

## **IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES AND RULES FOR CLEANING OF SEPTIC TANKS**

**DOCKET NO. 58-0103-2301**

#### **NOTICE OF INTENT TO PROMULGATE RULES – ZERO-BASED REGULATION (ZBR) 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 rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting. For those who cannot participate by attending the meeting, information for submission of written comments is provided at the end of this notice.

**MEETING SCHEDULE:** A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at: <https://www.deq.idaho.gov/individual-subsurface-sewage-disposal-docket-no-58-0103-2301/>.

**Friday, September 29, 2023, at 9:30 a.m. MT**

#### **ATTEND IN PERSON OR VIA MICROSOFT TEAMS**

**DEQ State Office  
Conference Rooms A & B  
1410 N. Hilton  
Boise, ID 83706**

**The Teams meeting link is available at:  
<https://www.deq.idaho.gov/individual-subsurface-sewage-disposal-docket-no-58-0103-2301/>**

The meeting location will be accessible to persons with disabilities, and 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 No. 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. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at [https://adminrules.idaho.gov/forms\\_menu.html](https://adminrules.idaho.gov/forms_menu.html). This is one of the DEQ rule chapters up for review in 2024. 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, increase clarity and ease of use, and maintain state program approval.

Major proposed changes to the rule include removing and replacing definitions, revising and simplifying septic tank approvals, removing specific requirements for large septic tanks, reducing setbacks to surface water, combining the cleaning of septic tanks sections into one, simplifying the permitting process for service providers, and identifying certain provisions of the Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems to be moved into the rule.

**PRELIMINARY DRAFT RULE:** The preliminary draft rule is available at: <https://www.deq.idaho.gov/individual-subsurface-sewage-disposal-docket-no-58-0103-2301/>. 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, real estate developers, homeowner's associations, wastewater product manufacturers, septic system installers, and local government planning and zoning departments 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 Peter Adams at [peter.adams@deq.idaho.gov](mailto:peter.adams@deq.idaho.gov) or (208)954-1438.

**SUBMISSION OF WRITTEN COMMENTS:** Information regarding public comment opportunities provided throughout the rulemaking process will be available at: <https://www.deq.idaho.gov/individual-subsurface-sewage-disposal-docket-no-58-0103-2301/>.

Dated this 6th day of September, 2023.

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