

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.21 – RULES GOVERNING THE PROTECTION AND DISCLOSURE OF RECORDS IN THE POSSESSION OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0121-2101

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 Sections 39-105, 39-107, and 74-114(8), 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. 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/protection-and-disclosure-of-records-in-the-possession-of-deq-58-0121-2101/>.

Friday, June 11, 2021, 9 a.m. to 12:30 p.m. MDT

MEETING SET FOR PUBLIC PARTICIPATION VIA TELEPHONE AND WEB CONFERENCING

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

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. Review of IDAPA 58.01.21, Rules Governing the Protection and Disclosure of Records in the Possession of the Department of Environmental Quality, will be conducted in conjunction with review of IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality (Docket No. 58-0123-2101), which is one of the DEQ rule chapters up for review in 2021. During review of IDAPA 58.01.23, DEQ determined that certain sections of IDAPA 58.01.21 could be consolidated with IDAPA 58.01.23. Both dockets 58-0121-2101 and 58-0123-2101 will be presented and discussed at the scheduled negotiated rulemaking meeting.

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.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at <https://www.deq.idaho.gov/protection-and-disclosure-of-records-in-the-possession-of-deq-58-0121-2101/>.

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, and representatives of regulated industry having an interest in the protection and disclosure of records in DEQ's possession 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 Paula Wilson at paula.wilson@deq.idaho.gov, (208) 373-0418.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted to the undersigned. The written comment deadline for the preliminary draft rule is June 24, 2021. Information regarding public comment opportunities provided throughout the rulemaking process will be available at <https://www.deq.idaho.gov/protection-and-disclosure-of-records-in-the-possession-of-deq-58-0121-2101/>.

Dated this 2nd day of June, 2021.

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