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To: [Navigable Waterways](#)
Cc: [Tyler Warner](#); [Jason Peppin](#); [Timothy French](#)
Subject: PHD Comments_ IDL #L-96-S-2798A
Date: Friday, October 04, 2024 07:20:46 PM
Attachments: [PHD Comments_ IDL #L-96-S-2798A.pdf](#)

Please see attached Agency Review Comments from Panhandle Health District regarding L-96-S-2798A

 <p>Public Health Prevent. Promote. Protect. Panhandle Health District</p>	<p>Kathryn Kolberg Environmental Health Program Manager 2101 W. Pine St., Sandpoint, ID 83864 Office: 208-265-6384 Office Desk: 208-920-7902 Email: kkolberg@phd1.idaho.gov Web: Panhandlehealthdistrict.org</p>
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Healthy People in Healthy Communities



Oct 4, 2024

Idaho Dept of Lands (IDL)

Land Resource Specialist, Navigable Waters

2550 Highway 2 West

Sandpoint, ID 83864

Email: navigablewaterways@idl.idaho.gov

RE: Agency Request for PHD Comments on IDL Application #L-96-S-2798A for a Commercial Marina, to install riprap, to install a pedestrian bridge and to dredge on Lake Pend Oreille.

Dear IDL –

Thank you for the opportunity to comment on IDL application #L-96-S-2798A. This letter is intended as Panhandle Health District (PHD) agency review comments.

PHD's jurisdictional authority to comment on this project is through a Memorandum of Understanding (MOU) between the Idaho Health Districts and the Idaho Department of Environmental Quality (DEQ). PHD has authority to implement the Idaho Individual/Subsurface Sewage Disposal Rules (IDAPA 58.01.03) according to their legislative intent, which is to ensure that blackwaste and wastewater generated in the state of Idaho are safely contained, treated and discharged in a manner that ensures they are not accessible to insects, rodents, or other wild or domestic animals; not accessible to individuals; do not give rise to a public nuisance due to odor or unsightly appearance; and do not injure or interfere with existing or potential beneficial uses of the waters of the State. Some relevant documents granting these authorities are briefly described at the end of this document, including Title 39, Chapter 36 Idaho Code; Title 39, Chapter 4, Idaho Code; Ground Water Quality Rule IDAPA 58.01.11; Water Quality Standards IDAPA 58.01.02; and the Individual/Subsurface Sewage Disposal Rules IDAPA 58.01.03.

Per IDAPA 58.01.03.001.04 Responsibilities, every owner of real property in Idaho is jointly and individually responsible for: storing, treating, and disposing of blackwaste and wastewater generated on that property; connecting all plumbing fixtures on that property that discharge wastewaters to an approved wastewater

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system or facility; and obtaining necessary permits and approvals for installation of individual or subsurface blackwaste and wastewater disposal systems.

Furthermore, in Idaho, each engineer, building contractor, individual or subsurface system installer, excavator, plumber, supplier, and every other person, who for compensation shall design, construct, abandon, or provide any system or part thereof, is jointly and individually responsible for compliance with each of these rules that are relevant to that service or product.

To avoid degradation of the beneficial uses of State waters (ground water, surface water) and to prevent public health hazards and nuisance conditions, septage must be collected, pumped, transported, stored, and disposed of according to these rules. Verification of adequate and compliant sanitary services is a critical component of the planning and review process for all new projects that will result in the generation of human excrement/blackwaste and wastewater.

Below are some concerns PHD has with the commercial marina proposal as submitted to IDL:

1. The application has inadequate information for PHD to properly review the proposed sanitary services, and it is different than any proposal/application PHD has received. To review the current proposal, PHD must receive a current application with all necessary supporting documents.
2. The only application PHD received was for a central sewage system (CSEW) that was submitted in 2020 (PHD CSEW file # 15-146108). PHD received multiple subsequent documents/proposals under that application, however we never received adequate information to establish total design flows, nor to issue any septic permits. The last proposal PHD received is dated 10/3/2023 and does not match the current IDL application. PHD CSEW Application #15-146108 is now expired. There are no current wastewater disposal system applications on file with PHD for the proposal.
3. It appears the current proposal includes the use of multiple waste disposal systems. Each system is required to be reviewed, approved & permitted by PHD and/or DEQ. PHD must receive applications for each separate system with detailed Letters of Intent describing the proposed uses associated with each application/system (RV Dump Station, Central Subsurface System, Boat/Vessel Waste Disposal System etc.).
4. To establish the nature and quantity of waste that will be generated by any proposal, the design flows shall be established in accordance with IDAPA 58.01.03.007.08 and 58.01.03.008.03.a and section 3.3 of the Idaho Technical Guidance Manual for Subsurface Sewage Disposal. The need to establish flows can also be referenced in IDAPA 58.01.03.005.04.j, Contents of Application. "The nature and quantity of blackwaste and wastewater the system is to receive, including the basis for that estimate". The flow estimates provide the basis for determining the minimum septic tank volume and subsurface disposal system sizing (IDAPA 58.01.03.007.07.b and 58.01.03.008.03.a).
5. Assigning wastewater flow projections to a proposed subsurface sewage disposal system is necessary for determining project feasibility and to adequately design the system. The term wastewater flow refers to the maximum (not average) amount of wastewater a system will receive in a given day measured in gallons per day (GPD).
6. If the proposed activities and uses will generate wastewater flows of 2,500 gallons or more, the site must be capable of meeting the more protective standards of a Large Soil Absorption System (LSAS),

per IDAPA 58.01.03.013 and IDAPA 58.01.16. PHD & DEQ have never assessed this site for LSAS suitability. If the site is incapable of meeting LSAS criteria, then any proposed project must generate less than 2,500gpd. It is unclear how much wastewater the current proposal will generate, as PHD does not have adequate information to determine that.

7. To protect the beneficial uses of State waters and public and environmental health, any marinas, whether public or private, that provide moorage for vessels equipped with on-board wastewater facilities, need adequate sewage/waste disposal facilities. Discharge of wastewater or sewage (treated or untreated) from a boat or vessel into waters of the state of Idaho is illegal per IDAPA 58.01.02.080. The rule requires that any wastewater or sewage generated and stored on a boat or vessel must be disposed of at an approved facility. In addition to the waste from boats and vessels, a marina needs adequate shore-based toilet facilities for the marina users.
8. It appears the proposal will require the use of an approved Public Water System (PWS). While PHD does not have authority over PWS reviews & new approvals, it is an important aspect of the planning process, and the applicant will need to obtain all necessary approvals from Idaho DEQ and Idaho Dept of Water Resources (IDWR).
9. PHD must receive clear information detailing the specific services & amenities that are proposed at the commercial marina, with a clear description of who will have access to the marina and associated boat slips, restrooms, pavilion, beach/park, and any other services or amenities proposed - before we can properly review the sanitary services and project feasibility.

Below, I included some hypothetical wastewater flow information which is roughly based on the IDL application, using the flow rates found in the Idaho Subsurface Sewage Disposal Rules *IDAPA 58.01.03.007.08* and the *Idaho Technical Guidance Manual for Subsurface Sewage Disposal (TGM) Appendix C. Uncommon Wastewater Flows*. These are the flow rates that may apply to this project:

- **Marina Bathroom = 20gal/ slip (no showers); or 35gal/slip (with showers)**
- **Marina = 15gal/employee**
- **Public Park Bathroom (of there is public beach/park, with no showers) = 2gal per person**
- **Single Family Dwelling with 4 bedrooms = 300gpd (any proposed ADU's or additional bedrooms will increase wastewater flows)**

The project could potentially result in the following total wastewater flows:

- **Marina Bathroom for 88 Boat Slips x 20gal = 1,760gpd**
- **Marina Bathroom for 13 parking spaces (13 additional boats that would use the ramp in lieu of a slip) 13 spaces x 20gal = 260gpd**
- **7 single family dwellings (4 bedrooms each) x 300gpd = 2,100gpd**
- **Total Daily Wastewater Flow = 4,120gpd.**

If any other uses were proposed, such as showers, kitchens, event spaces, access for people to use a beach or park etc.... the flow rate may be higher. Any project resulting in 2,500gpd or more must meet all current standards for a LSAS (as mentioned previously). LSAS criteria requires the submittal of a nutrient pathogen (NP) study to DEQ for review, to ensure the project will not adversely impact water quality or public and environmental health. It is unclear if the site is capable of supporting a LSAS, as there are multiple factors that

limit the available space - including property lines, surface water, water system infrastructure, proposed structures etc.

Below are some Idaho statutes and rules that pertain to this matter and the concerns of PHD:

Title 39, Chapter 4, Idaho Code, authorizes DEQ to delegate authorities and responsibilities to the Health Districts, and gives power to the Health Districts to administer and enforce all state and district health laws, regulations, and standards for the preservation and protection of the public health and preventive health, and such other things delegated by the Director of DEQ.

Title 39, Chapter 36 Idaho Code – Health and Safety, Water Quality – the legislature recognizes that surface water is one of the state's most valuable natural resources. It approved the adoption of water quality standards and authorized the director of the department of environmental quality in accordance with the provisions of this chapter, to implement these standards. In order to maintain and achieve existing and designated beneficial uses and to conform to the expressed intent of congress to control pollution of navigable waters of the United States, the legislature declares that it is the purpose of this chapter to enhance and preserve the quality and value of the navigable waters of the United States within the state of Idaho, and to define the responsibilities of public agencies in the control, and monitoring of water pollution, and, through implementation of this chapter, enhance the state's economic well-being. In consequence of the benefits resulting to the public health, welfare and economy, it is hereby declared to be the policy of the state of Idaho to protect this natural resource by monitoring and controlling water pollution; to support and aid technical and planning research leading to the control of water pollution, and to provide financial and technical assistance to municipalities, soil conservation districts and other agencies in the control of water pollution. The director, in cooperation with such other agencies as may be appropriate, shall administer this chapter. It is the intent of the legislature that the state of Idaho fully meet the goals and requirements of the federal clean water act and that the rules promulgated under this chapter not impose requirements beyond those of the federal clean water act.

Section 39-120, Idaho Code, the Department of Environmental Quality is designated as the primary agency to coordinate and administer ground water quality protection programs for the state. This rule establishes minimum requirements for protection of ground water quality through standards and an aquifer categorization process. The requirements of this rule shall serve as a basis for the administration of programs which address ground water quality. This rule does not in and of itself create a permit program

Section 39-126, Idaho Code, states that whenever a state agency, city, county or other political subdivision of the state issues a permit or license which deals with the environment, the entity issuing the permit or license shall take into account the effect the permitted or licensed activity will have on the ground water quality of the state and it may attach conditions to the permit or license in order to mitigate potential or actual adverse effects from the permitted or licensed activity on the ground water quality of the state.

Ground Water Quality Rule IDAPA 58.01.11 - This rule applies to any individual or entity that conducts an activity with the potential to degrade ground water. Per 58.01.11.006.02. the policy of the state of Idaho is that existing and projected future beneficial uses of ground water shall be maintained and protected, and degradation that would impair existing and projected future beneficial uses of ground water and interconnected surface water shall not be allowed.

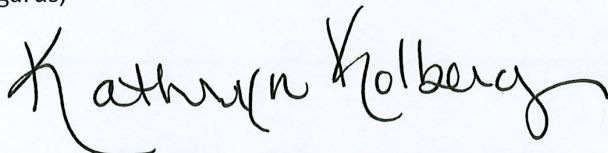
Water Quality Standards IDAPA 58.01.02 - this rule applies to any individual or entity who recreates in, drinks from, or fishes Idaho's surface waters, and any individual or entity who discharges pollutants to those same waters. This rule designates uses which are to be protected in and of the waters of the state and establish standards of water quality protective of those uses. Restrictions are placed on the discharge of wastewaters and on human activities which may adversely affect public health and water quality in the waters of the state. Per IDAPA 58.01.02 080.01 No pollutant shall be discharged from a single source or in combination with pollutants discharged from other sources in concentrations or in a manner that: a. receiving water body or downstream waters; or b. c. Will injure designated or existing beneficial uses; or will or can be expected to result in violation of the water quality standards.

Individual/Subsurface Sewage Disposal Rules (IDAPA 58.01.03). The rules are intended to ensure that blackwastes and wastewater generated in the state of Idaho are safely contained, treated and discharged in a manner that ensures they are not accessible to insects, rodents, or other wild or domestic animals; not accessible to individuals; do not give rise to a public nuisance due to odor or unsightly appearance; and does not injure or interfere with existing or potential beneficial uses of the waters of the State. The rules establish minimum standards for the design, construction, siting, and use of individual and subsurface sewage disposal systems.

In conclusion, PHD recommends that IDL limit the scope of this proposal (number of boat slips, types of shore-based activities, uses and structures) to only what the site is capable of supporting with compliant blackwaste and wastewater disposal systems. PHD must receive current applications and detailed proposals before we can properly establish the nature & quantity of wastewater proposed for discharge, and to establish maximum allowable wastewater flows. Any proposed central sewage disposal system and dockside disposal system must be reviewed and approved by both PHD & DEQ.

If you have any questions about this information or the Health Districts roles in this matter, please contact me at (208) 920-7902 or KKolberg@PHD1.Idaho.gov

Regards,



Kathryn Kolberg, REHS, PHD Environmental Health & Protection Program Manager

Cc: Tim French, PHD REHS

Jason Peppin, REHS, PHD Division Administrator-Environmental Health & Protection