

Proposed Motions for the May 16, 2019  
Meeting of the Idaho Board of Environmental Quality

**Agenda Item #10**  
**Omnibus Rulemaking – Non-Fee Rules**  
**Docket No. 58-0000-1900**

I move that the Idaho Board of Environmental Quality adopt as temporary rules the rules presented under Docket No. 58-0000-1900, with an effective date of June 30, 2019. This temporary rule adoption is for previously approved codified rule chapters under IDAPA 58, rules of the Department of Environmental Quality:

IDAPA 58.01.02, Water Quality Standards

IDAPA 58.01.04, Rules for Administration of Wastewater Treatment Facility Grants

IDAPA 58.01.10, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended

IDAPA 58.01.16, Wastewater Rules

IDAPA 58.01.21, Rules Governing the Protection and Disclosure of Records in the Possession of DEQ

IDAPA 58.01.22, Rules for Administration of Planning Grants for Public Drinking Water Facilities

IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality,

IDAPA 58.01.24, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites

## **TEMPORARY RULE JUSTIFICATION**

### **Omnibus Rulemaking – Non-Fee Rules**

**Docket No. 58-0000-1900**

Pursuant to Section(s) 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Department of Environmental Quality (DEQ) would not be able to fulfill its statutory obligations without these rules. The state of Idaho would lose primacy over federal environmental laws without these rules. These rules are central to DEQ's mission to protect human health and the quality of Idaho's air, land, and water.

These rules are either (1) not broader in scope or more stringent than federal law nor propose to regulate an activity not regulated by the federal government, or (2) have previously been approved as meeting the requirements of Idaho Code § 39-107D.