

Proposed Motions for the May 16, 2019
Meeting of the Idaho Board of Environmental Quality

Agenda Item #14

Individual/Subsurface Sewage Disposal Rules – Non-Fee Rule

Docket No. 58-0103-1902

I move that the Idaho Board of Environmental Quality adopt as temporary rules the rules presented under Docket No. 58-0103-1902, with an effective date of June 30, 2019. This temporary rule adoption is for a previously approved codified rule chapter under IDAPA 58, rules of the Department of Environmental Quality:

IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules

TEMPORARY RULE JUSTIFICATION

IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules – Non-Fee Rules

Docket No. 58-0103-1902

Pursuant to Section(s) 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Department of Environmental Quality (DEQ) would not be able to fulfill its statutory obligations without these rules. These rules are central to DEQ's mission to protect human health and the quality of Idaho's air, land, and water.

Idaho Code §§ 39-102, 105(2), 115, 118, and 3637 authorize DEQ to promulgate these rules. The federal government does regulate subsurface sewage under the Safe Drinking Water Act, but these rules are broader in scope. DEQ will address any requirements under subsections 107D(2) and (3) upon proposal of the rule chapter.