



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

June 2, 2014

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

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

SUBJECT: Revocation of a Subsurface Sewage Disposal System Installer or Septic Tank Pumper Permit

Every installer of a subsurface sewage disposal system must obtain an installer's registration permit from a health district as required by IDAPA 58.01.03.006.01. The only exemption to this requirement is described in:

- IDAPA 58.01.03.006.06, and
- The July 18, 2012 memorandum from the Idaho Department of Environmental Quality with the subject of "County, State, and Federal Department/Agency Exemption from Installer's Registration Permit."

Additionally, every person, firm, or corporation that operates any tank truck or any other device or equipment that is used or intended to be used for the purpose of pumping or cleaning septic tanks and/or transporting or disposing of human excrement must obtain a pumper permit from a health district as required by IDAPA 58.01.15.003 and IDAPA 58.01.15.004.

Both the installer's registration permit and pumper permit may be revoked (IDAPA 58.01.03.006.08 and IDAPA 58.01.15.004.04) for failure to comply with IDAPA 58.01.03 and IDAPA 58.01.15 respectively. The health district in which the violation is observed and documented shall take action against the installer or pumper. The health district issuing the installer registration permit or pumper permit does not have to be the district that initiates the compliance conference or permit revocation. If an installer's registration permit or pumper permit is revoked the revocation shall last for the remainder of the current permit cycle. If the non-compliance issue is not corrected by the following permitting cycle a new permit shall not be issued until compliance is obtained.

For the purposes of this memorandum, the suspension of a pumper permit as allowed by IDAPA 58.01.15.004.04 shall follow a similar process as a pumper permit revocation. Permit suspensions may have a shorter duration than a permit revocation but shall not be lifted until the issue of non-compliance is corrected. A standard process should be followed prior to revoking an

installer's registration permit or a pumper permit. The proper process for permit revocation is as follows:

Installer's Registration Permit Revocation Process

1. The health district obtains evidence that a permitted installer is not complying with IDAPA 58.01.03.
2. The health district shall issue a written notice to the installer that details the violation, requires the installer to correct the violation if it has not already been corrected, informs the installer that failure to comply with IDAPA 58.01.03 is grounds for revocation of their installer registration permit, and provides the installer the opportunity to participate in a compliance conference with the health district. Permit revocation may be initiated on an initial offense if the health district feels revocation is warranted, but education through a compliance conference is the preferred action for first time offenders.
 - a. All health districts and DEQ shall be copied on all written notices of intent to revoke an installer registration permit.
 - b. All health districts and DEQ shall also be informed of the outcome of any compliance conference that occurs between the health district and the installer.
3. If a health district obtains evidence that a permitted installer is not complying with IDAPA 58.01.03 and is a repeat offender, then the health district must initiate the installer registration permit revocation process. The revocation process shall proceed in the following manner:
 - a. The health district shall issue a written notice of the intent to revoke the installer's registration permit, and shall copy the neighboring health districts and DEQ.
 - i. The written notice shall state that the health district intends to revoke the installer's registration permit.
 - ii. The written notice shall detail each violation including identification of each provision of IDAPA 58.01.03 that has been violated.
 - iii. The written notice shall state that the revocation shall become final within 35 days of the receipt of the notice by the permitted installer.
 - iv. The installer shall be informed of the right to request an appeal hearing which must be received by the health district within the 35 day timeframe prior to the revocation becoming final.
 - b. If the installer requests an appeal hearing within the 35 day timeframe, then the health district shall conduct the hearing based on IDAPA 41.08.01 for all health districts except Panhandle Health District. Panhandle Health District will utilize Chapter 52, Title 67, Idaho Code for processing appeals. Based on the outcome of the appeal, the health district will either revoke the installer's registration permit or will document the status of the rule violation and rescind the notice of intent to revoke the installer's registration permit. The health district shall copy the neighboring health districts and DEQ on the appeal decision.

Pumper Permit Revocation Process

1. The health district obtains evidence that a permitted pumper is not complying with IDAPA 58.01.15.
2. If the non-compliance is associated with disposal of human excrement (IDAPA 58.01.15.003.03) or any other pumpable waste in a location that is not approved by DEQ for such activities, then the health district shall compile its investigation materials and evidence and forward the information to the appropriate DEQ Regional Office for follow-up and possible enforcement.
3. If the non-compliance is associated with any other violation of IDAPA 58.01.15 that is not related to disposal of pumpable wastes at an unapproved location, then the health districts may initiate the pumper permit revocation process. The health district shall issue a written notice to the pumper that details the violation, requires the pumper to correct the violation if it has not already been corrected, informs the pumper that failure to comply with IDAPA 58.01.15 is grounds for revocation of their pumper permit, and provides the pumper the opportunity to participate in a compliance conference with the health district. Permit revocation may be initiated on an initial offense if the health district feels revocation is warranted, but education through a compliance conference is the preferred action for first time offenders.
 - a. All health districts and DEQ shall be copied on all written notices of intent to revoke a pumper permit.
 - b. All health districts and DEQ shall also be informed of the outcome of any compliance conference that occurs between the health district and the pumper.
4. If the health district obtains evidence that a permitted pumper is not complying with IDAPA 58.01.15 and is a repeat offender, then the health district must initiate the pumper permit revocation process. The revocation process shall proceed in the following manner:
 - a. The health district shall issue a written notice of the intent to revoke the pumper's permit prior to final revocation, and shall copy the neighboring health districts and DEQ.
 - i. The written notice shall state that the health district intends to revoke the installer's registration permit.
 - ii. The written notice shall detail each violation including identification of each provision of IDAPA 58.01.15 that has been violated.
 - iii. The written notice shall state that the revocation shall become final within 35 days of the receipt of the notice by the permitted pumper.
 - iv. The pumper shall be informed of the right to request an appeal hearing which must be received by the health district within the 35 day timeframe prior to the revocation becoming final.
 - b. If the pumper requests an appeal hearing within the 35 day timeframe, then the health district shall conduct the hearing based on IDAPA 41.08.01 for all health districts except Panhandle Health District. Panhandle Health District will utilize Chapter 52,

Title 67, Idaho Code for processing appeals. Based on the outcome of the appeal the health district will either revoke the pumper permit or will document the status of the rule violation and rescind the notice of intent to revoke the pumper permit. The health district shall copy the neighboring health districts and DEQ on the appeal decision.