

Status Report

Contested Case Petitions filed with the Idaho Board of Environmental Quality Pursuant to IDAPA 58.01.23

Case Docket No. Subject of Petition	Date Filed	Parties to Case	Status of Case
Case Docket No. 0117-20-01 Petition to Initiate Contested Case Reuse Permit No. M-255-01 issued to city of Nampa	February 24, 2020	Riverside Irrigation District	Withdrawal of Petition to Initiate Contested Case filed on March 13, 2020 Case closed
Case Docket No. 0102-19-02 Petition to Initiate Contested Case and Request to Stay 401 Certification Hecla Limited Lucky Friday Unit NPDES Permit No. ID0000175; IDEQ 401 Water Quality Certification	July 26, 2019	Hecla Limited, Petitioner	Stipulation to Stay Contested Case filed on July 30, 2019 Second Stipulation to Stay Contested Case filed on October 9, 2019 Parties continue to discuss resolution of the case Stipulation and Motion to Dismiss Contested Case filed on February 18, 2020 Case closed

**RULE PROMULGATION STATUS REPORT
DEQ ADMINISTRATIVE RULEMAKING
May 2020**

Rule Dockets Scheduled for Adoption by the Idaho Board of Environmental Quality in 2020 and Review by the Idaho Legislature in 2021			
Rule Chapter Docket Number	Summary of Rule Change	Promulgation Status	Anticipated Date for Board Adoption
Omnibus Rulemaking			
Omnibus Rulemaking 58-0000-2000F Fee Rules	Rulemaking initiated to adopt IDAPA 58 rule chapters as they were presented in the pending rule dockets adopted by the Board in 2019 and submitted to the Second Regular Session of the 65th Idaho Legislature for review.	Temporary Fee Rules: adopted 2/13/20 effective 3/20/20 4/15/20 Special Bulletin Contact: John Tippets/Jess Byrne	February 2020 Board Meeting Temporary Rule Adopted 2020 Board Meeting Pending Rule
Air Quality Division			
Air Quality 58-0101-1901 DFM Tracking #A245-2019-3	Update the rules applicable to prescribed burning to ensure that smoke from this type of burning is properly managed and public health is protected.	Notice of Negotiated Rulemaking: 3/6/19 Bulletin 1st Negotiated Rulemaking Meeting: 4/9/19 Contact: Tiffany Floyd	To be determined
Air Quality 58-0101-1902 DFM Tracking #A245-2019-4	Rulemaking initiated to revise the fee structure of a Clean Air Act mandated air permitting program.	Notice of Negotiated Rulemaking: 5/1/19 Bulletin 1st Negotiated Rulemaking Meeting: 5/7/19 Contact: Tiffany Floyd Negotiated rulemaking postponed until more information is available after the 2020 legislative session.	To be determined

Surface & Wastewater Division			
Water Quality Standards 58-0102-1801 DFM Tracking #A245-2018-2	Update Idaho's human health criteria for arsenic	Notice of Negotiated Rulemaking: 4/4/18 Bulletin 1st Negotiated Rulemaking Meeting: 4/19/18 Contact: Mary Anne Nelson	Rulemaking extended until 2022
Water Quality Standards 58-0102-2001 DFM Tracking #A245-2020-1	Rulemaking initiated to (1) revise water quality standards based on stakeholder comments and concerns regarding the implementation of the bacteria criteria, and (2) delete obsolete rule language.	Notice of Negotiated Rulemaking: 4/1/20 Bulletin 1st Negotiated Rulemaking Meeting: 5/7/20 Contact: Mary Anne Nelson	November 2020 Board Meeting Pending Rule
Individual/ Subsurface Sewage Disposal and Cleaning of Septic Tanks 58-0103-1901 DFM Tracking #A245-2019-7	Rulemaking initiated in response to challenges made in enforcing and updating portions of the Technical Guidance Manual for Individual Subsurface Sewage Disposal Systems (TGM).	Notice of Negotiated Rulemaking: 6/5/19 Bulletin 1st Negotiated Rulemaking Meeting: 7/10/19 Contact: Mary Anne Nelson	November 2020 Board Meeting Pending Rule
IPDES 58-0125-2001 DFM Tracking #A245-2020-2	Rulemaking initiated 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.	Notice of Negotiated Rulemaking: 4/1/20 Bulletin 1st Negotiated Rulemaking Meeting: 4/14/20 Contact: Mary Anne Nelson	November 2020 Board Meeting Pending Rule

Drinking Water Protection & Finance Division			
<p>Wastewater Drinking Water Grants & Loans</p> <p>58-0104-1901 DFM Tracking #A245-2019-11</p> <p>58-0122-1901 DFM Tracking #A245-2019-12</p> <p>58-0112-1901 DFM Tracking #A245-2019-13</p> <p>58-0120-1901 DFM Tracking #A245-2019-14</p>	<p>Rulemaking initiated in response to Executive Order 2019-02, Red Tape Reduction Act, issued by Governor Little on January 21, 2019.</p>	<p>Notice of Negotiated Rulemaking: 8/7/19 Bulletin Negotiated Rulemaking Meeting: 8/27/19</p> <p>Proposed Rule: 11/6/19 Bulletin</p> <p>Contact: Jerri Henry</p>	<p>May 2020 Board Meeting Pending Rule</p>

Waste Management & Remediation Division			
<p>Solid Waste Management</p> <p>58-0106-1901 DFM Tracking #A245-2019-10</p>	<p>Rulemaking initiated in response to Executive Order 2019-02, Red Tape Reduction Act, issued by Governor Little on January 21, 2019.</p>	<p>Notice of Negotiated Rulemaking: 8/7/19 Bulletin Negotiated Rulemaking Meeting: 8/29/19</p> <p>Proposed Rule: 11/6/19 Bulletin</p> <p>Contact: Michael McCurdy</p>	<p>May 2020 Board Meeting Pending Rule</p>

<p>Ore Processing by Cyanidation</p> <p><u>58-0113-1901</u> DFM Tracking #A245-2019-6</p>	<p>Rulemaking initiated in response to Idaho Mining Association's request for rulemaking.</p>	<p>Notice of Negotiated Rulemaking: 5/1/19 Bulletin 1st Negotiated Rulemaking Meeting: 5/3/19</p> <p>Contact: Michael McCurdy</p>	<p>November 2020 Board Meeting Pending Rule</p>
<p>Design and Construction of Phosphogypsum Stacks</p> <p><u>58-0119-2001</u> DFM Tracking #A245-2020-3</p>	<p>Rulemaking initiated for the promulgation of rules for the design and construction of phosphogypsum stacks as directed by the 2020 Idaho Legislature.</p>	<p>Notice of Negotiated Rulemaking: 4/1/20 Bulletin 1st Negotiated Rulemaking Meeting: 4/16/20</p> <p>Contact: Michael McCurdy</p>	<p>To be determined</p>