

STATEMENT OF PURPOSE

RS25702

The proposed legislation is necessary for Idaho to receive authorization to implement a state National Pollutant Discharge Elimination System (NPDES) program to be known as the Idaho Pollutant Discharge Elimination System (IPDES) program. The proposed legislation 1) ensures the Idaho Department of Environmental Quality (DEQ) has the authorities required by the US Environmental Protection Agency (EPA) for IPDES regulation of poultry operations; 2) corrects references of the national program to the state program; 3) provides for legislative approval of the memorandum of agreement negotiated between DEQ and EPA; 4) excludes permitting authority for vessels regulated by EPA under a nationwide general permit; and 5) establishes a dedicated fund for collecting IPDES fees. The 2014 Legislature passed House Bill 406 directing DEQ to pursue development of the IPDES program. Part of the program development includes the assessment of fees. The IPDES fee schedule was developed through negotiated rulemaking in 2015 and approved by the 2016 Legislature. The state expects to obtain approval of the IPDES program on July 1, 2018. Fees will not be assessed until one full year after IPDES program approval. Fee collection would start July 1, 2019 for the municipal permittees, July 1, 2020 for industrial permittees, and July 1, 2022 for storm water permittees. An expenditure report on how DEQ manages fees levied on those obtaining IPDES permits from the agency will be provided to the Legislature and Governor annually. This legislation will establish a dedicated fund for the IPDES program to provide better accountability and transparency. A dedicated fund enables the Legislature and State Controller to view all revenues and expenditures from the Statewide Accounting and Reporting System (STARS), and allows DEQ to complete an accurate fee expenditure report.

FISCAL NOTE

There are no poultry operations currently in Idaho regulated by EPA under the Clean Water Act's National Pollutant Discharge Elimination System program. Any future poultry facility seeking coverage under the CAFO general permit would instead be regulated by DEQ under an approved IPDES program. IPDES fees do not apply to poultry general permits. Any projected costs for DEQ to run a Poultry CAFO permitting program would be minimal and are covered by the existing CAFO efforts. The overall IPDES program cost estimate is \$3M annually and includes 29 full-time employees. Two million of the estimated cost will come from the general fund, \$168K will come from federal funds, and the remainder will come from fees.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).