

**Zero-Based Regulation
Prospective Analysis**

Agency Name:

Rule Docket Number: IDAPA 58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program

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

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Section 39-105, Idaho Code Section 39-107, Idaho Code Section 39-175C, Idaho Code	Mandatory

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 rulemaking also updates federal regulations incorporated by reference with the July 1, 2023 Code of Federal Regulations (CFR) effective date. The July 1, 2023 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2023. Adoption of federal regulations is necessary to maintain program primacy. Incorporation by reference allows DEQ to keep its rules up to date with federal regulations and simplifies compliance for the regulated community.

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:**

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

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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	None anticipated
Impact to Idaho businesses, with special consideration for small businesses	None anticipated
Impact to any local government in Idaho	None anticipated
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.)	
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