

FINAL PROPOSAL
Dated October 28, 2019

INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES, DOCKET NO. 58-0103-1902

The proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, Vol. 19-9, pages 610 through 637. DEQ received no public comments and recommends that the Idaho Board of Environmental Quality adopt the rule as initially proposed.

The proposed rule includes non-substantive clerical revisions made by the Administrative Rules Coordinator using his authority under Idaho Code § 67-5202. “The coordinator shall have the authority to make clerical revisions or to correct manifest typographical or grammatical errors to both proposed and existing rules that do not alter the sense, meaning or effect of such rules.” Idaho Code § 67-5202(2). The revisions are consistent with [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019, and did not alter the sense, meaning or effect of the rules (i.e., elimination of restrictive words such as “shall”).

The draft “Notice of Rulemaking – Adoption of Pending Rule” is attached.

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES**

DOCKET NO. 58-0103-1902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Chapters 1 and 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This pending rule adopts and re-publishes the following existing and previously approved and codified chapter(s) under IDAPA 58 rules of the Department of Environmental Quality:
IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules

This rulemaking also includes revisions in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019. DEQ proposes to combine IDAPA 58.01.15, Rules Governing the Cleaning of Septic Tanks, with IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules, by moving IDAPA 58.01.15, Sections 003 and 004, into IDAPA 58.01.03 as new sections 050 and 051. When IDAPA 58.01.03 and IDAPA 58.01.15 were adopted as temporary rules in May 2019 and then published in the Idaho Administrative Bulletin, it was DEQ's intent to follow up with publication of two separate proposed rules. However, upon review of its administrative rules, DEQ determined that the two rule chapters could be consolidated into a single chapter. Temporary rule IDAPA 58.01.15 will expire upon conclusion of the 2020 legislative session.

The proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, Vol. 19-9, pages 610 through 637. DEQ received no public comments, and the rule has been adopted as initially proposed. The proposed rule includes non-substantive clerical revisions made by the Administrative Rules Coordinator using his authority under Idaho Code § 67-5202. "The coordinator shall have the authority to make clerical revisions or to correct manifest typographical or grammatical errors to both proposed and existing rules that do not alter the sense, meaning or effect of such rules." Idaho Code § 67-5202(2). The revisions are consistent with [Executive Order No. 2019-02](#), and did not alter the sense, meaning or effect of the rules (i.e., elimination of restrictive words such as "shall").

More information regarding this rule docket is available at www.deq.idaho.gov/58-0103-1902.

FISCAL IMPACT: 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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact the undersigned.

DATED this 1st day of January, 2020

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