

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.10 – RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS  
NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

**DOCKET NO. 58-0110-2301**

**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 Section 39-4405, 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/disposal-radioactive-materials-docket-no-58-0110-2301/>.

<b>Thursday, September 21, 2023, at 9:00 a.m. MT</b>
<b>ATTEND IN PERSON OR VIA MICROSOFT TEAMS</b>
<b>DEQ State Office Conference Rooms A &amp; B 1410 N. Hilton Boise, ID 83706</b>
<b>The Teams meeting link is available at: <a href="https://www.deq.idaho.gov/disposal-radioactive-materials-docket-no-58-0110-2301/">https://www.deq.idaho.gov/disposal-radioactive-materials-docket-no-58-0110-2301/</a></b>

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.

This rulemaking will include a review of waste acceptance criteria for radioactive material at approved solid waste facilities with the potential to establish minimum and maximum concentration thresholds.

DEQ will review the list of federal regulations incorporated by reference in Section 004 and will revise the list if necessary.

**PRELIMINARY DRAFT RULE:** The preliminary draft rule is available at: <https://www.deq.idaho.gov/disposal-radioactive-materials-docket-no-58-0110-2301/>. 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, drinking and wastewater treatment facilities, and oil and gas exploration and development

companies 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 Albert Crawshaw at [albert.crawshaw@deq.idaho.gov](mailto:albert.crawshaw@deq.idaho.gov) or (208) 373-0554.

**SUBMISSION OF WRITTEN COMMENTS:** Information regarding public comment opportunities provided throughout the rulemaking process will be available at: <https://www.deq.idaho.gov/disposal-radioactive-materials-docket-no-58-0110-2301/>.

Dated this 6th day of September, 2023.

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