Docket Number: 58-0122-2401
Rule: IDAPA 58.01.22, Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities
Effective Date: 7/1/25 if approved by the Idaho State Legislature
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Overview

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.

Public Participation

Negotiated Rule Making? [X] Yes [ ] No
Negotiated Rulemaking Summary

Proposed Rule: 9/4/24 Idaho Administrative Bulletin
Public Hearings? [ ] Yes [X] No

Written Comment Deadline: 9/25/24

Public Comments Received? [X] Yes [ ] No
See DEQ's Response to Comments
(attached to this summary document)

Revisions to Proposed Rule? [X] Yes [ ] No
See Final Proposal

Impact on Stakeholders

None anticipated.

DEQ's Response to Comments/Proposed Rule

Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities, Docket No. 58-0122-2401

Comments

1. Forsgren Associates
2. Keller Associates

Cmt #	Rule Section/ Subject Matter	Commenter	Comment Summary	Response
1.	040.06	1	The word preovisions looks like it is meant to read provisions.	DEQ has made the spelling correction.
2.	019.	2	Curious why the eligibility is different for water versus wastewater facilities.	System eligibility originates with EPA's DWSRF and CWSRF eligibility criteria. The planning grant eligibility mirrors DWSRF and CWSRF for consistency across the funding opportunities.
3.	020.02.a.	2	Sure wish there were more bonus points for communities that keep their system in GOOD working order instead of most of the points going to delinquent systems.	Over the years, DEQ has been working toward this goal while trying to keep a balanced approach needed to address public health issues. This can be reflected in our recent updates to letter of interest (LOI) expanding the questions under section 020.02.e, Bonus Points in an attempt to promote and capture more systems "good" standing.
4.	020.03.a.	2	Curious to know why this section was struck.	True emergencies, as described in the 020.03.a, are typically addressed best by immediate actions. Planning grants and SRF loans typically take 6-12 months to get

				the funding in place. In addition, planning grants cannot be used for construction (fixing the emergency). Providing rating points for a true emergency does not seem practical or beneficial. To support this perspective, these rating points have not been awarded in the ranking process to our knowledge.
5.	030.01.b.ii.	2	What drove the requirement for public comment process?	Although the document formatting gives the appearance that this is a new requirement, it is not. The ZBR document was formatted to break up a previously lengthy paragraph and provide for better clarity by use of bulleted sub-paragraphs. The requirement for public comment is due to DWSRF and CWSRF funding requirements that are described in the preceding section 030.01.b. *"A planning document that is prepared anticipating the use of federal funds must include an environmental review that and will require the Department approval of both a technical draft and final planning document."*
6.	030.01.b.ii.(5)	2	What does "Prepare the environmental documentation" mean? Does that mean every facility plan must have an environmental report or does it just mean the standard environmental discussion normally in a facility plan? I am assuming the latter which would be okay (no real change from status quo)	Correct, this does not change the existing processes. This sub-paragraph is in the context of 030.01.b., *"A planning document that is prepared anticipating the use of federal funds must include an environmental review that and will require the Department approval of both a technical draft and final planning document."* Environmental review process and documentation is described in Section 040.

7.	030.01.e.	2	A build-out condition analysis may not always make sense. For collection systems it does, but not for all WWTP evaluations.	Agreed. The language in 030.01.e., *"Build-out conditions must also be considered for collection systems."* is specific to collection systems and does not include mention of WWTP evaluations. The language "must also be considered" is also intentionally broad to allow for professional judgement of the consultant.
8.	031.02.e. 032.03.	2	"bidding" seems like the wrong word…should be replaced with "procurement" to more accurately align with QBS.	Agreed. "Requirements for competitive bidding" will be changed to "requirements for public works procurement."