Department of Environmental Quality
Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities
IDAPA 58.01.22

Docket No. 58-0122-2401
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 April 3, 2024, the Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking was published in the Idaho Administrative Bulletin, and the preliminary draft rule was posted on DEQ's website. Meetings were held on April 16 and June 5, 2024. 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. An issue remains unresolved and is summarized below.

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 for 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-and-wastewater-grants-docket-no-58-0122-2401/.

Commenter	Rule Section	Comment Summary	DEQ Response
James Bledsoe, PE with Keller Associates	050.05.d.	This comment refers to comments anticipated to be submitted by American Council of Engineering Companies of Idaho (ACEC); however, the ACEC comments were not received. The request is to revise the requirement of $100K or twice the engineering fee to "The total aggregate of the engineer's professional liability must be lesser of twice the engineer's fee and $2 million dollars, unless a higher amount is prescribed in the Agreement by the project [o]wner."	Thank you for your submittal. DEQ did not receive the referenced ACEC comment. DEQ staff discussed the request and, for the planning grant rules, the insurance issue is not a relevant change but is relevant for IDAPA 58.01.12, Rules for Administration of Wastewater and Drinking Water Loan Funds (loan rules), which will be moving forward next year during ZBR review. DEQ staff will evaluate common accepted practices and determine the need to make a change during ZBR review of the loan rules. No changes were made to the planning grant rules.