

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.24 – STANDARDS AND PROCEDURES FOR APPLICATION OF RISK BASED CORRECTIVE ACTION AT PETROLEUM RELEASE SITES

DOCKET NO. 58-0124-2401

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, 36, 44, 72, and 74, 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/petroleum-release-corrective-action-docket-no-58-0124-2401/>.

Thursday, March 21, 2024, 9:30 a.m. to 12:00 p.m. MDT

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/petroleum-release-corrective-action-docket-no-58-0124-2401/>**

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. 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 includes updates consistent with the adopted Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (40 CFR Part 280) required for state program approval. It also includes a proposal to retire DEQ's risk evaluation software in exchange for the Environmental Protection Agency's (EPA) risk evaluation process using EPA's Regional Screening Level Calculator and Vapor Intrusion Screening Level Calculator.

This rulemaking also includes a proposal to move Sections 800 and 849 – 852 from the Water Quality Standards ([IDAPA 58.01.02](#)) to IDAPA 58.01.24. In the IDAPA 58.01.24 negotiated rule draft, Sections 800 and 849 – 852 were renumbered and revised to fit into 58.01.24. At the conclusion of the negotiated rulemaking, DEQ will initiate a separate companion rulemaking for the purpose of deleting the sections identified for removal from IDAPA 58.01.02 and moved to IDAPA 58.01.24.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at: <https://www.deq.idaho.gov/petroleum-release-corrective-action-docket-no-58-0124-2401/>. 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. 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 Kristi Lowder at kristi.lowder@deq.idaho.gov or (208) 373-0347.

SUBMISSION OF WRITTEN COMMENTS: Information regarding public comment opportunities provided throughout the rulemaking process will be available at: <https://www.deq.idaho.gov/petroleum-release-corrective-action-docket-no-58-0124-2401/>.

Dated this 6th day of March, 2024.

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