

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.19 – RULES FOR THE DESIGN AND CONSTRUCTION OF PHOSPHOGYPSUM STACKS

DOCKET NO. 58-0119-2001 (NEW CHAPTER)

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-176A through 39-176F, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. Individuals interested in participating by telephone and web conferencing should contact the undersigned. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0119-2001.

MEETING SET FOR PUBLIC PARTICIPATION VIA TELEPHONE AND WEB CONFERENCING

Thursday, April 16, 2020 – 9:00 a.m. to 12:30 p.m. (MDT)

**Contact the undersigned to make arrangements
for participation by telephone and web conferencing.**

On March 25, 2020, Governor Little issued a [Proclamation](#) declaring an emergency and taking steps to reduce and slow coronavirus spread. In compliance with the Proclamation, DEQ will hold this meeting via telephone and web conferencing.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0119-2001.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated for the promulgation of rules for the design and construction of phosphogypsum stacks as directed by the 2020 Idaho Legislature. In response to the Idaho Legislature's directive, DEQ proposes to negotiate a new rule chapter consistent with the statutory requirements in [House Bill 367](#) (to be codified at Idaho Code §§ 39-176A – 39-176F) regarding construction and lateral expansion and management of phosphogypsum stacks and phosphogypsum stack systems and other such rules as may be necessary to carry out the legislative intent and purposes.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Idaho Mining Association, phosphorous mining companies, phosphoric acid production facilities, conservation and environmental groups, Indian tribes, counties, cities, and citizens of Idaho may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Caroline Moores at caroline.moores@deq.idaho.gov or (208) 373-0554.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is April 28, 2020. Information regarding public comment opportunities provided throughout the negotiated rulemaking process will be available at www.deq.idaho.gov/58-0119-2001. To sign up for email notifications, contact Paula Wilson at paula.wilson@deq.idaho.gov.

Dated this 1st day of April, 2020.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706-1255
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov