



Idaho Department of
Environmental Quality
1410 N. Hilton
Boise, ID 83706
www.deq.idaho.gov

Memorandum of Understanding

Idaho Division of Building Safety, Plumbing Program
and
Idaho Department of Environmental Quality

This MEMORANDUM OF UNDERSTANDING is made and entered into on this 26 day of, April 2013, between the Idaho Division of Building Safety, Plumbing Program (Division) and the Idaho Department of Environmental Quality (DEQ) for the purpose of defining and delineating the Division's and DEQ's statutory and regulatory duties and responsibilities with respect to public drinking water systems, sewage collection systems, sewage treatment facilities, and plumbing systems within the State of Idaho, and for the purpose of promoting and effectuating a cooperative effort between the Division and DEQ regarding the conduct and enforcement of their respective duties and responsibilities. The Division and DEQ may hereinafter be collectively referred to as the "Parties."

WITNESSETH:

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, sewage collection systems, sewage treatment systems, and plumbing systems in the State of Idaho;

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 (EPA),
Idaho Code §§ 39-101 *et seq.*
 2. Plats and Vacations, Idaho Code §§ 50-1301 *et seq.*
 3. Division of Building Safety, Idaho Code §§ 67-2601A.
 4. Plumbing and Plumbers, Idaho Code §§ 54-2601 *et seq.*

B. Administrative Rules

1. Water Quality Standards, IDAPA 58.01.02 *et seq.*
2. Individual/Subsurface Sewage Disposal Rules, IDAPA 58.01.03 *et seq.*
3. Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08 *et seq.*
4. Wastewater Rules, IDAPA 58.01.16 *et seq.*
5. Recycled Water Rules, IDAPA 58.01.17 *et seq.*
6. Rules Governing Plumbing Permits, IDAPA 07.02.02 *et seq.*
7. Rules Governing Permit Fee Schedule, IDAPA 07.02.03 *et seq.*
8. Rules Governing Plumbing Safety Inspections, IDAPA 07.02.04 *et seq.*
9. Rules Governing Plumbing Safety Licensing, IDAPA 07.02.05 *et seq.*
10. Rules Concerning Idaho State Plumbing Code, IDAPA 07.02.06 *et seq.*
11. Rules Governing Civil Penalties, IDAPA 07.02.07 *et seq.*

WHEREAS, the Parties agree and acknowledge that it is in their best interests to define and delineate their duties and responsibilities regarding public drinking water systems, sewage collection systems, sewage treatment facilities, and plumbing systems in the State of Idaho as set forth in the above mentioned provisions;

WHEREAS, it is the Parties' mutual intent and desire to promote and effectuate an efficient and cooperative working relationship between themselves;

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

C. Definitions

The following definitions apply to this agreement:

1. Building Sewer—That part of the piping of a drainage system which extends from the end of the building drain and conveys it to a collection main, public sewer, private sewer, subsurface sewage disposal system, or other point of disposal [see Chapter 2, 2009 Idaho State Plumbing Code (ISPC) Section 204.0].
2. Building Supply—The pipe carrying potable water from the water supply (water main) or water system to a single building, residence, manufactured house,

structure, recreational vehicle site, or any other point of use (see Chapter 2, ISPC Section 204).

3. Curb-stop—A valve used to control the flow of drinking water in the building service line.
4. Effluent Line—The discharge line from a septic tank.
5. Gray Water—Gray water is untreated wastewater that has not come into contact with toilet waste, kitchen sink waste, dishwasher waste, clothes washing machine waste, or similarly contaminated sources. Gray water includes wastewater from bathtubs, showers, and bathroom wash basins.
6. Meter, Water—A monitoring device, positioned in the building's supply service line, used to quantify the volume of water used in the building. Typically, the meter is located on the user's property at the end of the water service line stub-out.
7. Mobile Home Park or Community—Any real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of producing income (see Idaho Code § 55-2003 (3)). If mobile home park lots are held for sale, then those lots are subject to the plats and vacations sections of the Idaho Code §§50-1301 *et seq.*
8. Pitless Adapter—A fitting that attaches to the well casing providing a seal that allows the drinking water line to exit the well casing in a sanitary and frost proof manner.
9. Plat—The drawing, map, or plan of a subdivision or other tract of land, or a replatting of such, including certifications, descriptions, and approvals. A plat containing five or more lots is defined as a subdivision. Subdivisions are required to be platted through the local platting authority. Therefore, the platting of a subdivision, with connection to an existing public drinking water system, new public drinking water system, public sewer collection system, or individual septic system, brings DEQ plan and specification authority into the water and wastewater system review.

See Idaho Code §50-1301(15) for definition of *sanitary restriction*.

See Idaho Code §50-1301(17) for definition of *subdivision*.

See Idaho Code §50-1326 for lifting *sanitary restriction* language.

See Idaho Code §50-1334 for *plat* filing requirements.

See Idaho Code §39-118 for review of plans.

10. Plumbing Systems—Public or private, means and includes the following:
 - a. Plumbing fixtures, interconnecting system pipes, and traps
 - b. Soil, waste, and vent pipes
 - c. Building drains and building sewers
 - d. Sanitary and stormwater drainage facilities
 - e. Liquid waste and sewerage facilities
 - f. Water supply systems and distribution and disposal pipes of any premises
 - g. Water-treating and water-using equipment attached to a plumbing system except for water-conditioning equipment (those devices necessary to remove impurities and sediment from water)
 - h. All the respective connections, devices, and appurtenances of any plumbing system, public or private, within or adjacent to any building, residence, manufactured housing, or structure to and including a connection with any point of a public or private supply, distribution or disposal system or other acceptable terminal (this includes all private drinking water production, treatment, and distribution facilities; and all private wastewater collection, treatment, and disposal facilities)
 - i. Water heaters and all associated venting dedicated exclusively thereto (see § 54-2604, Idaho Code)
11. Point of Use (POU) Treatment Device and System—A water-treatment device applied to a single tap used for the purpose of reducing regulated contaminants in drinking water at that one tap. A collection of POU treatment devices is a *system*.
12. Public Drinking Water System—A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and

any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any *special irrigation district*. A public water system is either a *community water system* or a *noncommunity water system* as further defined:

- a. Community Water System—A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
 - b. Noncommunity Water System—A public water system that is not a community water system. A noncommunity water system is either a transient noncommunity water system or a nontransient noncommunity water system.
 - c. Nontransient Noncommunity Water System—A public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.
 - d. Transient Noncommunity Public Water System—A noncommunity water system which does not regularly serve at least 25 of the same persons over 6 months per year.
13. Public Water System Connection—Each structure, facility, or premise which is connected to a water system, and which is or could be used for domestic purposes, is considered a single connection. A single-family residence is considered to be a premises. Multifamily dwellings, apartments, condominiums, and office complexes are considered single connections unless individual units are billed separately for water by the water system, in which case each such unit shall be considered a single connection (see diagrams in Attachment A).
14. Pump House—An above-grade structure containing important water system components, such as, but not limited to, a well, hydropneumatic tank, booster pump, pump controls, flow meter, well discharge line, or a treatment unit. Pump houses are often called well houses in common usage, even though in modern construction these structures may not contain either a well or a pump. These terms are used interchangeably in national standards and trade publications. (IDAPA 58.01.08.003.100).

15. Qualified Licensed Professional Engineer (QLPE)—A professional engineer licensed by the State of Idaho; qualified by education or experience in the specific technical fields involved in these rules; and retained or employed by a city, county, quasimunicipal corporation, or regulated public utility for the purposes of plan and specification review.
16. Recreational Vehicle Park—A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purpose (see Appendix E, 2009 ISPC Part E). If recreational vehicle park lots are held for sale then these lots are subject to the plats and vacations sections of the Idaho Code §§50-1301 *et seq.*
17. Sanitary Sewer Main—A sewage collection and conveyance piping network that receives the discharge from two or more buildings, (structures, mobile home park lots, or recreational vehicle lots) (see diagrams in Attachment B) and conveys it to an approved treatment works.
18. Sewage—Any liquid waste containing animal or vegetable matter in suspension or solution and that may include liquids containing chemicals in solution (see Chapter 2, 2009 ISPC Section 221.0), water-carried human or animal waste from residences, buildings, industrial establishments, or other places, together with such ground water infiltration and surface water as may be present (IDAPA 58.01.08.003.112).
19. Simple Water Main Extension—New or replacement water main(s) that requires plan and specification review; is connected to existing water main facilities, and does not require the addition of system components designed to control quantity or pressure, including, but not limited to, booster stations, new sources, pressure-reducing stations, or reservoirs; and continues to provide pressure and quantity requirements.
20. Simple Wastewater Main Extension—New or replacement wastewater main(s) that requires plan and specification review and that will be connected by gravity, without the use of pumps or lift stations, to existing wastewater collection facilities that have the capacity to carry the additional wastewater flow.
21. STEG System—The acronym for Septic Tank Effluent Gravity System.

22. STEP System—The acronym for Septic Tank Effluent Pumping System.
23. Stub-out—
 - a. The initial section of the building service line that connects to the water main and terminates just inside the property line, typically at the water meter. The stub-out may terminate in a curb-stop for those systems that do not meter their customer's water use.
 - b. The initial section of the building sewer service line that connects to the sewer main and terminates just inside the property line.
24. Vacuum Sewer Collection System—A sewage collection system utilizing a central vacuum pump station collecting sewage from one or more buildings via sewer mains and services that are under vacuum (negative) pressure.
25. Wastewater—Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions, and other establishments, together with any ground water, surface water, and stormwater that may be present; liquid or water that is chemically, biologically, physically, or rationally identifiable as containing blackwater, gray water, or commercial or industrial pollutants; and sewage (IDAPA 58.01.16.010.89).
26. Water Treatment (conditioning) Device—A device which conditions a water supply so as to change its chemical content or remove suspended solids by filtration (see Chapter 2, 2009 ISPC Section 225.0). Typically, water-conditioning devices refer to water softeners. A POU device is one type of water treatment device used to reduce the level of regulated contaminants. Other types of treatment devices remove or reduce constituents in drinking water that may cause undesirable taste and odor.
27. Water Main—A pipe within a public water system which is under control of the system operator and conveys water to two or more service connections or conveys water to a fire hydrant. The collection of water mains within a given water supply is called the distribution system (IDAPA 58.01.08.003.139); a water supply pipe for public or community use (see Chapter 2, 2009 ISPC Section 225.0). This includes any pipe carrying potable water that is not a building supply.

- D. DEQ's Responsibility—Idaho Code § 50-1326 requires developers to choose between utilizing public water and/or public sewer facilities, individual water and/or sewer facilities, or any appropriate combination. Filing a plat requires that the method of water service be indicated on the plat. The plat and plans and specifications for existing water system connections, or new water systems are submitted to DEQ to review engineering plans and specifications for the following projects:
1. Public drinking water systems as defined in Idaho Code § 39-103 and IDAPA 58.01.08.003.
 2. Individual water booster pump stations.
 3. Building supply stub-outs up to curb-stop or meter, if DEQ does plan and specification review of water mains. For plan and specification review by a QLPE in areas where the Division retains jurisdiction, the QLPE shall forward a copy of the approval letter to the Division.
 4. Sewage treatment facilities.
 5. Sanitary sewer mains, both gravity flow and pressurized, STEP, STEG, and vacuum sewer collection systems.
 6. Sanitary sewer main stub-outs, if DEQ does plan and specification review of sewer mains, DEQ shall provide the Division a copy of the approval letter. For plan and specification review by a QLPE in areas where the Division retains jurisdiction, the QLPE shall forward a copy of the approval letter to the Division.
 7. Vacuum sewer collection systems, including central vacuum pump stations, vacuum sewer mains, and vacuum sewer services to and including outside holding tanks, if outside holding tanks are used. If vacuum fixtures are used instead of outside holding tanks, then DEQ's responsibility includes up through the vacuum sewer mains and stub-outs.
 8. Subsurface sewage disposal systems, including gray water systems, review, approval, and permitting responsibilities reside with DEQ, and may be executed through a Memorandum of Understanding between DEQ and Idaho's Public Health Districts.
 9. POU system installation.

- E. DEQ agrees to provide the Division with copies of all approval letters for projects that include building drinking water and/or sewer service lines, POU treatment systems, and building interior plumbing. This approval letter shall describe the locations or provide a vicinity map of the approved project. Copies of QLPE project approval letters for projects that include building drinking water and/or sewer service lines will be forwarded by the QLPE for areas where the Division retains jurisdiction. For POU system installation, system owners will be required to submit documentation that all POU devices were permitted by the Division and installed by a licensed plumber. Copies of this correspondence will also be forwarded to the Division. All correspondence shall be sent to the Idaho Division of Building Safety, Plumbing Division, 1090 E. Water Tower Street, Suite 150, Meridian, Idaho 83642.
- F. The Division inspects plumbing systems as defined by Idaho Code § 54-2604 in areas of the state where no city has established a plumbing enforcement program: Plumbing Systems are defined in definition 10. In areas of the state within the jurisdiction of the Division, the Division's inspection authority:
1. Extends to include plumbing fixtures, interconnecting system pipes and traps, waste and vent pipes, building drains and sewers internal to all structures, including inside the following:
 - a. Public drinking water pump houses
 - b. Public drinking water treatment works
 - c. Public wastewater treatment facilities.
 2. Terminates
 - a. Where building sewer
 - i. Enters septic or gray water tanks
 - ii. Connects to sewer main stub-out
 - b. Where the building supply
 - i. Attaches to the water meter, curb-stop
 - ii. Attaches to a private drinking water well's pitless adapter.

- G. The Division agrees to notify DEQ whenever they learn of projects requiring DEQ review and approval (for example, individual water booster pump stations, POU installations on public drinking water systems, and gray water installations) that may not have received review and approval.
- H. The Parties agree to meet as necessary to review implementation of this Agreement or to discuss any other relevant matter. Any further agreement that is reached as a result of these meetings will be forwarded to relevant DEQ and Division personnel.
- I. The Parties agree to provide joint training to their respective employees regarding the implementation of this Agreement as necessary in the future. This training is to include Public Health District administration and personnel.
- J. For assistance in interpreting this Agreement as to responsibilities of each agency or division, see the diagrams depicting drinking water distribution systems in Attachment A, and diagrams depicting sewage collection and treatment systems in Attachment B. These attachments are incorporated by reference herein.
- K. Local codes or ordinances may be more restrictive.
- L. The Parties agree that this Agreement may be terminated by either party for any reason upon 30 days written notice to the other party.
- M. The Parties agree that neither party shall be liable to the other party for any direct, indirect, consequential, or special damages for failure to provide any notification to the other party as required under this Agreement.
- N. This Agreement supersedes, terminates, and otherwise renders null and void any and all prior agreements entered into between the Parties with respect to the matters herein expressly set forth, specifically to include the version executed by the Parties on April 4, 2003. This Agreement embodies the entire agreement and understanding between the Parties pertaining to the subject matter of this Agreement. The Agreement may not be changed, amended, or superseded unless by means of writing executed by both Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this Memorandum of Understanding to be executed:

Idaho Department of Environmental
Quality



Curt Fransen
Director

Idaho Division of Building Safety



C. Kelly Pearce
Administrator

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Attachment A

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PLUMBING DIVISION/DEQ RESPONSIBILITIES

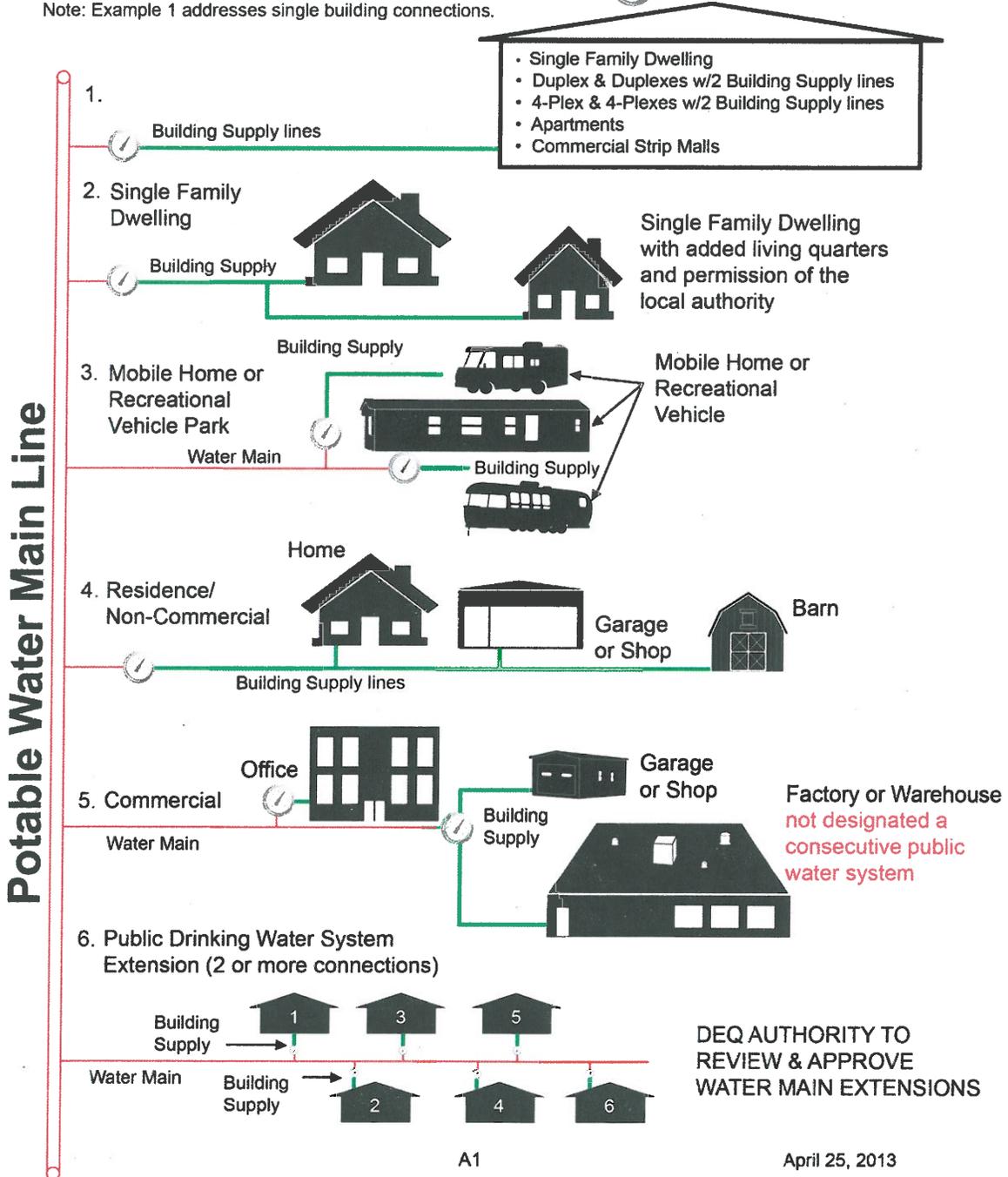
LEGEND

PLUMBING DIVISION =  (BOLD LINE)

DEQ =  (THIN LINE)

WATER SERVICE CONNECTION (METER or CURB-STOP) =  (DEQ)

Note: Example 1 addresses single building connections.



April 25, 2013

PLUMBING DIVISION/DEQ RESPONSIBILITIES

LEGEND

PLUMBING DIVISION =  (BOLD LINE)

DEQ =  (THIN LINE)

WATER SERVICE CONNECTION (METER or CURB-STOP) =  (DEQ)

7. Single Building

Well or Source

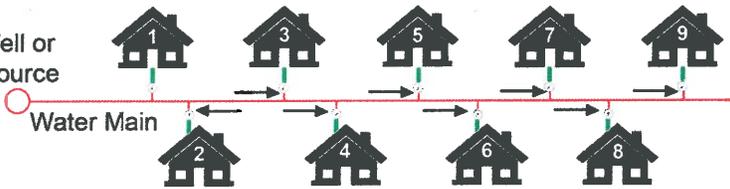
Building Supply



DEQ NO AUTHORITY (Unless building serves 25 or more people for 60 days or more per year, then DEQ has jurisdiction over Well or Source)

8. Public Drinking Water System (More than 25 people for 60 days per year)

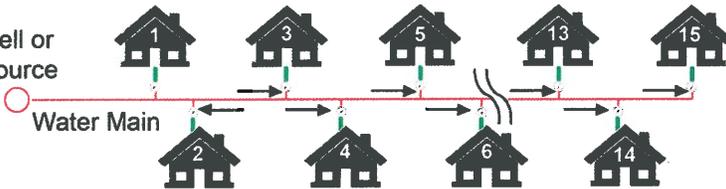
Well or Source



DEQ AUTHORITY FOR WELL OR SOURCE AND WATER MAIN

9. Public Drinking Water System (15 or more connections)

Well or Source



DEQ AUTHORITY FOR WELL OR SOURCE AND WATER MAIN

Public Drinking Water System may or may not have meters.

PLUMBING DIVISION/DEQ RESPONSIBILITIES

LEGEND

PLUMBING DIVISION = (BOLD LINE)

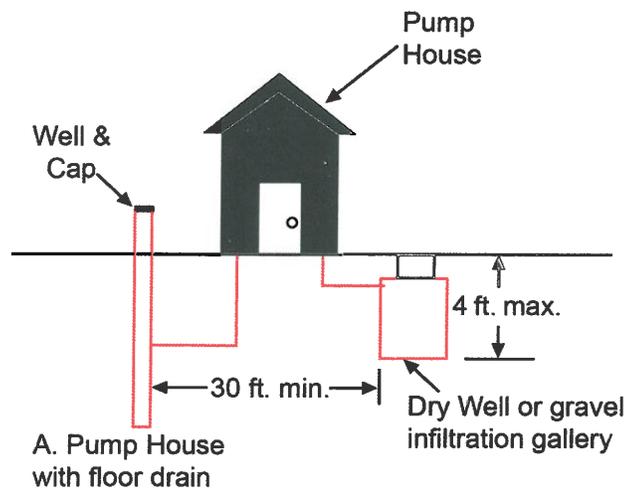
DEQ = (THIN LINE)

1. Public Drinking Water Pump House jurisdictions.

DEQ Authority for Public Drinking Water (PDW) facilities (IDAPA 58.01.08.501)

PDW Pump House's "Floor drains shall not be connected to sewers, storm drains, chlorination room drains, or any other source of contamination. Sumps for pump house floor drains shall not be closer than thirty (30) feet from any well." (IDAPA 58.01.08.541.01.i)

2. Plumbing inside pump houses, drinking water treatment facilities, and wastewater treatment facilities shall be inspected by the Plumbing Division to assure Idaho State Plumbing Code (ISPC) compliance.



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Attachment B

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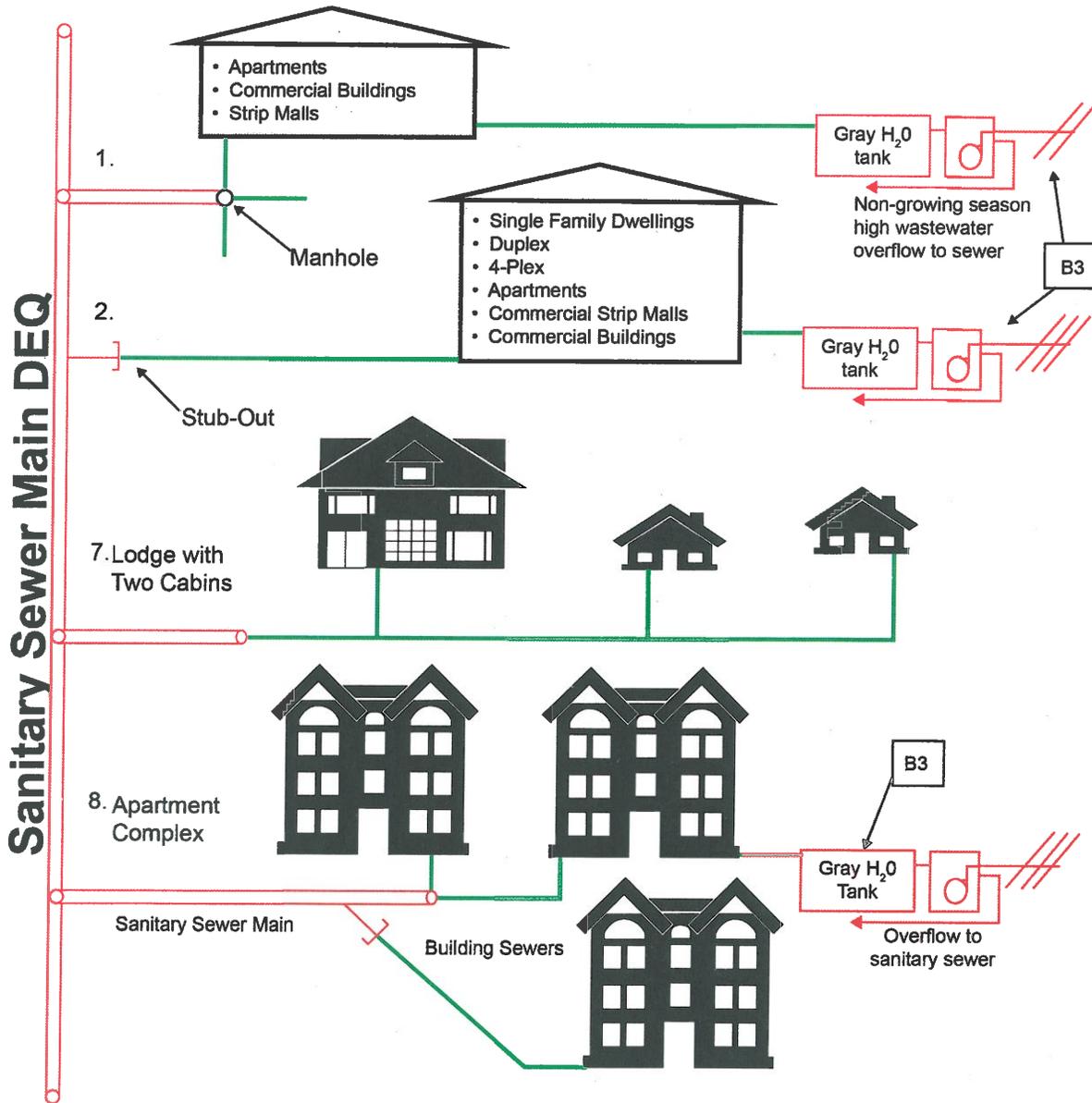
PLUMBING DIVISION/DEQ RESPONSIBILITIES

LEGEND

PLUMBING DIVISION = ——— (BOLD LINE)

DEQ = ——— (THIN LINE)

- Note:
- B1. All examples on this page (B-1) are for single buildings.
 - B2. Plumbing Division gray water system jurisdiction includes building sewer to the gray water tank.
 - B3. All individual and community septic and gray water systems must obtain an installation permit from the appropriate Public Health District.
 - B4. Gray water systems installed at facility serving more than 20 people must registered with IDWR's Underground Injection Control (UIC) program.
 - B5. Installation of Gray Water System requires the building contain a Plumbing Division approved dual wastewater collection system.
 - B6. Floor drains in commercial garages and shops shall not be attached to subsurface sewage disposal systems.



B-1

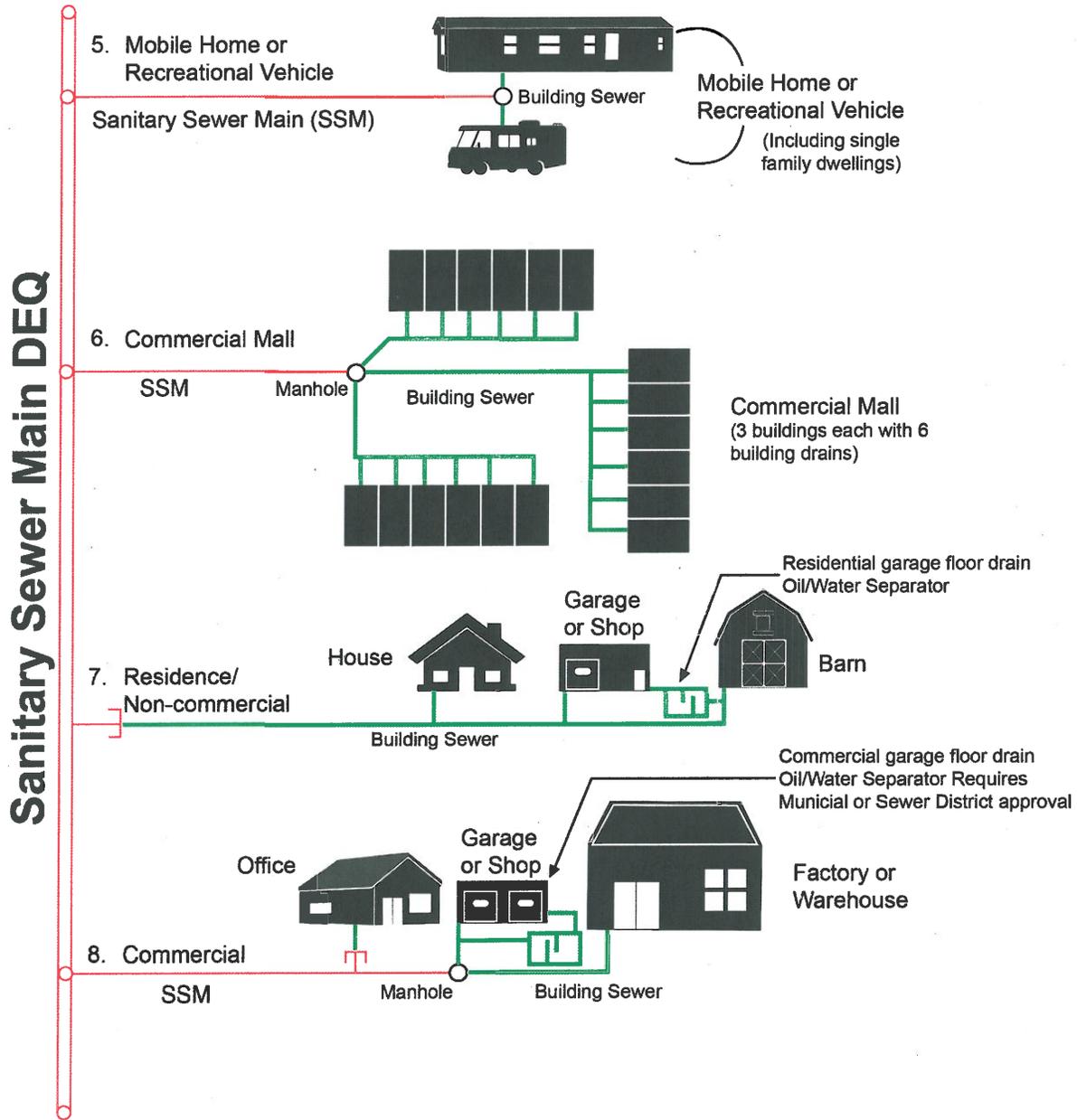
April 25, 2013

PLUMBING DIVISION/DEQ RESPONSIBILITIES

LEGEND

PLUMBING DIVISION = (BOLD LINE)

DEQ = (THIN LINE)



PLUMBING DIVISION/DEQ RESPONSIBILITIES

LEGEND
PLUMBING DIVISION = **————** (BOLD LINE)
DEQ = ———— (THIN LINE)

