STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, ID 83706 • (208) 373-0502
www.deq.idaho.gov

Brad Little, Governor
John H. Tippets, Director

June 25, 2020

Electronic Delivery: christopher.ball@dhw.idaho.gov
elke.shaw-tulloch@dhw.idaho.gov

Dr. Chris Ball
Idaho Department of Laboratories
450 West State St., 10th Flr
Boise, Idaho 83720

Dear Dr. Ball:

Enclosed is the updated Memorandum of Understanding (MOU) between the Idaho Department of Health and Welfare' Bureau of Laboratories (IBL) and the Department of Environmental Quality's Drinking Water Bureau that requires signatures. This document was discussed on February 25, 2020 and updates the original MOU that was signed in February of 2018. The revisions to the MOU address clarification of resources as well as changes to staff.

The MOU was developed for the purpose of establishing policies, procedures, and responsibilities of IBL and DEQ to promote and effectuate a cooperative effort. This MOU will not have an expiration date. Costs and responsibilities will continue to be evaluated annually and updated as necessary.

Please sign the attached MOU and route for the additional required signatures as time permits. Please keep a copy and return the signed copy to the DEQ Drinking Water Bureau. If you have any questions or concerns, please contact me at (208) 373-0140.

Sincerely,

Tyler Fortunati, REHS
Drinking Water Bureau Chief

CS:TF:tg

Enclosure: Memorandum of Understanding

c: Tyler Fortunati, Drinking Water Bureau Chief
Curtis Stoehr, Drinking Water Field Services Coordinator
Jerri Henry, Administrator, Drinking Water Protection and Finance Division
Dr. Christopher Ball, Chief, Idaho Bureau of Laboratories
Elke Shaw-Tullock, Administrator, Idaho Department of Health and Welfare Division of Public Health

Memorandum of Understanding

Idaho Department of Health and Welfare, Division of Health, Bureau of Laboratories

and

Idaho Department of Environmental Quality, Drinking Water Bureau

This MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into on this 26th day of May, 2020, between the Idaho Department of Health and Welfare, Division of Public Health, Bureau of Laboratories (Laboratory), and the Idaho Department of Environmental Quality (DEQ), Drinking Water Bureau, for the purpose of establishing policies, procedures, and responsibilities of the Laboratory and DEQ to promote and effectuate a cooperative effort between themselves. The Laboratory and DEQ may hereinafter be collectively referred to as the "Parties." This MOU will not have an expiration date. Cost and responsibilities shall be evaluated annually and updated as necessary.

W I T N E S S E T H:

WHEREAS, the Parties agree and acknowledge that provisions of the Idaho Code and duly promulgated administrative rules define and prescribe their respective duties and responsibilities with respect to public drinking water systems;

WHEREAS, the Parties agree and acknowledge that provisions of the Idaho Code and administrative rules include, but are not limited to, the following:

A. Statutory
   1. Idaho Environmental Protection and Health Act, Idaho Code §§ 39-101 *et seq.*
   2. Department of Health and Welfare, Idaho Code §§ 56-1001 *et seq.*

B. Administrative Rules
   1. Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08 *et seq.*
   2. Drinking Water Laboratory Certification Program, IDAPA 16.02.13 *et seq.*

WHEREAS, the Parties have come together to promote and effectuate a cooperative effort between themselves;

WHEREAS, the Parties have agreed to enter into a collaborative agreement in which DEQ is the lead agency, providing funding for services as identified in this MOU to be rendered by the Laboratory;

WHEREAS, the Parties desire to enter into a Memorandum of Understanding setting forth the services to be provided by the collaborative; and

NOW THEREFORE, the undersigned Parties have reviewed the above listed legal authorities, Rules and Codes, and hereby agree and acknowledge as follows:

AGREEMENT OF SERVICES

A. As part of the requirements in 40 CFR 142 Subpart B for primacy, DEQ must have laboratory facilities available (the Principal State laboratory) that are certified by the Environmental Protection Agency (EPA) and have a program for the certification of laboratories. The Laboratory maintains that role for DEQ. In order for DEQ to maintain state primacy over the Safe Drinking Water Act, the Laboratory shall maintain the State program for the certification of laboratories conducting analyses of drinking water compliance samples in accordance with IDAPA 16.02.13 and in accordance with EPA certification requirements and guidelines. Certification requirements are outlined in the EPA document titled, "5th Edition for the Certification of Laboratories Analyzing Drinking Water."

   1. The Laboratory shall provide written notification to the DEQ laboratory liaison of any state certified laboratory where the certified status has been downgraded to provisional or not certified as a result of on-site evaluations, audits, or other inspections within 72 hours of written notification to the laboratory. The Laboratory will include the written report of findings to DEQ.

   2. DEQ state office staff shall provide the Laboratory written notification to either the chemistry section manager or the microbiology section manager when there are apparent discrepancies or non-conformance in drinking water data or reports as soon as possible after discovery and collection of supporting information.

      a. The Laboratory shall coordinate with DEQ and work with any non-conforming laboratory to identify necessary corrective actions to be implemented within an appropriate time frame.

      b. DEQ shall be notified of the agreed upon corrective action plan.

   3. The cost for certifying private laboratories will be outlined in Appendix A. Appendix A will be evaluated and updated as necessary, and associated with this MOU.

   4. The Laboratory will be the point of contact for certified laboratories.

      a. The Laboratory will disseminate pertinent drinking water information as necessary to certified laboratories. DEQ will provide and coordinate information as needed.

      b. The Laboratory will coordinate with DEQ as necessary for meetings or other outreach and training as needed.

B. The Laboratory shall maintain certification by the EPA as a principal State laboratory and capable of performing all required analytical measurements to ensure DEQ can maintain primacy of the Public Water System Supervision Program in Idaho, in accordance with 40 CFR 142.10(b)(4). A copy of the EPA certification shall be provided to DEQ.

   For any analytes where the Laboratory is not certified, the Laboratory must maintain memorandums of understanding with other appropriate certified laboratories and provide DEQ with a copy of each memorandums of understanding.

As a principal State laboratory, the Laboratory will be available to perform the following services:

1. Process drinking water samples for DEQ and public water systems in accordance with the Laboratory Quality Assurance plan and standard operating procedures required by EPA in the Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures Quality Assurance. A copy of the Laboratory Quality Assurance plan will be provided to DEQ as well as any subsequent modifications or revisions.

C. In accordance with the Laboratory's rules, IDAPA 16.02.13. Section 130, the Laboratory will report legally defensible and accurate drinking water compliance monitoring data in a timely manner, not to exceed ten (10) business days after the completion of testing. High contaminant levels and positive microbiological results must be reported as soon as possible. Reporting must be as follows:

1. Upon availability, the Laboratory will utilize the Compliance Monitoring Data Portal to provide drinking water monitoring results to DEQ.

2. If the Compliance Monitoring Data Portal is not utilized for submitting sample analytical results, the Laboratory shall submit sample analytical results on DEQ-approved sample reporting forms. Templates available from DEQ include:

    - Lab Form Checklist for Total Coliform Lab Reports (DEQ Reference EDMS#2017ADC20)
    - Disinfection Byproducts (DEQ Reference EDMS# 2017ADC12)
    - Inorganic Contaminants (DEQ Reference EDMS# 2017ADC13)
    - Lead and Copper Rule (DEQ Reference EDMS# 2017ADC15)
    - Surface Water Treatment Rule (DEQ Reference EDMS# 2017ADC43)
    - Microscopic Particulate Analysis (DEQ Reference EDMS# 2017ADC42)
    - Radiological Contaminants (DEQ Reference EDMS#2017ADC16)
    - Synthetic Organic Contaminants (DEQ Reference EDMS# 2017ADC17)
    - Volatile Organic Contaminants (DEQ Reference EDMS# 2017ADC18)
    - Water Quality Parameters (DEQ Reference EDMS# 2017ADC19)

PAYMENT PROCEDURES AND FISCAL INFORMATION

A. Cost

Annual expected cost between the parties shall be reviewed and agreed upon each fiscal year (See Appendix A). Appendix A shall be evaluated annually and updated as needed.

B. Billing Procedure

Health and Welfare, on behalf of the Laboratory, shall submit an Interagency Billing Input form monthly utilizing the Idaho Statewide Accounting and Reporting System. A copy of the Interagency Billing Input form is available in Appendix B. The hardcopy Interagency Billing Input shall be mailed to DEQ's fiscal office or the Laboratory shall submit billing electronically to: accountspayable@deq.idaho.gov.

CONCURRENCES

The parties hereby agree with the terms and conditions contained in this MOU which will be effective upon the date of the last signature.

6/25/2020

Signature Date
John H. Tippets, Director
Idaho Department of Environmental Quality

9-22-2020

Signature Date
Dave Jeppesen, Director
Idaho Department of Health and Welfare

6/22/2020

Signature Date
Jerri Henry, Administrator
Idaho Department of Environmental Quality
Drinking Water Protection and Finance Division

Digitally signed by
Elke Shaw-Tulloch
Date: 2020.09.22
22:03:29 -06'00'

Signature Date
Elke Shaw-Tulloch, Administrator
Idaho Department of Health and Welfare
Division of Public Health

Appendix A: Annual Cost

To be evaluated and updated as necessary.

Fiscal Year: 2020

Drinking Water Sample Analysis Provided by the State Laboratory

Laboratory services provided by the State Laboratory for the DEQ Drinking Water Bureau shall follow the fee structure in accordance with IDAPA 16.02.25 – Fees Charged by the State Laboratory. As necessary, the State Laboratory shall submit billings in accordance with the aforementioned billing procedure.

State of Idaho Drinking Water Laboratory Certification Program

The DEQ Drinking Water Bureau shall pay $44,000 annually to the State Laboratory to serve as the state's principal lab and implement the State of Idaho Drinking Water Laboratory Certification Program in accordance with IDAPA 16.02.13. The State Laboratory shall divide the $44,000 into twelve (12) equal invoices to be submitted in accordance with the aforementioned billing procedure.

Tyler Fortunati May 26, 2020

Signature Date
Tyler Fortunati
Drinking Water Bureau Chief
Idaho Department of Environmental Quality
Drinking Water Protection and Finance Division

9-16-20

Signature Date
Dr. Christopher Ball
Chief
Idaho Department of Health and Welfare
Idaho Bureau of Laboratories

Appendix B: Interagency Billing Form

Available from: https://www.sco.idaho.gov/

Sections A and B filled out by Billing Agency
Section C filled out by Paying Agency

STATE OF IDAHO – STARS
INTERAGENCY BILLING

Reset

FORM: IAB
REV. 05/02/2012

SECTION A - NAME OF BILLING AGENCY	AGENCY CODE	CONTACT NAME	PHONE #	DOCUMENT DATE	CUR DOCUMENT #

SFX	TC/ RVS	INDEX/ PCA	SEC AGY	SUBSIDIARY	REV SUBOBJ	AMOUNT	INVOICE DESCRIPTION

SECTION B - DESCRIPTION AND PRICE OF MATERIALS AND SERVICES SUPPLIED	AMOUNT
TOTAL	$ 0.00

SECTION C – NAME OF PAYING AGENCY	AGENCY CODE	CONTACT NAME	PHONE #	DATE	CUR DOCUMENT #

SFX	TC/ RVS	INDEX /PCA	SEC AGY	SUBSIDIARY	EXP SUBOBJ	AMOUNT	PROP#/COMP	INVOICE#	VENDOR#/SFX	G = GRANT/PH P = PROJECT/PH
				TOTAL		$ 0.00				

PAYING AGENCY'S AUTHORIZED SIGNATURE_____ DATE_____