

**Zero-Based
Regulation
Prospective
Analysis**

For Notice to Negotiate only, fill out 1, 2, and 5

Agency Name:

Rule Docket Number: **58-0114-2401 RULES GOVERNING FEES FOR ENVIRONMENTAL OPERATING PERMITS, LICENSES, AND INSPECTION SERVICES**

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	Mandatory
Section 39-107, Idaho Code	
Section 39-119, Idaho Code	

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.

DEQ intends to begin the process of consolidating environmental fees into one chapter in an effort to streamline access to fee schedules and to provide a single stop for the regulated community to view applicable fees. Phase one would be consolidation of fees applicable to wastewater treatment facilities. This rulemaking includes a proposal to move the IPDES permit fee schedule language currently in Section 110 of 58.01.25, Idaho Pollutant Discharge Elimination System Rules, to 58.01.14, Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services. DEQ will also explore the possibility of including a proposal for fees associated with Idaho DEQ’s recycled water program. DEQ has evaluated the current number of recycled water permits and the workload associated with providing permits and compliance assistance for these facilities and determined that a minor fee is necessary to offset the costs to the state associated with this effort.

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	No adverse impacts to existing state, dedicated, or federal funding source.
Impact to Idaho businesses, with special consideration for small businesses	There will be a fiscal impact to Idaho businesses that apply for and receive recycled water permits. This impact will be quantitatively identified at the conclusion of the negotiated rulemaking.
Impact to any local government in Idaho	There will be a fiscal impact to local governments that apply for and receive recycled water permits. This impact will be quantitatively identified at the conclusion of the negotiated rulemaking.
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.)	