



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

State Water Quality Division – Wastewater Program

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C. L. "Butch" Otter, Governor
Curt Fransen, Director

MEMORANDUM

TO: Health District Environmental Health Directors
DEQ Regional Office Administrators
DEQ Regional Office Engineering Managers
DEQ Wastewater Program – State Office

FROM: Tyler R. Fortunati, R.E.H.S., On-Site Wastewater Coordinator *TF*

DATE: May 28, 2013

SUBJECT: Septic Tank Pumper Permit Verbiage and Permit Application/Renewal Dates

The Department of Environmental Quality (DEQ) has received legal direction from the Attorney General's (AG) Office regarding septic tank pumper permit language and septic tank pumper permit application and renewal dates. The direction provided will affect language that must be placed on all future septic tank pumper permits issued by the Health Districts. It was also found that in general septic tank pumper permit issuance and expiration practices are inconsistent with IDAPA 58.01.15. Each topic is addressed separately below.

Septic Tank Pumper Permit Language

The AG found that there is an issue tying the permit application and approved septage disposal sites provided with the permit application to the issued permit. This is due to the fact that there is no specific language on the permits that incorporate the application and approved disposal sites to the issued permit. This results in the loss of violations that would otherwise be used during an enforcement proceeding against a pumper that violates IDAPA 58.01.15. Since DEQ is the lead agency for enforcement regarding pumpable wastes per the DEQ-Health District MOU it is requested that all future permits issued for septic tank pumping equipment include the following statement:

The application for this permit, as required by IDAPA 58.01.15.004.01, and all of its contents are hereby incorporated into the permit by reference. As required by IDAPA 58.01.15.003, disposal of excrement from any vehicle operated under this permit shall be limited to the method and location indicated in the application; provided, however, if the application indicates that the excrement is proposed to be disposed of in a manner and location other than discharge to a public sewer or sewage treatment plant, the Director must provide written approval of the location and method prior to such disposal. The Director's written approval of the location and method of disposal shall be incorporated into and enforceable as a part of this permit.

The existing statement on the septic tank pumper permits regarding permit transfer and revocation should remain on the issued permits as is the current practice.

Septic Tank Pumper Permit Issuance and Expiration

In review of the septic tank pumper permits that are being issued throughout the State there does not appear to be a consistent and standardized term of the permit. Several are issued to expire at the end of the calendar year, while others are issued to expire March 1st of the year following issuance. This results in permits that are often shorter or longer than a one year term. IDAPA 58.01.15.004 states that the permit must be renewed annually and that the date of application for renewal must be on or before March 1st of each year. Based upon the legal direction from the AG's office the permit should be issued for a full one year term from the date of issuance, whenever that may be. The application for renewal should then be submitted by March 1st of the expiration year.

If this pattern is established then all pumpers will eventually be submitting renewal applications by March 1st of each year. The permits would then be issued or renewed after the application is received. When this guidance is followed the only permit that is issued on a short term basis should be the first year a pumper truck is in operation. Please adjust the current permitting practices to meet this schedule.

Both of these directions have effects on how DEQ is able to enforce the Rules Governing the Cleaning of Septic Tanks (IDAPA 58.01.15). Please implement these requested changes as soon as possible for new septic tank pumper permits issued. Permits that are currently issued and active do not need to be reissued, but should be renewed in the fashion described within this memo. If there are any questions please contact me at 208-373-0140 or at tyler.fortunati@deq.idaho.gov.

TF/jy