

**Zero-Based Regulation
Prospective Analysis**

- **Fill out entire form to the best of your ability, unless submitting a Notice to Negotiate only fill out 1, 2, and 5**

Agency Name:

Rule Docket Number: 58-0108-2301, Idaho Rules for Public Drinking Water Systems

1. What is the specific legal authority for this proposed rule?

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Chapter 1, Title 39, Idaho Code – Health Safety: Environmental Quality	The authority is mandatory. Without this rule set, the Department of Environmental Quality (DEQ) would not be able to retain primacy of the Safe Drinking Water Act (SDWA) and National Primary Drinking Water Regulations in Idaho. If DEQ does not have primacy, oversight of the SDWA would revert to the Environmental Protection Agency.

2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?

In [Executive Order 2020-01](#), Zero-Based Regulation, Governor Little directed agencies to conduct a 5-year review of each rule chapter effective on June 30, 2020. DEQ initiated this rulemaking in compliance with EO 2020-01.

This problem cannot be addressed by non-regulatory measures.

3. How have other jurisdictions approached the problem this proposed rule intends to address?

a. Is this proposed rule related to any existing federal law?

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

b. How does this proposed rule compare to other state laws?

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Washington		
Oregon		
Nevada		
Utah		
Wyoming		
Montana		
Alaska		
South Dakota		

c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

4. What evidence is there that the rule, as proposed, will solve the problem?

5. What is the anticipated impact of the proposed rule on various stakeholders? Include, how will you involve them in the negotiated rulemaking process?

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	There is no impact to the state General Fund or dedicated fund. There is no impact to federal funds through these actions. DEQ's Drinking Water Program is funded through EPA's Public Water System Supervision Grant and State Revolving Fund set-asides that come from the annual federal State Revolving Fund funding. The Program is additionally funded through fees paid by regulated public water systems which are used to meet the federal match requirements for the Public Water System Supervision grant.

<p>Impact to Idaho businesses, with special consideration for small businesses</p>	<p>The impact to Idaho businesses is consistency and continuity of oversight for regulated public water systems. Without DEQ retaining primacy of the Safe Drinking Water Act and the National Primary Drinking Water Regulations, public water systems in the state of Idaho would be directly regulated by the EPA.</p> <p>Public water systems were engaged by DEQ as part of the preliminary draft efforts through the Drinking Water Advisory Committee (DWAC). To further engage the regulated community, DEQ will provide adequate notice of the negotiated rulemaking hearings through all required channels and appropriate stakeholder engagement as part of this process. In addition, DEQ will send out direct notifications to all public water systems in the state regarding the negotiated rulemaking meetings to ensure they have received adequate notification and been afforded the ability to participate.</p>
<p>Impact to any local government in Idaho</p>	<p>The impact to local governments is that they will continue to work with DEQ as their regulatory agency regarding any municipal or county owned public water system.</p> <p>DEQ has long-established relationships with these local government entities. Without DEQ retaining primacy, local government owned and operated public water systems would be regulated by EPA.</p>

DEQ will involve stakeholders by 1) announcing initiation of the negotiated rulemaking on DEQ's website and sending email notification to identified stakeholders, and 2) providing opportunities to review rule drafts, attend meetings, and submit comments.

6. What cumulative regulatory volume does this proposed rule add?

Category	Impact
Net change in word count	
Net change in restrictive word count (Restrictive words include shall, must, may not, prohibit, and require.)	