STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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Brad Little, Governor
John H.Tippets, Director

DEQ POLICY STATEMENT
PS20-03

POLICY STATEMENT DEVELOPMENT AND MAINTENANCE

PURPOSE

As a type of guidance document, Idaho Department of Environmental Quality (DEQ) policy statements (policies) are developed as necessary to provide instruction and guidance on specific issues or problems largely unique to DEQ.[1] In general, DEQ uses policies to provide assistance to staff regarding agency-wide issues rather than issues specific to an individual program or set of rules.

Generally, policies govern internal operations whereas guidance documents are intended to guide agency actions affecting the rights or interests of persons outside the agency (Executive Order 2020-02 and Idaho Code §67-5250(2)).

To be useful, policies must be well-written and readily accessible. Policies must also be reviewed regularly for necessary updates as well as agency compliance. The purpose of this policy is to outline requirements for standardizing all DEQ policies and to implement a routine process for approval and systematic review. This policy supersedes PM15-03.

SCOPE

While DEQ maintains a series of guidance, procedural and other administrative documents, the requirements contained in this policy are applicable only to DEQ policies. DEQ policies have statewide application and are the responsibility of all DEQ employees to understand and follow.

STATEMENT OF POLICY

Policy Components and Requirements

- Policies shall be developed and revised at the discretion of the DEQ director.
- Each proposed policy shall undergo a preliminary determination by the Office of the Attorney General to assess whether the policy must instead be developed as a rule consistent with Idaho's Administrative Procedure Act.

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[1] Policy statements were formerly termed "policy memoranda" and may go by either name until revised and reissued.

- Policies shall be developed, revised and approved according to the Internal Process for Policy Statement Development and Maintenance (Appendix A). Process updates may occur without updating this entire policy.
- Each policy shall be the assigned responsibility of an individual position within DEQ.
- Policies that include delegations of authority shall delegate to a DEQ position rather than an individual staff member.
- Policies shall be assigned a unique number by the Director's Office.
- Prior to approval, policies shall undergo review by the Office of the Attorney General.
- Prior to approval, policies shall be edited and formatted by DEQ technical editors.
- Prior to approval, any policy affecting the rights or interests of persons outside the agency shall be evaluated to determine whether public input will be sought and if so, the appropriate amount of public input and comment opportunity respective to the content, complexity, and impact of the proposed policy. If necessary, public comment shall be solicited and incorporated, as appropriate, into the finalized policy.
- Policies shall be approved by signature of the DEQ director and made available on the DEQ website.
- Policies shall be maintained and stored in DEQ's electronic records management system by the Director's Office.
- Policies shall be effective for 5 years from date of issuance.
- Policies shall be updated and reissued prior to the 5 year sunset date or will otherwise expire.
- Policies may be amended, replaced or rescinded at any time by the DEQ director.

RESPONSIBILITY

The Director's Office policy analyst is responsible for maintaining this policy as well as the Internal Process for Policy Statement Development and Maintenance (Appendix A).

IMPLEMENTATION

This policy is effective immediately and will remain in effect for 5 years unless amended, replaced, or rescinded prior to expiration.

Dated this 16th day of April, 2020

John H. Tippets
Director

Appendix A. Internal Process for Policy Statement Development and Maintenance

All DEQ policy statements (policies) shall be developed and maintained according to the process outlined below. Updates to this process may occur without updating the entire policy.

1. The DEQ director, or other staff with director authorization, identifies the need for a new policy or an existing policy is up for renewal and determined appropriate for reissuance.
2. The staff person assigned responsibility for maintaining the policy (staff person) contacts the Office of the Attorney General (OAG) to conduct a preliminary determination to assess whether the policy must instead be developed as a rule consistent with Idaho's Administrative Procedure Act.
3. If appropriate to develop as a policy, the staff person contacts the Director's Office management assistant to create a new policy document in the Electronic Document Management System (EDMS) with a unique policy number.
    a. If a new policy, the management assistant creates an EDMS record using the *DIR Policy, Guidance and Procedure Document* record type.
    b. If a policy update, the management assistant creates a new EDMS version of the existing record with a new policy number.
    c. The policy numbering system includes an abbreviation for "Policy Statement" as "PS" directly followed by the current two-digit calendar year, a hyphen, and a sequential two-digit policy number for that year.
        i. For example, the third policy issued during the 2020 calendar year is assigned policy number "PS20-03."
    d. The EDMS title consists of the policy number followed by the policy title. While under development, the EDMS title also includes the word "DRAFT."
        i. For example, the EDMS title for this policy prior to finalization would read "DRAFT PS20-03 Policy Statement Development and Maintenance."
4. The management assistant coordinates with EDMS administrators to provide appropriate staff access to the record then emails the EDMS reference to the staff person.
5. The staff person drafts or revises the document in EDMS using the *DEQ Policy Statement Template* available on DEQ's intranet.
6. Upon completion, the staff person emails the EDMS reference to the OAG for review. Once reviewed, the OAG returns the policy to the staff person and any necessary revisions are incorporated.
7. The staff person submits the EDMS reference to the Director's Office policy analyst. The Director's Office reviews the policy to determine:
    a. Whether further revisions are needed.
        i. If so, the policy analyst refers the policy back to the staff person with requested changes.
        ii. If ready for finalization, the policy analyst sends the policy to DEQ technical editors. Once reviewed, technical editors return the policy to the policy analyst.

b. Whether the policy affects the private rights or interests of persons outside the agency, and if so, whether public input shall be sought and the appropriate amount of public input and comment opportunity.
    i. If public input is warranted, the Director's Office notifies the staff person who then coordinates with DEQ's Communications and Outreach team to post notice of the public comment opportunity on DEQ's website.
    ii. Following the public comment period, the staff person revises the policy, as appropriate, to incorporate public input received. If necessary, final review by the OAG and DEQ technical editors is sought.

8. Once finalized, the staff person sends the EDMS reference to the management assistant.
9. The management assistant prints the policy and provides it to the director for review and signature.
    a. Any changes requested by the director are incorporated by the policy analyst prior to signature.
10. The director signs and dates the policy.
11. The management assistant scans the signed policy and enters the PDF file in EDMS as the latest revision to the record.
    a. The word "DRAFT" is removed from the EDMS title.
    b. The word "SUPERSEDED" is added to the beginning of the EDMS title for any previous version of the same policy.
12. The management assistant provides the EDMS reference to DEQ's Communications and Outreach team for posting to DEQ's website.
    a. The policy is listed on the website with its expiration date and the name and contact information for the staff person.
13. The staff person shall review the policy for updates and reissuance prior to the 5-year sunset date.
    a. Any policy may be amended, replaced or rescinded prior to expiration.
    b. The management assistant adds the word "EXPIRED" to the beginning of the EDMS title for any policy more than 5 years old.