

<p>Docket Number: <u>58-0106-1901</u> Effective Date: <u>2021 Sine die</u> Rules Title: <u>IDAPA 58.01.06, Solid Waste Management Rules</u> Agency Contact and Phone: <u>Michael McCurdy (208)373-0188</u></p>	<p style="text-align: center;"><u>Public Participation</u></p> <p>Negotiated Rule Making? <input checked="" type="checkbox"/> Yes [] No Negotiated Rulemaking Summary attached</p> <p>Proposed Rule: 11/6/19 Idaho Administrative Bulletin</p> <p>Public Hearings? [] Yes <input checked="" type="checkbox"/> No Locations and Dates: N/A</p> <p>Written Comment Deadline: 12/4/19</p> <p>Public Comments Received? [] Yes <input checked="" type="checkbox"/> No</p>
<p><u>Overview of Rulemaking</u></p> <p>DEQ initiated this rulemaking in response to Executive Order No. 2019-02, Red Tape Reduction Act, issued by Governor Little on January 21, 2019. Upon review of its existing rules, DEQ determined that certain rules are outdated, unnecessary, or redundant. Various sections throughout IDAPA 58.01.06, Solid Waste Management Rules, have been identified for deletion, simplification, or consolidation with other sections.</p>	<p><u>Interim Legislative Review of Proposed Rule Pursuant to Idaho Code § 67-5223</u></p> <p>Meetings Held? [] Yes <input checked="" type="checkbox"/> No Objections Filed? [] Yes <input checked="" type="checkbox"/> No</p> <p>Documentation from Legislative Services Office (LSO) attached: 11/18/19 Memo from LSO to Germane Joint Subcommittees 12/6/19 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>

**Department of Environmental Quality
Solid Waste Management Rules
IDAPA 58.01.06**

Docket No. 58-0106-1901

**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 29, 2019. Key information was posted on the DEQ website and distributed to the public. Members of the public participated in the negotiated rulemaking process by attending the meeting. 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/58-0106-1901.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Environment, Energy & Technology Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: November 18, 2019

SUBJECT: Department of Environmental Quality

IDAPA 58.01.06 - Solid Waste Management Rules - Proposed Rule (Docket No. 58-0106-1901)

Summary and Stated Reasons for the Rule

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.06 - Solid Waste Management Rules. The department states that it initiated this rulemaking in response to the Red Tape Reduction Act. The department states that it determined that certain rules are outdated, unnecessary, or redundant and that various sections have been identified for deletion, simplification, or consolidation with other sections.

The department states that the rules regulate activities that are not specifically regulated by the federal government and are broader in scope than federal regulations. The department notes that the federal government does provide criteria for municipal solid waste landfills; however, the federal regulations do not regulate non-municipal solid waste landfill in Idaho. The department adds that the rules address non-municipal solid waste landfills and that this rulemaking is administrative in nature and does not set a standard based on science.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted.

Statutory Authority

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

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
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Eric Milstead
Director

Legislative Services Office Idaho State Legislature

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December 06, 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 58.01.06 - Solid Waste Management Rules - Proposed Rule - Docket No. 58-0106-1901

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
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