

<p>Docket Number: 58-0111-1901 Effective Date: 2020 Sine die Rules Title: IDAPA 58.01.11, Ground Water Quality Rule Agency Contact and Phone: Jerri Henry (208)373-0471</p>	<p style="text-align: center;"><u>Public Participation</u></p> <p>Negotiated Rule Making? [] Yes [X] No</p> <p>Proposed Rule: 9/4/19 Idaho Administrative Bulletin</p> <p>Public Hearings? [] Yes [X] No Locations and Dates: N/A</p> <p>Written Comment Deadline: 9/25/19</p> <p>Public Comments Received? [] Yes [X] 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 chapter under IDAPA 58 rules of the Department of Environmental Quality: IDAPA 58.01.11, Ground Water Quality Rule</p> <p>These rules were adopted by the Board as temporary on May 16, 2019, effective on June 30, 2019, and published in the Idaho Administrative Bulletin on July 3, 2019. The rules were published as proposed in the Idaho Administrative Bulletin on September 4, 2019.</p>	<p><u>Interim Legislative Review of Proposed Rule Pursuant to Idaho Code § 67-5223</u></p> <p>Meetings Held? [] Yes [X] No Objections Filed? [] Yes [X] No</p> <p>Documentation from Legislative Services Office (LSO) attached: 10/3/19 Memo from LSO to Germane Joint Subcommittees 10/23/19 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

Serving Idaho's Citizen Legislature

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: October 03, 2019

SUBJECT: Department of Environmental Quality

IDAPA 58.01.09 - Rules Regulating Swine Facilities (Fee Rule) - Proposed Rule (Docket No. 58-0109-1901)

IDAPA 58.01.11 - Ground Water Quality Rule (Fee Rule) - Proposed Rule (Docket No. 58-0111-1901)

1. IDAPA 58.01.09 - Rules Regulating Swine Facilities

Summary and Stated Reasons for the Rule

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.09 - Rules Regulating Swine Facilities. This is a fee rule. According to the department, a temporary rule was adopted and became effective June 30, 2019. This rulemaking adopts and republishes an existing and previously approved and codified fee rule. The department states that the rule does not impose a fee or charge beyond what was previously approved and codified in prior rules. The specific fees provided for are permit application fees. The department has provided a Section 39-107D Statement. According to the department, the rules were promulgated pursuant to legislative directive in Section 39-104A, Idaho Code, to address the surface and ground water impacts of large swine feeding operation development in the state. The department indicates that the federal government has no federal water quality protection requirements applicable to commercial swine facilities but adds that the rules have been previously approved as meeting statutory requirements.

Negotiated Rulemaking / Fiscal Impact

The department states that negotiated rulemaking was not conducted because the rules were adopted as temporary rules and because they are being reauthorized and republished.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 39-104A, 39-105, and 39-107, Idaho Code.

2. IDAPA 58.01.11 - Ground Water Quality Rule

Summary and Stated Reasons for the Rule

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.11 - Ground Water Quality Rule. This is a fee rule. According to the department, a temporary rule was adopted and became

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

effective on June 30, 2019. This rulemaking reauthorizes and republishes that rule. The department adds that the rule does not impose a fee or charge beyond what was previously approved and codified in the prior rules. The specific fees provided for are point of compliance application fees. The department has provided a Section 39-107D Statement. The department notes that the rule regulates activities not specifically regulated by the federal government but that the federal government does require that public drinking water systems meet the maximum contaminant levels adopted by the state. The department indicates that the rule establishes minimum requirements to maintain and protect ground water quality and applies to all activities with the potential to degrade ground water quality.

Negotiated Rulemaking / Fiscal Impact

The department states that negotiated rulemaking was not conducted because the rules were adopted as temporary rules and because they are being reauthorized and republished.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 39-105, 39-107, 39-120, and 39-126, 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.



Legislative Services Office Idaho State Legislature

Eric Milstead
Director

Serving Idaho's Citizen Legislature

October 23, 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 58.01.09 - Rules Regulating Swine Facilities (Fee Rule) - Proposed Rule - Docket No. 58-0109-1901

IDAPA 58.01.11 - Ground Water Quality Rule (Fee Rule) - Proposed Rule - Docket No. 58-0111-1901

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