

**Department of Environmental Quality
Idaho Rules for Public Drinking Water Systems
IDAPA 58.01.08**

Docket No. 58-0108-2301

Negotiated Rulemaking Summary
[Idaho Code § 67-5220\(3\)\(f\)](#)

This rulemaking has been initiated in compliance with [Executive Order No. 2020-01](#), Zero-Based Regulation (EO 2020-01), issued by Governor Little on January 16, 2020.

On March 1, 2023, the notice of negotiated rulemaking was published in the Idaho Administrative Bulletin and on March 30, 2023, a preliminary draft rule was posted on DEQ's website. Meetings were held on April 11 and May 9, 2023. Stakeholders and members of the public participated by receiving email notifications, attending the meetings, reviewing DEQ's presentations, and submitting comments. Key information was posted on DEQ's website and distributed to persons who participated in the negotiated rulemaking.

All comments received during the negotiated rulemaking process were considered by DEQ when making decisions regarding the development of the rule. Certain issues remain unresolved and are summarized in the attached response to comments document. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at <https://www.deq.idaho.gov/drinking-water-docket-no-58-0108-2301/>.

**Idaho DEQ's Response to Comments/Negotiated Rulemaking Summary
Docket No. 58-0108-2301**

1. Kenneth Phillips, Member, Private Nation Properties, LLC.

Cmt #	Rule Section/ Subject Matter	Commenter	Comment Summary	Response
1.	N/A	Kenneth Phillips, Member; Private Nation Properties, LLC.	Mr. Phillips letter was focused on the engineering-related rules and associated process. In summary, Mr. Phillips expressed concerns regarding the cost, number of submittals, types of submittals, and timeframe it takes to move through the engineering review and approval process.	<p>Thank you for your comments. The rule draft has not been revised with respect to these comments; however, DEQ intends to initiate a separate and focused effort to evaluate the engineering section of the rules over this next year.</p> <p>DEQ follows the federal minimum requirements regarding public water system monitoring, evaluation, and protection of public health. These are the minimum requirements necessary for the state of Idaho to maintain primacy (primary enforcement authority) over the Safe Drinking Water Act as delegated to DEQ by the Environmental Protection Agency. DEQ works to balance meeting the federal minimum requirements with adequate protection of public health. When the monitoring and evaluation requirements identify issues or violations that have the potential to impact public health of the water system users, DEQ works with system owners to mitigate the issue(s).</p> <p>DEQ understands and appreciates the concern for economic challenges faced by small systems. The Department strives to balance the goal of meeting the standards of safe and reliable drinking water with the costs to our communities. DEQ is also committed to ensuring all communities regardless of economic status are served safe and reliable drinking water. Adequate engineering at the beginning of an important project to provide safe drinking water mitigates costly revisions in the future such as a well placed too closely to a contaminant source (e.g., surface water) which requires specific treatment to meet the federal surface water treatment rules.</p> <p>To address the issue of submittals, DEQ does provide for concurrent submittals to reduce the number of review cycles. We encourage you to continue working with our regional staff to provide the best solution for your situation.</p>