

**FINAL PROPOSAL**  
**Dated September 13, 2016**

RULES REGULATING UNDERGROUND STORAGE TANK SYSTEMS,  
DOCKET NO. 58-0107-1601

The Department of Environmental Quality recommends that the Board of Environmental Quality adopt the rule as initially proposed in the Idaho Administrative Bulletin, August 3, 2016, Vol. 16-8, pages 144 through 155.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.07 – RULES REGULATING UNDERGROUND STORAGE TANK SYSTEMS  
DOCKET NO. 58-0107-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature. If approved, the rule will become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 88, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 3, 2016, Vol. 16-8, pages 144 through 155. DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0107-1601](http://www.deq.idaho.gov/58-0107-1601) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule does not regulate an activity not regulated by the federal government, nor is it more stringent than federal regulations. This rule is broader in scope than federal regulations with respect to the collection of fees. In 2016, the Idaho Legislature revised Idaho Code § 39-8802(2)(d) to allow for collection of UST fees under Idaho Code § 39-119 (Senate Bill 1244).

**FEE SUMMARY:** DEQ must negotiate a fee structure to ensure there is sufficient funding to maintain an underground storage tank program and retain state program approval. Fees would not exceed one hundred dollars (\$100.00) per tank per year. Collection of UST fees is authorized by Idaho Code § 39-119. In 2016, the Idaho Legislature revised Idaho Code § 39-8802(2)(d) to allow for collection of UST fees under Idaho Code § 39-119 (Senate Bill 1244).

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Kristi Lowder at [kristi.lowder@deq.idaho.gov](mailto:kristi.lowder@deq.idaho.gov) or (208)373-0347.

Dated this 2<sup>nd</sup> day of November, 2016

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