

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.25 – RULES REGULATING THE IDAHO POLLUTANT DISCHARGE
ELIMINATION SYSTEM PROGRAM

DOCKET NO. 58-0125-2001

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-175C, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. Individuals interested in participating by telephone and web conferencing should contact the undersigned. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0125-2001.

MEETING SET FOR PUBLIC PARTICIPATION
VIA TELEPHONE AND WEB CONFERENCING

Tuesday, April 14, 2020 – 9:00 a.m. to 12:30 p.m. (MDT)

Contact the undersigned to make arrangements
for participation by telephone and web conferencing.

On March 25, 2020, Governor Little issued a [Proclamation](#) declaring an emergency and taking steps to reduce and slow coronavirus spread. In compliance with the Proclamation, DEQ will hold this meeting via telephone and web conferencing.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0125-2001.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to ensure the Rules Regulating the Idaho Pollutant Discharge Elimination System (IPDES) Program, IDAPA 58.01.25, remain consistent with federal regulations and to make clarifications in response to ambiguities identified during DEQ's administration of the IPDES program. The IPDES rules need to be updated routinely to maintain consistency with federal regulations implementing the Clean Water Act.

In December 2015 and June 2019, updated federal regulations became effective for National Pollutant Discharge Elimination System (NPDES) permitting authorities. These regulations require commensurate changes to portions of the IPDES rules with regard to updating definitions, applications, and reporting requirements for the state and facilities permitted under the program. DEQ is proposing to update those items incorporated by reference impacted by the federal changes. DEQ will also negotiate changes to IPDES rules to clarify requirements related to fee payment, public comments, appeals, and other ambiguities identified since implementation of the program in July 2018.

Adoption of federal regulations is necessary to maintain delegated state authority of the IPDES program. Federal regulations incorporated by reference will be updated with the July 1, 2020, Code of Federal Regulations (CFR) effective date. The July 1, 2020, CFR is a codification of federal regulations published in the Federal Register as of July 1, 2020. Because this rulemaking has been initiated before July 1, 2020, applicable federal regulations published in the Federal Register and codified between now and July 1, 2020, may be identified as necessary for incorporation by reference before the conclusion of this rulemaking. DEQ negotiated the original rule language and incorporated by reference federal regulations affecting the program. It is necessary to update the CFR effective dates of the incorporated federal regulations.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Major and minor municipal dischargers, industrial dischargers, facilities, organizations and individuals seeking coverage under a general permit; facilities that currently have or will have a pretreatment permit to a wastewater facility; and others interested in point source discharges to Idaho's surface waters may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Troy Smith at troy.smith@deq.idaho.gov or (208) 373-0488.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is April 23, 2020. Information regarding public comment opportunities provided throughout the rulemaking process will be available at www.deq.idaho.gov/58-0125-2001. To sign up for email notifications, contact Paula Wilson at paula.wilson@deq.idaho.gov.

Dated this 1st day of April, 2020.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706-1255
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov