

**Zero-Based Regulation  
Prospective Analysis**

- Fill out entire form to the best of your ability, unless submitting a Notice to Negotiate only fill out 1, 2, and 5

**Agency Name:** Department of Environmental Quality

**Rule Docket Number:** [58-0116-2501](#), Wastewater Rules.

**1. What is the specific legal authority for this proposed rule?**

Statute Section (include direct link)	Is the authority mandatory or discretionary?
<a href="#">Chapter 1, Title 39, Idaho Code</a> – Environmental Quality	Mandatory
<a href="#">Chapter 36, Title 39, Idaho Code</a> – Water Quality	

**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 is proposing updates to improve clarity, streamline compliance, and align wastewater rules with best practices in public health and environmental protection. The changes include revisions to operator requirements, such as licensure, and demonstrating technical, financial, and managerial capacity. Updated standards, including U.S. Environmental Protection Agency guidelines and engineering best practices, will ensure consistency with state and national expectations.

Definitions of key terms will be clarified, and facility planning and design standards will be updated to address municipal wastewater systems, pipelines, and treatment facilities, focusing on efficiency and environmental protection. The revisions also propose to improve rules for system operations and maintenance, including emergency preparedness and record-keeping, while simplifying the process for reviewing and approving plans and reports for both municipal and nonmunicipal systems.

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		
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**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?**

<b>Category</b>	<b>Potential Impact</b>
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	No fiscal impact to the state General Fund expected.
Impact to Idaho businesses, with special consideration for small businesses	This will impact businesses with industrial wastewater. The impact should be negligible with streamlining and improved processes having a positive impact on business.
Impact to any local government in Idaho	Similar to the impact on business, the impacts from streamlining and improving clarity in the rule chapter should have a positive impact on the regulated community.
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?**

<b>Category</b>	<b>Impact</b>
Net change in word count	
Net change in restrictive word count (Restrictive words include shall, must, may not, prohibit, and require.)	