

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-2101

**NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION 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 action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice. To sign up for meeting attendance or email notifications, contact Paula Wilson at paula.wilson@deq.idaho.gov.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/hazardous-waste-docket-no-58-0105-2101/>.

<p>Wednesday, April 14, 2021, 9 a.m. to 12:30 p.m. MDT</p>
<p>MEETING SET FOR PUBLIC PARTICIPATION VIA TELEPHONE AND WEB CONFERENCING</p> <p><i>Contact the undersigned to make arrangements for participation by telephone and web conferencing.</i></p>

In an effort to reduce and slow coronavirus spread, DEQ will hold this meeting via telephone and video conferencing. Language translators will be made available upon request. Requests must be made no later than five (5) business days prior to the meeting date. For arrangements contact the undersigned.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with [Executive Order 2020-01: Zero-Based Regulation](#) (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/forms_menu.html. This is one of the DEQ rule chapters up for review in 2021.

The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

This rulemaking also updates federal regulations incorporated by reference with the July 1, 2021, Code of Federal Regulations (CFR) effective date. The July 1, 2021 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2021. To ensure that the state rules remain consistent with federal regulations, Idaho’s Rules and Standards for Hazardous Waste, IDAPA 58.01.05, are updated annually to maintain consistency with the federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA).

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/hazardous-waste-docket-no-58-0105-2101/>.

DEQ will facilitate negotiation of this rule in conjunction with a committee made up of stakeholders having an interest in the development of the rule. Citizens of the state of Idaho; environmental groups; persons interested in hazardous waste; and hazardous waste generators, transporters, and treatment, storage, and disposal facilities 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 Caroline Moores at caroline.moores@deq.idaho.gov, (208)373-0554.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted to the undersigned. The written comment deadline for the preliminary draft rule is April 30, 2021. Information regarding public comment opportunities provided throughout the rulemaking process will be available at <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/hazardous-waste-docket-no-58-0105-2101/>.

Dated this 7th day of April, 2021

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