



UI Extension Water Outreach

Peter Adams
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
Re: Subsurface Sewage Disposal Rulemaking

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Dear Idaho DEQ and Septic System rule makers,

I am a University of Idaho Extension faculty member specializing in water quality education. While subsurface Sewage Disposal systems are not my specialty, I have significant familiarity with the topic, and work closely with DEQ and Panhandle Health Department specialists on education and outreach related to them. I would like to provide some written comments in support of robust, strong rules and requirements for septic systems, and in support of clean water throughout Idaho.

First, I see that one of the rule changes is to reduce drainfield setbacks to surface water. While it might be individually better for some developers or property owners to provide a larger approved footprint for drainfields, it is important to maintain sufficient distance from waterbodies for effluent treatment. I cannot provide specific technical recommendations, but I encourage the setbacks to be amply sufficient for the type of soils encountered in Idaho.

While malicious intent is rarely a motivating factor for private property owners to improperly install or maintain a septic system, there are almost no teeth in enforcing Idaho's septic system rules. If neither the Attorney General's office (AG), nor county prosecuting attorneys are motivated to assist with enforcement, then violations and penalties have no teeth. I would suggest giving Idaho's health districts the ability to place notice to titles on non-compliant property owners. This is to notify potential buyers of the issue and hopefully resolve the compliance issues prior to the sale of a home or business.

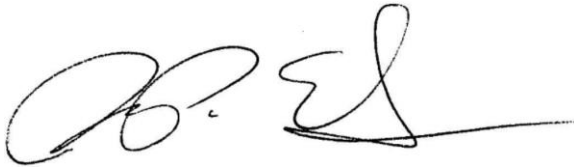
One big gap in the rules is that smaller central/community septic systems, those under a design flow of 2,500 gallons per day, are not required to have system redundancy. Systems that exceed this design flow are required to install 200% of the required drainfield size to allow for redundancy and have an operational system in place if the primary drainfield fails, requires a licensed operator for the system, and extensive operation and maintenance including monitoring of flow to the system and submittal of an annual report. I have heard of developers proposing systems just under this 2,500 GPD threshold. Future property owners are then provided a shared system without any level of operation and maintenance or protections when some portion of the system, like the drainfield, fails. I would suggest that all central/community systems be required to include a replacement drainfield, a licensed operator, and appropriate operation, maintenance, monitoring, and annual reporting similar to that currently required for those with 2,500+ GPD.

Most states have some sort of septic system density requirement, or advanced nutrient pathogen evaluation requirement for subdivisions. Or, there is robust analysis of impacts to groundwater by nutrients and pathogens. I have heard examples of additional treatment to protect groundwater being required for individual systems within a subdivision that would not be required when the properties are evaluated individually. Current Idaho rules require a nutrient pathogen evaluation for central/community systems exceeding 2,500 GPD. I would suggest adding that requirement for smaller central systems, and for all systems at the subdivision stage.

Some realtors I talk with describe that many people are moving to Idaho with little or no experience with septic systems. Most states require some level of disclosure by sellers to prevent people from unknowingly buying properties with compliance issues or failed septic systems. Since septic systems are under ground and “out of sight, out of mind”, it is important that improperly maintained and functioning septic systems are disclosed. I have heard of new property owners getting stuck with a failed septic system that was really the responsibility of the previous owner to fix, or at least disclose accurately. The rules should include a requirement by the seller to disclose information about the septic system.

Thank you for considering these recommendations. If you need more information from me, please feel free to contact me any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Ekins', with a long horizontal line extending to the right.

James P. (Jim) Ekins, Ph.D

[Area Water Educator, UI Extension](#)

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