

<p>Docket Number: <u>58-0000-1900</u> Effective Date: <u>2020 Sine die</u> Rules Title: <u>IDAPA 58: Adopt and re-publish previously approved and codified rule chapters</u> Agency Contact and Phone: <u>Paula Wilson (208)373-0418</u></p>	<p style="text-align: center;"><u>Public Participation</u></p> <p>Negotiated Rule Making? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Proposed Rule: 6/19/19 Idaho Administrative Bulletin</p> <p>Public Hearings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Locations and Dates: N/A</p> <p>Written Comment Deadline: 7/10/19</p> <p>Public Comments Received? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p><u>Overview of Rulemaking</u></p> <p>This rulemaking adopts and re-publishes the following existing and previously approved and codified rule chapters under IDAPA 58 rules of the Department of Environmental Quality:</p> <p>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</p>	<p><u>Interim Legislative Review of Proposed Rule Pursuant to Idaho Code § 67-5223</u></p> <p>Meetings Held? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Objections Filed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Documentation from Legislative Services Office (LSO) attached: 7/2/19 Memo from LSO to Germane Joint Subcommittees 7/22/19 Letter from LSO to DEQ</p>
<p><u>DEQ's Recommendation for Adoption</u></p> <p>DEQ recommends that the Board adopt the rule, as presented in the final proposal, as a pending rule.</p>	<p><u>Costs To the Agency:</u> No additional costs to the agency.</p> <p><u>Costs To the Regulated Community:</u> No additional costs to the regulated community.</p>



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Environment, Energy & Technology Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: July 2, 2019

SUBJECT: Department of Environmental Quality

IDAPA 58.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (Docket No. 58-0000-1900) - Department of Environmental Quality

The Department of Environmental Quality submits notice of temporary and proposed rules that reauthorize and re-publish the following previously approved chapters at:

- 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

These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. **No other changes from the existing rules have been noted.**

The department confirms that the rules are either not broader in scope or more stringent than federal law nor propose to regulate an activity not regulated by the federal government or have previously been approved as meeting the requirements of section 39-107D, Idaho Code.

The rulemaking appears to be authorized as follows:

- IDAPA 58.01.02 – Chapters 1 and 36, Title 39, Idaho Code;
- IDAPA 58.01.04 – Chapters 1 and 36, Title 39, Idaho Code;
- IDAPA 58.01.10 – Idaho Code § 39-4405;
- IDAPA 58.01.16 – Chapters 1 and 36, Title 39, Idaho Code;
- IDAPA 58.01.21 – Idaho Code §§ 74-114(8), 39-105, 39-107;

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

- IDAPA 58.01.22 – Chapters 1 and 36, Title 39, Idaho Code;
- IDAPA 58.01.23 – Idaho Code §§ 39-105, 39-107 and 67-5206;
- IDAPA 58.01.24 – Chapters 1, 36, 44, 72 and 74, Title 39, Idaho Code

cc: Department of Environmental Quality
Paula J. Wilson

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.



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Eric Milstead
Director

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July 22, 2019

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Id 83706-1255

Dear Paula J. Wilson:

The Senate and House Subcommittees for review of administrative rules have reviewed the proposed changes to the Department of Environmental Quality rules:

IDAPA 58.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Docket No. 58-0000-1900

No meeting will be held, and we are pleased to report that no objections will be filed.

Sincerely yours,

Katharine Gerrity
Deputy Division Manager

KAG/jk

cc:

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
www.legislature.idaho.gov