



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Environment, Energy & Technology Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: October 05, 2022

SUBJECT: Department of Environmental Quality

IDAPA 58.01.05 - Rules and Standards for Hazardous Waste - Proposed Rule (Docket No. 58-0105-2201)

Summary and Stated Reasons for the Rule

The Department of Environmental Quality submits a proposed rule at IDAPA 58.01.05 - Rules and Standards for Hazardous Waste. According to the department, the purpose of the rulemaking is to ensure that the state rules remain consistent with federal regulations and this results in an annual update. Idaho's Rules and Standards for Hazardous Waste 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. The department states that adoption of federal regulations is necessary to maintain program primacy. The department adds that the proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

Negotiated Rulemaking / Fiscal Impact

The department indicates that negotiated rulemaking was not conducted due to the simple nature of the rulemaking and because the department has no discretion with respect to adopting EPA's federal regulations implementing RCRA as directed by the Idaho Hazardous Waste Management Act. The department states there is no fiscal impact.

Statutory Authority

The rulemaking appears authorized pursuant to Chapters 44 and 58, Idaho Code, Title 39, Idaho Code, 40 CFR 271.21(e) and Section 39-4404, Idaho Code.

cc: Department of Environmental Quality
Paula J. Wilson

***** PLEASE NOTE *****

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
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Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.