

Negotiated Rulemaking Meeting #2

IDAPA 58.01.03

Individual/Subsurface Sewage Disposal Rules
and Rules for Cleaning of Septic Tanks



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Peter Adams
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Surface and Wastewater Division

IDAPA 58.01.03 – Summary

- Permitting and Compliance for:
 - Installation of subsurface sewage disposal (septic) systems
 - Installer registration
 - Onsite wastewater disposal and treatment products
 - Septic tank cleaning and septage disposal

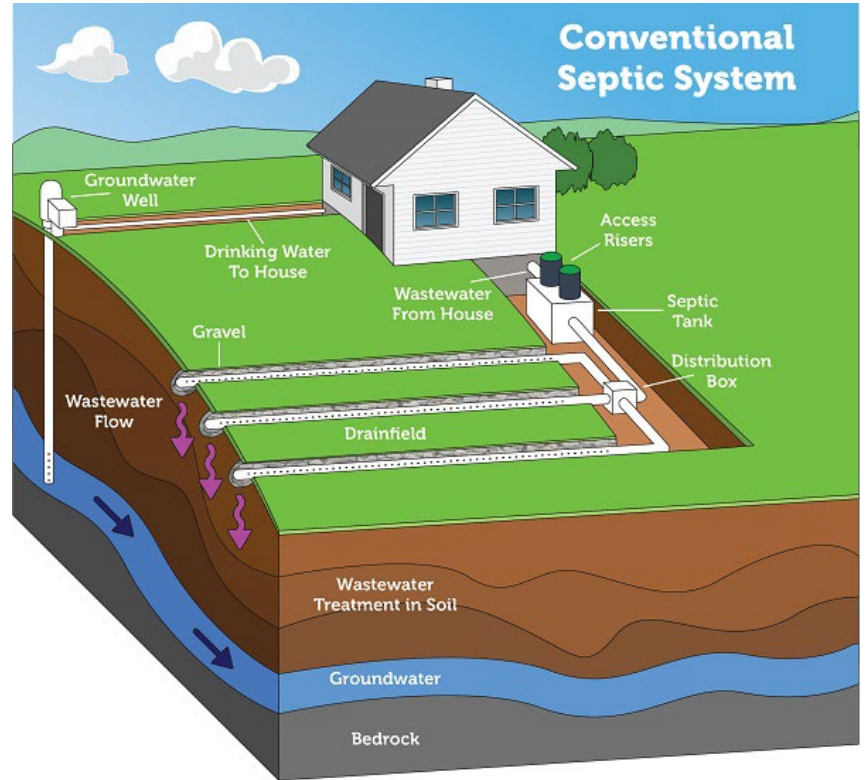
Executive Order No. 2020-01

Zero-Based Regulation (ZBR)

- Purpose
 - Critical and comprehensive review of all rule chapters
 - Reduce regulatory burden
 - Increase clarity and ease of use
- Goals
 - Remove obsolete, outdated, unnecessary regulations
 - Simplify rules
 - Review each rule set every 5 years

Agenda

- Objectives
- Review Public Comments
- Proposed Changes
- Rulemaking Timeline



Please note: Septic systems vary. Diagram is not to scale.

2nd Negotiated Rulemaking Objectives

- Provide overview of proposed changes to 58.01.03
- Review public comments from 1st negotiated rulemaking meeting
- Provide information on rulemaking process and timeline

1st Negotiated Rulemaking Public Comments

- These proposed changes are better suited for the Technical Guidance Manual (TGM)
 - Remove requirement for field verification of extended treatment package systems (ETPSs)
 - Simplify the “Rule of 72” for soil vertical separation
 - Allow septic tank lids to be equal to the water table

1st Negotiated Rulemaking Public Comments

- These proposed changes are outside the authority of DEQ or outside of the scope of ZBR
 - Establish reciprocity for out-of-state P.E.s.
 - Give health districts the ability to place notice to titles on non-compliant property owners, and require sellers to disclose septic information to buyers
 - Require all central systems to follow the same O&M as LSASs, and require NP evaluations

1st Negotiated Rulemaking Public Comments

- Remove requirement for two full-size installations for Large Soil Absorption Systems (LSASs)
 - DEQ is not interested in removing this requirement at this time.
- Maintain amply sufficient distance to surface water from drainfields / Reduce surface water setbacks for drainfields to 100 ft
 - DEQ believes the proposed reduced setbacks are sufficient based on available scientific research

IDAPA 58.01.03 – Summary of Proposed Changes

- Remove two more definitions
- Clarify setbacks to wells
- Revise setbacks to water distribution lines
- Consolidate variance language

58.01.03 Tentative Rulemaking Schedule

- Negotiated Rulemaking Meetings (09/2023 – 11/2023)
- Publication of proposed rule (09/2024)
- DEQ Board Review (11/2024)
- Present to Legislature (2025)
- Rules effective upon legislature adjournment (2025)

Next Steps

- Comment deadline: November 9, 2023
 - Send written comments to: peter.adams@deq.idaho.gov
- There are not currently plans for a 3rd negotiated rulemaking meeting

Resources

- IDAPA 58.01.03 available at:
<https://adminrules.idaho.gov/rules/current/58/index.html>
- DEQ rule making info: <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/>

Questions?

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