

Protocol .885A Requirement for a Nutrient Pathogen Study

1. In order to meet the intent of IDEQ rules, it is SCDH policy to require a developer to demonstrate that any proposed subsurface sewage disposal system, particularly those proposed within a Nitrate Priority Area, Areas of Concern or that meet or exceed the limits as stated below, will comply with the stated rules. The intent of such demonstration is to document the correct number of proposed sewage system(s) which may occupy a parcel of land, and to adequately document and demonstrate that the proposed system(s) for the site will not impact human health by significantly impacting the quality of ground water and/or surface water within the State of Idaho. Significantly impacting is defined as exceeding 10% of the MCL for Ground Water Quality Standards (Table II, page 6, IDAPA 58.01.11). (See .885A-01 Nutrient Pathogen Algorithm)

2. A Nitrate Priority Area is defined as:

Any of 25 areas in the State of Idaho that IDEQ has designated as a Nitrate Priority Area where the local aquifer has elevated levels of anthropogenic nitrates as defined by the state's Ground Water Monitoring Technical Committee. Levels are considered elevated when background nitrate concentration tests indicate the presence of $\geq 50\%$ of the MCL for Nitrates in accordance with the National Primary Drinking Water Regulations (this equates to ≥ 5 mg/L Nitrates). See Protocol .885A-02 (Nitrate Priority Areas within South Central District Health).

3. An Area of Concern is defined as:

- a. Land located in a Nitrate Priority Area, or
- b. Background Nitrate levels exceed 5 ppm as determined IOP 002.
- c. Land in non-conformance with IDAPA 58.01.03.008.02.b & c, in correlation with Table 5, p 10, Separation Guidelines (Effective Soil Depth to Porous Layers or Groundwater), Technical Guidance Manual. [11/01/04],
- d. Land in Non-conformance with 58.01.03.008.02.b & c, in correlation with Table 6, p 10, Separation Guidelines (Effective Soil Depths to Impermeable Layers), Technical Guidance Manual. [11/01/04]

4. SCDH will require an N-P study for the following types of developments when on-site wastewater treatment systems are proposed in a Nitrate Priority Area or in an Area of Concern. The study will follow the N-P Evaluation Program for On-Site Wastewater Treatment Systems prepared by the Idaho Department of Environmental Quality (IDEQ). See .885A-01 (Nutrient Pathogen Algorithm).

- a. Subdivisions where a tract of land is to be divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes (50-1301.15, Idaho Code).
- b. If an N-P study is required by local city or county ordinance.

5. IDEQ will require a Nutrient-Pathogen Study for the following developments:

- a. Commercial facilities generating $\geq 2,500$ gallons or more of wastewater per day.

- b. Lots which are in subdivisions or planned unit developments (PUD's) utilizing clustered wastewater treatment systems.
 - c. Phosphorus is not considered a health risk by the Health District; however, IDEQ considers phosphorus an environmental concern and may require N-P evaluations based upon this limiting nutrient and published Total Maximum Daily Loads (TMDL) in accordance with IDAPA 58.01.02 (Water Quality Standards and Waste Water Treatment Requirements).
6. Exceptions to the N-P Study (IDAPA 58.01.11 Ground Water Quality Rules) in Areas of Concern.
- a. Subdivisions having adequate soil depth, and background Nitrate levels that are less than 5 ppm according to Protocol .880C Required Water Sampling Associated with Land Development.
 - b. When the developer specifies the use of approved nitrate reducing systems as listed in the Total Nitrogen Reduction Policy, table 1 of the TGM (page 85-1) where the effluent nitrate level is ≤ 20 ppm., or
 - c. Subdivisions having **minimum buildable* lots sized at greater than, or equal to, five (5) acres.** This acreage was determined to be sufficient in achieving dispersion between individual subsurface disposal systems and in the reduction of building density, thereby mitigating potential ground water contamination and the requirement for nitrate reducing treatment systems; or
 - d. Subdivisions having **minimum buildable* lots sized at greater than, or equal to, one and a half (1.5) acres** and the use of **Evapotranspiration (ET) systems** is specified.
- * A buildable lot refers to the actual lot dimensions which may be developed after all restrictions, as determined by SCDH's policy .799 (One Acre Policy) and/or by local/county Planning and Zoning ordinances, have been subtracted from the original lot dimensions. Examples of restrictions may include slope of the lot, floodplain restrictions, lot widths < 30 feet, etc.
7. Conflict of Ordinances. In any case where a provision of this policy is found to be in conflict with the provisions of any state or local law, regulation, rule, or ordinance existing on the effective date of this policy, the provision which in the judgment of the District establishes a higher standard for the promotion and protection of the health and safety of the people shall prevail.