



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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## MEMORANDUM

TO: Idaho Public Health Districts  
DEQ Regional Office Water Quality Engineers  
FROM: Peter Adams, DEQ On-site Wastewater Coordinator  
THROUGH: DEQ Wastewater Compliance Bureau  
DATE: October 16, 2023, revised April 18, 2024  
SUBJECT: Determination of Reasonably Accessible Sewer

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This memorandum clarifies the procedure for determining if public or central wastewater treatment and disposal facilities are reasonably accessible to a subject property as referenced in IDAPA 58.01.03.005.05.

Reasonably accessible sewer is determined on a case-by-case basis, and additional factors may be considered beyond what is detailed in this memorandum. This memorandum does not supersede the requirements for reasonable accessibility to private municipal wastewater treatment plants, as detailed in IDAPA 58.01.16.

This Memorandum is intended to assist DEQ and Health District staff. This Memorandum is intended solely as guidance and does not have the force and effect of law. If this Memorandum conflicts with any law, the law prevails. This Memorandum does not create a right or benefit, substantive or procedural, enforceable at law or equity by any party versus DEQ, its employees, or any other person. This Memorandum does not substitute for any provisions, regulations or rules. DEQ reserves the right at any time to suspend, discontinue, or change any policies, practices, or procedures contained in this Memorandum.

### Definitions

*Large Soil Absorption System (LSAS)* as defined in IDAPA 58.01.03 may be considered a Public Wastewater System as defined in IDAPA 58.01.16 and if so must conform to the requirements of IDAPA 58.01.16.

*Multi-Lot Development* is defined herein as (1) a subdivision as defined in Idaho code or local code or (2) some combination of two or more contiguous lots being developed by a single developer as a part of a single proposed project.

*Sewer* is defined herein as a publicly available wastewater treatment and disposal facility (including collection and treatment infrastructure), or a publicly available central

system with a capacity of 2,500 GPD or more as defined in IDAPA 58.01.03.

*Sewer Authority* is defined herein as a municipality, sewer district, homeowner's association, or similar which is the owner and operator of a *sewer* that can potentially provide services to the applicant as an alternative to the applicant's use of an individual subsurface sewage disposal (SSD) system.

## General Determination Procedure

Upon receipt of a completed SSD permit application, the Health District will first request a "will serve" letter from the local sewer authority, if such sewer authority exists. If a potential sewer authority is identified, the Health District may determine if sewer is reasonably accessible to the subject property by using the procedure below:

1. Sewer is reasonably accessible to the subject property if ANY of the following are true:
  - a. An applicable local ordinance requires sewer connection for the subject property.
  - b. Existing structures on the subject property are already connected to sewer.
2. If neither of the factors in #1 are true, sewer is NOT reasonably accessible to the subject property if ANY of the following are true:
  - a. The subject property is not within or contiguous to the designated service area of the sewer authority.
  - b. The local sewer authority responds to the request for a "will serve" letter with written confirmation that sewer is not available and will remain unavailable for at least one year.
  - c. City or other municipal annexation is required before the local sewer authority will allow sewer connection (excluding annexation by a sewer authority).
  - d. The distance from an available sewer collection line to the closest wastewater-generating structure is 1000 feet or more.
    - i. If elevation gains of 100 feet or more must be exceeded in effluent transport to connect to an available sewer, the distance above may be changed to 500 feet or more.

If the Health District makes an initial determination that sewer IS NOT reasonably accessible, the Health District may continue with the SSD permitting process.

If the Health District makes a determination that sewer IS reasonably accessible, the Health District will submit an "intent to deny" written notification to the applicant. The "intent to deny" notification will include a copy of this memorandum and will inform the applicant that they may provide additional information to the Health District if they wish

to dispute the notification.

If no determination can be made using this section or if the applicant provides a written notice disputing the Health District's initial determination, the Health District may forward all relevant information to DEQ for review. Upon receipt, DEQ will recommend a determination using the procedure described in this memorandum and considering any other information provided by the applicant. After considering DEQ's recommendation, the Health District will provide a written final determination to the applicant.

## **Determination Procedure for a Multi-Lot Development**

Upon receipt of a completed Subdivision/Land Development Review application for a multi-lot development, the Health District will first request a "will serve" letter from the local sewer authority, if such sewer authority exists. If a potential sewer authority is identified, the Health District may determine if sewer is reasonably accessible to the multi-lot development by using the procedure below:

1. Sewer is reasonably accessible to the multi-lot development if ANY of the following are true:
  - a. An applicable local ordinance requires sewer connection for the multi-lot development.
  - b. Existing structures on any lot in the multi-lot development are already connected to sewer.
2. If neither of the factors in #1 are true, sewer is NOT reasonably accessible to the multi-lot development if ANY of the following statements are true:
  - a. The multi-lot development is not within or contiguous to the designated service area of the sewer authority.
  - b. The local sewer authority responds to the request for a "will serve" letter with written confirmation that sewer is not available and will remain unavailable for at least one year.
  - c. The distance from an available sewer collection line to the closest wastewater-generating structure is 2000 feet or more.
    - i. If elevation gains of 100 feet or more must be exceeded in effluent transport to connect to an available sewer, the distance above may be changed to 1000 feet or more.

As opposed to the procedure for individual subject properties, sewer may be reasonably accessible to a multi-lot development regardless of municipal annexation requirements.

If the Health District makes an initial determination that sewer IS NOT reasonably accessible, the Health District may continue with the SSD permitting process.

If the Health District makes a determination that sewer IS reasonably accessible, the Health District will submit an "intent to deny" written notification to the applicant. The "intent to deny" notification will include a copy of this memorandum and will inform the applicant that they may provide additional information to the Health District if they wish to dispute the notification.

If no determination can be made using this section or if the applicant provides a written notice disputing the Health District's initial determination, the Health District may forward all relevant information to DEQ for review. Upon receipt, DEQ will recommend a determination using the procedure described in this memorandum and considering any other information provided by the applicant. After considering DEQ's recommendation, the Health District will provide a written final determination to the applicant.