

DEQ's Response to Comments/Negotiated Rulemaking

Solid Waste Rules, Docket No. 58-0106-2501

Comments

1. The L&R Group, 03/19/25
2. Hilty, Bower, Haws & Seable, PLLC, 03/19/25

Commenter	Comment Summary	Response
1	Is DEQ's intent in proposing the change from "shall" to "will" to modify or reduce its own responsibilities in any way?	No. The intent and substance of the rule is not changed due to these edits. Per Zero-Based Regulation (Executive Order 2020-01) guidelines, archaic language (such as shall) is required to be updated. "Will" is intended (in most cases) to describe an action the Agency will perform and "must" describes an action the regulated entity must take.
2	As of the present time, it appears that IDEQ has determined not to attempt to regulate street sweepings. The City of Caldwell appreciates that IDEQ is no longer contemplating attempting to treat street sweepings as solid waste, <i>per se</i> , or attempting to regulate solid waste based upon a "constituent parts" test, rather than a "disposal/discard" test.	DEQ would like to avoid any potential misinterpretation of the Solid Waste Management Rules (SWMR) rulemaking process that may result from others in the regulated community reading your March 19, 2025, comments. DEQ only received written feedback from the City of Caldwell regarding the street sweepings issue. It appears from your comments that you do not believe that street sweepings are solid waste and are not regulated under the SWMR. For clarification and reiteration, the absence of adding "street sweepings" to the definition of "solid waste" at this juncture does not mean street sweepings are exempt from the SWMR.

		Failure to add the term “street sweepings” to the definition of “solid waste” does not alter the long-held interpretation by DEQ that street sweepings are, and will continue to be, regulated as solid waste.