

<p><b>Docket Number:</b> <u>58-0122-1901</u>  <b>Effective Date:</b> <u>2021 Sine die</u>  <b>Rules Title:</b> <u>IDAPA 58.01.22, Rules for Administration of Planning Grants for Public Drinking Water Facilities</u>  <b>Agency Contact and Phone:</b> <u>Jerri Henry (208)373-0471</u></p>	<p style="text-align: center;"><b><u>Public Participation</u></b></p> <p><b>Negotiated Rule Making?</b> <input checked="" type="checkbox"/> Yes [ ] No  Negotiated Rulemaking Summary attached</p>
<p><b><u>Overview of Rulemaking</u></b></p> <p>DEQ initiated this rulemaking in response to <a href="#">Executive Order No. 2019-02</a>, Red Tape Reduction Act, issued by Governor Little on January 21, 2019. Upon review of its existing rules, DEQ determined that its two facility planning grant rule chapters could be simplified and consolidated into a single chapter. DEQ proposes to delete IDAPA 58.01.04, Rules for Administration of Wastewater Treatment Facility Grants, and merge necessary and relevant sections of IDAPA 58.01.04 with IDAPA 58.01.22, Rules for Administration of Planning Grants for Public Drinking Water Facilities. DEQ has initiated a separate rulemaking for the deletion of IDAPA 58.01.04 (Docket No. 58-0104-1901).</p>	<p><b>Proposed Rule:</b> 11/6/19 Idaho Administrative Bulletin</p> <p><b>Public Hearings?</b> [ ] Yes <input checked="" type="checkbox"/> No  <b>Locations and Dates:</b> N/A</p> <p><b>Written Comment Deadline:</b> 12/4/19</p> <p><b>Public Comments Received?</b> [ ] Yes <input checked="" type="checkbox"/> No</p> <hr/> <p><b><u>Interim Legislative Review of Proposed Rule Pursuant to Idaho Code § 67-5223</u></b></p> <p><b>Meetings Held?</b> [ ] Yes <input checked="" type="checkbox"/> No  <b>Objections Filed?</b> [ ] Yes <input checked="" type="checkbox"/> No</p> <p><b>Documentation from Legislative Services Office (LSO) attached:</b>  11/15/19 Memo from LSO to Germane Joint Subcommittees  12/5/19 Letter from LSO to DEQ</p>
<p><b><u>DEQ's Recommendation for Adoption</u></b></p> <p>DEQ recommends that the Board adopt the rule, as presented in the final proposal, as a pending rule.</p>	<p><b><u>Costs To the Agency:</u></b> No additional costs to the agency.</p> <p><b><u>Costs To the Regulated Community:</u></b> No additional costs to the regulated community.</p>

**Department of Environmental Quality  
Rules for Administration of Planning Grants for Public Drinking Water Facilities  
IDAPA 58.01.22**

**Docket No. 58-0122-1901**

**Negotiated Rulemaking Summary  
Idaho Code § 67-5220(3)(f)**

This rulemaking has been initiated in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019.

On August 1, 2019, DEQ posted notice of the negotiated rulemaking on its website, and a preliminary draft rule was made available for public review. The Notice of Negotiated Rulemaking was published in the August 2019 issue of the Idaho Administrative Bulletin, and a meeting was held on August 27, 2019. Key information was posted on the DEQ website and distributed to the public. No comments were received.

At the conclusion of the negotiated rulemaking process, DEQ formatted the draft for publication as a proposed rule in the Idaho Administrative Bulletin. The negotiated rulemaking record, which includes the negotiated rule draft and documents distributed during the negotiated rulemaking process, is available at [www.deq.idaho.gov/58-0122-1901](http://www.deq.idaho.gov/58-0122-1901).



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:** November 15, 2019

**SUBJECT:** Department of Environmental Quality

IDAPA 58.01.04 - Rules for Administration of Wastewater Treatment Facility Grants (Chapter Repeal) - Proposed Rule (Docket No. 58-0104-1901)

IDAPA 58.01.22 - Rules for Administration of Planning Grants for Drinking Water Facilities - Proposed Rule (Docket No. 58-0122-1901)

#### **1. IDAPA 58.01.04 - Rules for Administration of Wastewater Treatment Facility Grants (Chapter Repeal)**

##### **Summary and Stated Reasons for the Rule**

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.04 - Rules for Administration of Wastewater Treatment Facility Grants. This is a chapter repeal. The rulemaking was initiated as part of the Red Tape Reduction Act. The department states that it determined that its two facility planning grant rule chapters could be simplified and consolidated into a single chapter. The department confirms that the rulemaking does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

##### **Negotiated Rulemaking / Fiscal Impact**

Negotiated rulemaking was conducted.

##### **Statutory Authority**

The rulemaking appears to be authorized pursuant to Chapters 1 and 36, Title 39, Idaho Code.

#### **2. IDAPA 58.01.22 - Rules for Administration of Planning Grants for Drinking Water Facilities**

##### **Summary and Stated Reasons for the Rule**

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.22 - Rules for Administration of Planning Grants for Drinking Water Facilities. The rulemaking was initiated as part of the Red Tape Reduction Act. The department states that it determined that its two facility planning grant

rule chapters could be simplified and consolidated into a single chapter. The department confirms that the rulemaking does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**Negotiated Rulemaking / Fiscal Impact**

Negotiated rulemaking was conducted.

**Statutory Authority**

The rulemaking appears to be authorized pursuant to Chapters 1 and 36, 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.



Eric Milstead  
Director

# Legislative Services Office Idaho State Legislature

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December 05, 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 58.01.04 - Rules for Administration of Wastewater Treatment Facility Grants (Chapter Repeal) - Proposed Rule - Docket No. 58-0104-1901**

**IDAPA 58.01.22 - Rules for Administration of Planning Grants for Drinking Water Facilities - Proposed Rule - Docket No. 58-0122-1901**

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