

EHD-WG



Public Health
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Environmental Health Director's Working Group

June 7, 2024

Mary Anne Nelson
Department of Environmental Quality
1410 N Hilton St.
Boise, ID 83706
mary.anne.nelson@deq.idaho.gov

Re: Negotiated Rule Making Comments - IDAPA 58.01.14 Environmental Fees

Ms. Nelson,

The Environmental Health Director's Working Group from the seven (7) Public Health Districts in Idaho have prepared the following comments for negotiated rule making IDAPA 58.01.14, Environmental Fees. Specifically, those related to the individual subsurface sewage disposal system permits. The comments highlight important considerations that need to be factored into the regulatory framework to ensure the efficient administration of these programs.

Idaho Code 39-414.11 authorizes the Health Districts to establish fees that reasonably cover the cost of services rendered. We recommend incorporating language into section 58.01.14.100 that acknowledges the authority granted by Idaho Code 39-414.11, thereby allowing each district to set fees that reflect their unique circumstances and ensure program sustainability.

IDAPA 58.01.14.110 has proposed language for specific permit types that includes the requirement for using the criteria listed in this section for setting fees. The rigidity of this language could impede the Health Districts in setting fees in a manner that addresses all criteria specific to the diverse conditions across the seven Health Districts in Idaho, including site-specific complexities and varying county processes. Fixed rule-based calculations that do not account for these variables could impact the ability of Health Districts to effectively administer the septic program. Modifying this language to include additional factors beyond the listed criteria would allow for each Health District to adapt fee structures specific to local needs and conditions. Another suggestion is to remove rigid language from the proposed rule.

In addition, the following (in bold) is suggested language to include to remain consistent with IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks and the Statewide Subsurface Sewage Disposal Standard Operating Procedure Manual:

58.01.14.110.01.e, include "**complex**" system type.

58.01.14.110.01.f, include "**replacement**" with "new, expansion of existing system, or a repair of a failing system."

58.01.14.110.02.a, include language that includes “per owner”, or “per business.”

58.01.14.110.03.a, include language for “service provider certification.”

58.01.14.110.03.a, add “**basic alternative.**”

58.01.14.110.04, include language “For services rendered, “**may include, but not limited to.**”

Sewage Disposal Permit: Large Soil Absorption System and **Central System.**

Septic Permit Renewal, change to “**Sewage Disposal Permit Renewal.**”

Installers Registration, include “**Service Provider Certification.**”

Thank you for the opportunity to comment and the consideration of these comments.

Respectfully,

A handwritten signature in cursive script, appearing to read "Sherise Bruce".

Sherise Bruce, REHS

Chair

Environmental Health Director’s Working Group