided that the implementation is

consistent with and not preempted by the laws of the state, the ground water quality protection plan and any rules promulgated thereunder...
(2) ...whenever a state agency, city, county or other political subdivision of the state issues a permit or license which deals with the environment, the entity issuing the permit or license shall take into account the effect the permitted or licensed activity will have on the ground water quality of the state and it may attach conditions to the permit or license in order to mitigate potential or actual adverse effects from the permitted or licensed activity on the ground water quality of the state."

Idaho Ground Water Quality Plan. SECTION IV-F. AGENCY ROLES IN GROUND WATER PROGRAMS.
This policy states that: "The policy of the state of Idaho is that roles of agencies involved in ground water programs be clearly defined to eliminate duplication of effort." It further states that:
"IDHW-DEQ, IDWR, IDA and other appropriate agencies should jointly develop a Memorandum of Understanding (MOU) to clearly define agency roles, enhance cooperative efforts and avoid duplication of efforts whenever possible" (emphasis added).

The DEQ will:

1. Notify the appropriate District when ground water quality monitoring results of drinking water wells detect contaminants in excess of the drinking water standards.
2. Notify the appropriate District when aquifers or parts of aquifers are being proposed for recategorization or designation as a ground water quality management area.
3. Provide Districts training on the utilization and implementation of the Idaho Ground Water Quality Rule.
4. Work to develop a central repository for ground water quality data and provide Districts with a format for providing data.
5. Provide guidance to the Districts on standard operating procedures for collecting a ground water quality sample.

The Districts will:

1. Provide technical assistance to private well owners as requested.
2. Collect ground water quality samples in accordance with the District standard operating procedures.
3. Regarding ground water activities that the District are involved in, provide location information along with analytical data, when available record location information using GPS technology and record IDWR well tag information if available. If the IDWR well tag information is not available, then the Districts may, at their discretion, attach IDWR well tag (with owner permission) and record information. The importance of well tags is that they provide a unique identifier for the sampled wells.
4. Assist DEQ in the development of a DEQ central repository for ground water quality data and designate a contact person for transfer of water quality data to DEQ.

GENERAL PROGRAM AGREEMENTS

The intent of the general program agreements is to outline roles and responsibilities of the Districts and DEQ in these broad program areas.

A. RULES, STANDARDS, TECHNICAL POLICIES, GUIDELINES AND GENERAL ENFORCEMENT PHILOSOPHY

1. DEQ and the Districts will work cooperatively in the preparation of rules, standards, technical policies or guidelines in those program areas where joint responsibilities exist.
2. DEQ will send draft documents outlined in Item 1 to the Districts for a thirty (30) day review and comment period prior to the formal rulemaking process.
3. DEQ will notify the Districts of all public meetings and hearings pertaining to delegated programs.
4. When the Districts propose draft rules, standards, technical policies or guideline changes they will forward these to DEQ and follow the procedures outlined in steps 1, 2, and 3 above. This is in addition to the district board procedures for adoption of regulations as set forth in Idaho Code § 39-416.
5. DEQ, or the Districts, will provide copies of final rules, standards, technical policies or guidelines adopted to each other. This procedure is in addition to the requirements of the Administrative Procedures Act. Also, DEQ will provide specific direction to the Districts regarding the implementation of DEQ final rules, standards, technical policies, and guideline changes for programs delegated to the Districts. This direction will be provided to the Districts in a timely manner.
6. Non-compliance should be addressed first through education and technical assistance that is targeted to address the area of non-compliance. Enforcement is to be used only as the action of last resort when methods of education and assistance have failed to demonstrate compliance.
7. Upon initiation of the appeal process the Districts will notify the DEQ state office program contact of any Administrative Appeals for DEQ's evaluation for consistent application of DEQ rules. DEQ, when appropriate, will provide interpretation of DEQ rules to the Districts for consistency.
8. DEQ reserves the right to take enforcement action when determined by DEQ to be necessary to protect public health and the environment. See Specific Program agreements for details on enforcement processes.
9. DEQ may request the Attorney General's office provide legal support or consultation to the District's legal council when preparing for cases brought before district court.
10. DEQ will provide an enforcement referral package template for subsurface sewage and non-municipal solid waste programs at the time of signing and adoption of the MOU.

B. MANAGEMENT OF COMPLAINTS

This section outlines the actions the Agencies will take when receiving complaints that are the responsibility of the other agency.

1. Complaints, which are the responsibility of another agency, will be referred within one working day to the other agency. Either agency, upon receiving a telephoned complaint, will refer the caller to the appropriate agency. Complaints received by letter will be forwarded to the appropriate agency by fax, e-mail or mail.
2. In referring complaints, one agency will not commit the other agency to any particular action.

3. If the agency referring a complaint requests notification of what actions were taken by the other agency, that agency will provide the information to the referring agency.
4. A resource referral list will be provided semi-annually to facilitate proper referral of customer complaints.
5. DEQ may request that the Districts provide initial support for complaints generated in remote areas.

C. CONSULTATIONS AND TECHNICAL ASSISTANCE

This section defines when the agencies will provide technical assistance and consultation.

1. Each agency, within its resource limitations, will provide consultations, training and technical assistance to the other upon request.
2. DEQ will inform Districts of pertinent training courses and vice versa, such as courses related to drinking water systems, subsurface sewage, solid waste, wastewater land application, hazardous wastes, septage, ground water quality, surface water quality, and source water protection.
3. Districts, will work with DEQ to develop and present training courses of mutual interest.

D. SHARING AND DISSEMINATION OF INFORMATION

This section defines procedures to work cooperatively in sharing and dissemination of information between agencies and to the public.

1. Agency Information Sharing

a. DEQ, within its resource limitations, will assist the Districts in joint program communications, including the development of written or audio-visual materials.
b. The Districts will make recommendations for written or audio-visual material to DEQ through District appointed program contacts.
c. DEQ and the Districts will inform each other of correspondence received from other state or federal agencies, which concern activities in District or DEQ regional offices.
d. DEQ and the Districts shall coordinate and encourage the sharing of geographic information system (GIS) data. DEQ and the Districts agree to minimize the duplication of digital data entry and to exchange data and/or technical resources in support of each organization's mutual GIS interests.

2. Information to the Public.

DEQ and the Districts will work cooperatively for timely dissemination of information to the public.

E. COORDINATION OF PROGRAMS

1. For coordination of environmental issues Environmental Health Directors will help coordinate programs among the Districts.
2. Representatives of the Districts will work with appropriate representatives of DEQ when problems of mutual concern arise for which no agreement has been detailed in this document to determine a course of action.
3. Routine program meetings and discussions are desirable for both the Districts and DEQ.

This Memorandum of Understanding shall be executed by the DEQ Director and the Health District Directors and replaces the Memorandum of Understanding dated February 2000. The term of this agreement shall be on-going unless otherwise revoked by any one of the signatory agencies following thirty (30) days written notice from the Director of DEQ or the Chairman of the Council of District Directors. This agreement may be amended through mutual written agreement of the parties. This agreement, when accepted by each agency, will be effective on the date of the DEQ Director's signature.

Toni Hardesty
Director, Department of Environmental Quality
Date: 10/12/07

Carol Moehrle
Director, North Central District Health
Date: 10-3-07

Russell Duke
Director, Central District Health
Date: 10/3/07

Ed Marugg
Director, Southeastern District Health
Date: 10/3/07

Jeanne Bock
Director, Panhandle District Health
Date: 10/3/07

Eugene E. Gunderson
Director, Southwest District Health
Date: 10-5-07

Rene LeBlanc
Director, South Central District Health
Date: 10/3/07

Richard Horne
Director, Eastern Idaho Public Health District
Date: 10-3-07