

## IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.14 – RULES GOVERNING FEES FOR ENVIRONMENTAL OPERATING PERMITS, LICENSES, AND INSPECTION SERVICES

#### DOCKET NO. 58-0114-2401 (ZBR CHAPTER REWRITE, FEE RULE)

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107, 39-119, and 39-175C, Idaho Code.

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before September 20, 2024. If no such written request is received, a public hearing will not be held. Three public meetings were held during the negotiated rulemaking process.

**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, and increase clarity and ease of use.

In this rulemaking, DEQ proposes the consolidation of 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 is consolidation of fees applicable to wastewater treatment facilities and includes the following proposals.

**New Section 170, IPDES and Reuse Permit Fee Schedule:** This proposal moves 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. Section 170 also includes a proposal for fees associated with DEQ's recycled water program. DEQ 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. During negotiated rulemaking, DEQ presented three different fee schedule scenarios and requested stakeholder input. After consideration of meeting discussions and comments received, DEQ included the fixed annual cost scenario which takes into account the specific counts of each facility type, aiming to distribute the financial burden equitably while ensuring sufficient funding for program operations and development.

**Update Section 110, Subsurface Sewage Disposal:** This proposal lists fees intended as minimums for specific permit types - Subsurface Sewage Disposal System Permits, Subsurface Sewage Disposal System Pumper Permits, and Subsurface Sewage Disposal System Installer's Registration Permits.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2025 Idaho State Legislature, the rule will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

**FEE SUMMARY:** This proposed rule consolidates 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 and includes: 1) moving 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; 2) fees associated with DEQ's recycled water program; and 3) an update that lists subsurface sewage disposal permit fees intended as minimums for specific permit types. The fees are authorized by Idaho Code §§ 39-119 and 39-175C.

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was conducted pursuant to Section 67-5220, Idaho Code. On April 3, 2024, the Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking was published in the Idaho Administrative Bulletin. 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 and is now seeking 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/public-information/laws-guidance-and-orders/rulemaking/environmental-fees-docket-no-58-0114-2401/>.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not applicable.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rulemaking is administrative in nature and proposes to update long-standing administrative rules. The portion of the rule relating to IPDES permit fees does not regulate activities not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations. The remaining portions of the proposed rule regulate activities not regulated by the federal government.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact Mary Anne Nelson at [mary.anne.nelson@deq.idaho.gov](mailto:mary.anne.nelson@deq.idaho.gov) or (208) 373-0291.

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 4, 2024. Submit written comments to:

Mary Anne Nelson  
Department of Environmental Quality  
1410 N. Hilton, Boise, ID 83706  
[mary.anne.nelson@deq.idaho.gov](mailto:mary.anne.nelson@deq.idaho.gov)

Dated this 4th day of September, 2024

Janeena White  
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**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 58-0114-2401**  
**(ZBR Chapter Rewrite)**

**58.01.14 – RULES GOVERNING FEES FOR ENVIRONMENTAL OPERATING**  
**PERMITS, LICENSES, AND INSPECTION SERVICES**

**000. LEGAL AUTHORITY.**

~~Pursuant to Sections 39-105, 39-107, and 39-119, and 39-175C, Idaho Code, the Board of Environmental Quality is authorized to promulgate rules establishing reasonable fees to be charged and collected for any service rendered by the Department of Environmental Quality.~~ (3-24-22)( )

**001. TITLE AND SCOPE.**

~~**01. Title.** The rules are titled IDAPA 58.01.14, “Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services.” (3-24-22)~~

~~**02. Scope.** These rules establish reasonable fees for environmental operating permits, licenses, inspection services and waiver application processing rendered by the Department of Environmental Quality or its designees. (3-24-22)( )~~

**002. WRITTEN INTERPRETATIONS.**

~~In accordance with Section 67-5201(19)(b)(iv), any written statements pertaining to the interpretation of these rules will be available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. (3-24-22)~~

**003. ADMINISTRATIVE APPEALS.**

~~Persons may be entitled to appeal agency actions authorized under this chapter pursuant to IDAPA 58.01.23, “Contested Case Rules and Rules for Protection and Disclosure of Records.” (3-24-22)~~

**004. INCORPORATION BY REFERENCE.**

~~These rules do not contain documents incorporated by reference. (3-24-22)~~

**005. OFFICE — OFFICE HOURS — MAILING ADDRESS AND STREET ADDRESS.**

~~The state office of the Department of Environmental Quality and the office of the Board of Environmental Quality are located at 1410 N. Hilton, Boise, Idaho 83706-1255, telephone number (208) 373-0502. The office hours are 8 a.m. to 5 p.m. Monday through Friday. (3-24-22)~~

**006. CONFIDENTIALITY OF RECORDS.**

~~Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Chapter 1, Title 74, Idaho Code, and IDAPA 58.01.21, “Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality.” (3-24-22)~~

**007. DEFINITIONS.**

**01. Board.** The Idaho Board of Environmental Quality. (3-24-22)

**02. De minimis.** A type of reuse permit issued to small-scale or low-risk recycled water reuse activities that are deemed to pose minimal risk to public health or the environment in the associated permit staff analysis. De minimis permits typically involve limited analysis, monitoring, and reporting obligations due to low-risk of activity. ( )

**023. Department.** The Idaho Department of Environmental Quality or its designee. (3-24-22)

**04. Equivalent Dwelling Unit (EDU).** A measure where one (1) EDU is equivalent to wastewater generated from one (1) single-family residence. For assessing fees associated with publicly or privately owned domestic sewage treatment, the number of EDUs is calculated as the population served divided by the average household size as defined in the most recent US Census Bureau data (for that municipality, county, or average number of persons per household for the state of Idaho). For fees associated with industrial wastewater treatment owned by a municipality, EDUs are calculated according to the definition of EDU in IDAPA 58.01.16, “Wastewater Rules.” ( )

**05. Major Facility.** ( )

a. A publicly or privately owned treatment works with a design flow equal to or greater than one million gallons per day (1 MGD), or serves a population of ten thousand (10,000) or more, or causes significant water quality impacts; or ( )

b. A non-municipal facility that equals or exceeds the eighty (80) point accumulation described in the Score Summary of the NPDES Non-municipal Permit Rating Work Sheet (June 27, 1990) or the Department equivalent. ( )

~~03.~~ ~~Director.~~ The Director of the Idaho Department of Environmental Quality or his designee. (3-24-22)

~~0084.~~ -- 099. (RESERVED)

**100. ENVIRONMENTAL FEES.**

The fees specified in Sections 101 through 199 shall be charged for the following environmental services rendered by the Department or its designees. Fees for services rendered by designees that are equivalent or greater than the fees listed in Sections 101 through 199 may be adopted by the district health departments or local government those designees and are intended to cover the cost of maintaining an adequate permitting program. Fees should be formulated consistent with these rules. The fees are to be paid by the party receiving the services to the Department or designee performing the service, in the time, place and manner specified by the performing entity. (3-24-22)( )

101. -- 109. (RESERVED)

**110. INDIVIDUAL AND SUBSURFACE SEWAGE DISPOSAL SYSTEM PERMIT.**

Fees listed here are intended as minimum fees for specific permit types. Designees may adopt different fees through their governing board, must have their fee schedules published online in an easy to find and searchable manner, and should use the following criteria. For those services rendered in the process of issuing installation permits for individual and subsurface sewage disposal systems (see IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks"), the following fees apply: (3-24-22)( )

**01. Subsurface Sewage Disposal System Permit.** Base the fee calculation on: ( )

~~01a.~~ **Individual Households or Buildings.** For individual households or buildings, if the individual and subsurface sewage disposal system is a new installation or a replacement or expansion of an existing system, the fee shall be ninety dollars (\$90) The proposed daily wastewater flow: (3-24-22)( )

~~02b.~~ **Multiple Households or Buildings.** For individual and subsurface sewage disposal systems serving more than one (1) household or building in any combination, the fee shall be ninety dollars (\$90) plus ten dollars (\$10) per each household or per each two hundred fifty (250) gallons of flow from buildings. The number of proposed systems: (3-24-22)( )

c. The number of structures to be connected to the proposed system; ( )

d. The county where the proposed system is located; ( )

e. Whether the proposed system is a standard, basic alternative, or complex alternative design; or ( )

f. Whether the proposed system is a new, expansion of an existing system, or a repair or replacement, of a failing system. ( )

**02. Subsurface Sewage Disposal System Pumper Permit.** The fee is an annual fee and determined based on: ( )

a. The amount of pumping vehicles per owner or business in service each year; and ( )

**b.** The county where the business is located. ( )

**03.** Subsurface Sewage Disposal System Installer’s Registration Permit. The fee is an annual fee and calculated based on: ( )

**a.** Whether the applicant will install standard, basic alternative, or complex alternative systems; and ( )

**b.** The county where the business is located. ( )

**04.** Fees. Minimum fees for services rendered include but are not limited to the following:

<u>Item</u>	<u>Fee</u>
<u>Sewage Disposal Permit: Basic or Complex System</u>	<u>\$400</u>
<u>Sewage Disposal Permit: Large Soil Absorption System or Central System</u>	<u>\$1,000</u>
<u>Sewage Disposal Permit: Tank Only</u>	<u>\$300</u>
<u>Sewage Disposal Permit Renewal</u>	<u>\$40</u>
<u>Installers Registration or Service Provider Certification:</u>	
<u>Basic (annual)</u>	<u>\$50</u>
<u>Complex (annual)</u>	<u>\$100</u>
<u>Pumper Truck License (annual)</u>	<u>\$40</u>
<u>Pumper Additional Truck Fee (per truck annually)</u>	<u>\$20</u>

( )

~~111. — 114.~~ (RESERVED)

~~**115. INDIVIDUAL AND SUBSURFACE SEWAGE DISPOSAL SYSTEM PUMPER PERMIT.**~~

~~For those services rendered in the process of issuing permits to persons operating individual and subsurface sewage disposal system pumping equipment (see IDAPA 58.01.03, “Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks”), the fee shall be forty dollars (\$40) plus ten dollars (\$10) for each tank truck or tank per annum.~~ (3-24-22)

~~116. — 119.~~ (RESERVED)

~~**120. SUBSURFACE SEWAGE DISPOSAL SYSTEM INSTALLER’S REGISTRATION PERMIT.**~~

~~For those services rendered in the process of issuing Installer’s Registration Permits (see IDAPA 58.01.03, “Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks”), the fee shall be fifty dollars (\$50) per annum for a standard and basic alternative system installer’s registration permit and one hundred dollars (\$100) per annum for a standard, basic and complex alternative system installer’s registration permit.~~ (3-24-22)

~~121. -- 149.~~ (RESERVED)

**150. PARCEL SURVEY.**

For those services rendered in evaluating existing water supply or sewage disposal systems when such evaluation is a

condition for the sale of real property, the fee ~~shall be~~ is sixty dollars (\$60) excluding laboratory services. (3-24-22)( )

**151. -- 159. (RESERVED)**

**160. SANITARY RESTRICTION ADMINISTRATION.**

For those services rendered in the administration of sanitary restrictions, ~~pursuant to Section 50-1326, Idaho Code,~~ the following fees apply: (3-24-22)( )

**01. Subdivisions or Plats Proposing Individual and Subsurface Sewage Disposal System Discharge to Subsurface.** ~~For subdivisions or plats for which sewage treatment and disposal systems are designed to discharge to the subsurface, t~~ The fee ~~shall be~~ is one hundred dollars (\$100) plus twenty dollars (\$20) per lot. (3-24-22)( )

**02. Subdivisions or Plats Proposing Other Than Individual and Subsurface Sewage Disposal System Discharge to Subsurface.** ~~For subdivisions or plats for which sewage treatment and disposal systems are not designed to discharge to the subsurface, t~~ The fee ~~shall be~~ is twenty-five dollars (\$25). (3-24-22)( )

**161. -- ~~899~~169. (RESERVED)**

**170. IPDES AND REUSE PERMIT FEE SCHEDULE.**

**01. IPDES Fee Schedule.** ( )

**a.** Publicly and privately owned treatment works, and other dischargers designated by the Department (IDAPA 58.01.25.105.11 a.), must pay an annual fee based on the number of EDUs. The fee is \$1.74 per EDU. EDUs and the appropriate annual fee will be calculated according to the definition of EDUs in IDAPA 58.01.14.003 by the following: ( )

**i.** The Department calculates facility EDUs; or ( )

**ii.** Existing facilities may annually report to the Department the number of EDUs served; or ( )

**iii.** New facilities may report to the Department the number of EDUs to be served, based on the facility planning design as part of the IPDES permit application. ( )

**b.** Other permitted IPDES dischargers must pay an annual fee, an application fee, or both according to:

<u>Permit Type</u>	<u>Application</u>	<u>Annual</u>
<u>Non-POTW Individual Permits</u>	=	=
<u>Major</u>	\$0	\$13,000
<u>Minor</u>	\$0	\$4,000
<u>Storm Water General Permits</u>	=	=
<u>Construction (CGP)</u>	=	=
<u>1-10 acres<sup>1</sup></u>	\$200	\$0
<u>&gt;10-50 acres</u>	\$400	\$75
<u>&gt;50-100 acres</u>	\$750	\$100

<u>Permit Type</u>	<u>Application</u>	<u>Annual</u>
<u>&gt;100-500 acres</u>	<u>\$1,000</u>	<u>\$400</u>
<u>&gt;500 acres</u>	<u>\$1,250</u>	<u>\$400</u>
<u>Low Erosivity Waiver (CGP)</u>	<u>\$125</u>	<u>\$0</u>
<u>Industrial (MSGP) Permits</u>	<u>\$1,500</u>	<u>\$1,000</u>
<u>Cert. of No Exposure (MSGP)</u>	<u>\$250</u>	<u>\$100</u>
<u>Other General Permits</u>	<u>\$0</u>	<u>\$0</u>

<sup>1</sup>This includes notices of intent for construction that will disturb one or more acres of land or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land. ( )

**02. Reuse Permit Fee Schedule.** ( )

**a.** Permitted municipal reuse facilities must pay an annual fee according to population from the most recent 10-year US Census Bureau data:

<u>Type</u>	<u>Fee</u>
<u>De minimis<sup>a</sup></u>	<u>\$500</u>
<u>Industrial<sup>a</sup></u>	<u>\$3,000</u>
<u>Municipal Over 15,000 people</u>	<u>\$3,000</u>
<u>Municipal Between 1,000 and 15,000 people</u>	<u>\$1,000</u>
<u>Municipal Under 1,000 people</u>	<u>\$500</u>
<u>Private Domestic or Other<sup>a</sup></u>	<u>\$750</u>

<sup>a</sup> De minimis, industrial, and private domestic or other recycled water reuse permits are assessed a flat fee not based on US Census Bureau data. ( )

**b.** Reuse general permits will be charged a flat fee of \$100 for processing applications. ( )

**03. Fee Assessment.** ( )

**a.** An annual fee assessment will be generated for each permitted facility for which an annual fee is required under Subsection 170.01 and 170.02. Annual fees will be determined based on the twelve (12) months between October 1 and September 30 each year. ( )

**b.** Application Fees and Annual Fees. ( )

**i.** Application fees, as identified in Subsection 170.01.b., are assessed upon application submittal for coverage under an individual permit or notice of intent for coverage or waiver under a general permit. ( )

**ii.** Owners or operators of multi-year storm water facilities or construction projects are subject to annual fees that will be assessed in the year (October through September) following the receipt of the application or notice of intent for coverage. ( )

**c.** Assessment of annual fees will consider the number of months a permittee was covered under either a general or an individual permit in a year (October through September of each year). If the permittee was covered for less than a full twelve (12) months, the assessed fee will be pro-rated to account for less than a full year's coverage under the permit. ( )

**d.** Permittees with both an IPDES and reuse permit will have the reuse permit fee waived. ( )

**04. Billing.** For permitted facilities subject to an annual fee, the annual fee will be assessed, and the Department will send a statement on or before October 1 of each year. The Department will also assess and send annual fee statements when permit coverage is terminated. ( )

**05. Payment.** ( )

**a.** Payment of the annual fee is due on December 31, unless it is a Saturday, Sunday, or legal holiday, in which event the payment is due on the successive business day. Payment of annual fees for terminated permit coverage is due at the time of termination. ( )

**b.** Payment of the application fee is due with the application for an individual permit or notice of intent for coverage under a general permit. The Department will not authorize permit coverage until the application fee is paid. ( )

**c.** A publicly owned treatment works (POTW) may request, in writing, monthly or quarterly installment payments upon receipt of the billing statement. The Department will approve or deny the request and inform the POTW within ten (10) business days. ( )

**06. Delinquent Unpaid Fees.** A permittee covered under a general or individual permit will be delinquent in payment if the Department does not receive the assessed annual fee by January 1; or if the permittee opted to pay monthly or quarterly, its monthly or quarterly installment is not received by the Department by the last day of the month the payment is due. ( )

**07. Suspension of Services and Disapproval Designation.** Permittees delinquent in payment of fees assessed under Subsections 170.01 and 170.02: ( )

**a.** After ninety (90) days, the Department will suspend all technical services it provided. The permittee will receive a warning letter identifying administrative enforcement actions the Department may pursue if the permittee does not comply with the terms of the permit. ( )

**b.** After one hundred and eighty (180) days, the Department will consider the permittee in non-compliance with permit conditions and these rules, and subject to provisions described in IDAPA 58.01.25.500 (Enforcement) and Section 39-108, Idaho Code. ( )

**08. Reinstatement of Suspended Services and Approval Status.** Permittees for which delinquency of fee payment under Subsection 170.07 resulted in the suspension of technical services, determination of non-compliance of permit condition, or both, the continuation of technical services, determination of compliance based on payment of fee, or both, will occur upon payment of delinquent annual fee assessments. ( )

**09. Enforcement Action.** Nothing in Section 170 waives the Department's right to undertake a non-fee-related enforcement action at any time, including seeking penalties, as provided in Sections 39-108, 39-109, and 39-117, Idaho Code. ( )

**10. Responsibility to Comply.** Subsection 170.07 does not relieve a permittee from its obligation to comply with the state and federal statutes, rules, regulations, permits, or orders. ( )

**171. -- 899. (RESERVED)**

**900. WAIVER OF FEES.**

Upon written application to the ~~Director of the~~ Department of Environmental Quality, a waiver of a specific fee may



be granted to an applicant who is required by these rules to pay such a fee.

~~(3-24-22)~~( )

**01. Determination of Good Cause.** Good cause for such a waiver must be shown before it ~~shall~~ will be granted by the ~~Director~~ Department. Good cause may include hardship or extenuating circumstances, as determined by the ~~Director~~ Department.

~~(3-24-22)~~( )

**02. Duration of Waiver.** If the fee sought to be waived becomes due periodically, the fee may be waived for a designated period of time.

(3-24-22)

**03. Limitations.** Granting of a waiver ~~shall~~ will not be considered as precedent or be given any force or effect in any other proceeding.

~~(3-24-22)~~( )

**901. -- 999. (RESERVED)**