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 and 7. The rest of the form must be completed prior to the adoption of the proposed rule.

Agency Name: Department of Environmental Quality

Rule Docket Number: 58-0112-2501, Rules for Administration of Wastewater and Drinking Water Loan Funds.

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

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Section 39-105, Idaho Code Section 39-3626, Idaho Code Section 39-3627, Idaho Code Section 39-3632, Idaho Code Section 39, Chapter 76, Idaho Code	Mandatory

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. This problem cannot be addressed by non-regulatory measures.

This rule provides for the administration of low-interest loans for drinking water and wastewater infrastructure projects. These low-interest loans provide cost savings to communities over having to use traditional open market bonds or loans.

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		

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:

4. What evidence is there that the rule, as proposed, will solve the problem?

5. What is the anticipated impact of the proposed rule on various stakeholders? Include, how will you involve them in the negotiated rulemaking process?

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	None anticipated
Impact to Idaho businesses, with special consideration for small businesses	None anticipated
Impact to any local government in Idaho	None anticipated
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?

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

7. Should this rule chapter remain as a rule chapter or be moved to statute as suggested in Section 67-5292, Idaho Code?

Category	Impact
What is the cost of publishing this rule chapter annually? (Multiply the number of pages x $56)	
How frequently has this rule chapter been substantively updated over the past 5 years? (Exclude republishing triggered solely by recent sunset dates)	
What is the benefit of having all related requirements in a single location in Idaho Code?	