

IN THE SENATE

SENATE BILL NO. 1373

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO WATER QUALITY; AMENDING CHAPTER 36, TITLE 39, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 39-3640, IDAHO CODE, TO PROVIDE THAT SPECIFIED  
3 PROVISIONS OF LAW SHALL BE DEVELOPED AND ADMINISTERED TO SUPPORT AND  
4 MAXIMIZE OPPORTUNITIES FOR WATER QUALITY POLLUTANT TRADING AND OTHER  
5 INNOVATIVE, VOLUNTARY MEANS OF ATTAINING AND MAINTAINING WATER QUALITY  
6 STANDARDS, TO DEFINE TERMS, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMEN-  
7 TAL QUALITY TO TAKE CERTAIN ACTION RELATING TO WATER QUALITY POLLUTANT  
8 TRADING AND OTHER WATER QUALITY ATTAINMENT INNOVATIONS AND TO AUTHORIZE  
9 RULEMAKING; AND DECLARING AN EMERGENCY.  
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 36, Title 39, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 39-3640, Idaho Code, and to read as follows:

15 39-3640. WATER QUALITY INNOVATION AND POLLUTANT TRADING. (1) The pro-  
16 visions of this title, water quality standards, total maximum daily loads  
17 and discharge permitting shall, where appropriate, be developed and admin-  
18 istered to support and maximize opportunities for water quality pollutant  
19 trading and other innovative, voluntary means of attaining and maintaining  
20 water quality standards established pursuant to this chapter.

21 (2) "Water quality pollutant trade" and "water quality pollutant trad-  
22 ing" mean a voluntary transaction whereby a person who discharges or pro-  
23 poses to discharge a pollutant into a water body pursuant to a permit or li-  
24 cense meets regulatory requirements by obtaining pollutant reductions from  
25 another source.

26 (3) The department is authorized to review and approve or certify water  
27 quality pollutant trades, trading frameworks and means of verifying that  
28 water quality pollutant trading and other water quality attainment inno-  
29 vations will contribute to the attainment of water quality standards. The  
30 board shall, as necessary, adopt rules relating to water quality pollutant  
31 trading.

32 SECTION 2. An emergency existing therefor, which emergency is hereby  
33 declared to exist, this act shall be in full force and effect on and after its  
34 passage and approval.