

**Idaho Pollutant Discharge Elimination System (IPDES) Program Rule
Corrects 2 Errors in the Existing Rule
Conflicting Appeal Language and Incorporation by Reference Error
Docket No. 58-0125-1801
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1. Why was this rulemaking necessary?

- The purpose of this rulemaking is to ensure that the Rules Regulating the Idaho Pollutant Discharge Elimination System Program (IPDES), IDAPA 58.01.25, remain consistent with federal regulations. This was a temporary rule – such that EPA could approve delegating the National program to the state under the IPDES rules. Delegation occurred on June 5, 2018 and DEQ took over the municipal portion of the IPDES program July 1, 2018.

Incorporation By Reference Error

- The federal regulations that were incorporated by reference for the legislatively approved 2018 rule included a transcription error. That error omitted a federal rule (40CFR403.10) that addresses state pretreatment programs. This rule corrects the transcription error in section 003.02.y (page 250).

Appeal Language Error

- DEQ revised Section 004 Administrative Provisions because the 2016 negotiated rule developed Appeal Language in Section 204 and it defines the IPDES appeal process. (page 251)

2. What opportunities did we provide for public involvement?

- Temporary Rule approved by the DEQ Board at their May meeting so that the EPA could complete the Program Delegation to Idaho by July 1, 2018. Delegation occurred on June 5, 2018.
- Do to the nature of the rule no negotiated rulemaking meetings were held.
- DEQ provided a 30 day public comment period after publication of the proposed rule in the administrative bulletin June 6, 2018.
- No Public Comments were received.

3. What is going to be the estimated cost to the regulated community, etc?

- No additional costs to the regulated community.

4. What are the controversial issues or contentious elements of the rule?

- There are no controversial issues with this rule.

5. Stringency issue?

- This pending rule regulates an activity currently regulated by the federal government; the pending rule is not broader in scope nor more stringent than federal regulations.

DEQ requests the Committee recommend approval of the rule docket 58-0125-1801. This concludes my presentation. I'll stand for questions.