

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

Agency Name:

Rule Docket Number: 58-0108-2502, Idaho Rules for Public Drinking Water Systems

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

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Chapter 1, Title 39, Idaho Code – Health Safety: Environmental Quality	Mandatory

2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?

IDAPA 58.01.08.552.01.b.v. was revised during a previous rulemaking effort under docket 58-0108-2301 in an attempt to provide clarity and align the rule with national engineering standards. This rulemaking has been initiated to address public water system stakeholder concerns regarding the 80 psi maximum distribution system pressure limit in IDAPA 58.01.08.552.01.b.v.

The rule change became effective on July 1, 2024, and has resulted in unintended impacts to existing public water systems related to distribution system design, construction, and operation. The rule change has complicated pressure-related operations within existing distribution system mains where the original system was designed to exceed 80 psi static pressure and could result in increased costs for construction or modification of new and existing public water system distribution mains. DEQ seeks to remedy this problem by reverting the psi requirement to its previous level.

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? No.

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)

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?

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	Addressing the maximum static pressure requirements for public water systems will alleviate concerns and save potential costs for pressure reducing valves and vaults.
Impact to any local government in Idaho	Addressing the maximum static pressure requirements for public water systems will alleviate concerns and save potential costs
DEQ will involve stakeholders by announcing initiation of the negotiated rulemaking on DEQ's website, sending email notification to identified stakeholders and 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)	121 pages \$6776
How frequently has this rule chapter been substantively updated over the past 5 years? (Exclude republishing triggered solely by recent sunset dates)	The rule underwent negotiated rulemaking in 2023 and the final rule was published in 2024. Another revision was made in 2025 to incorporate new federal rules by reference. Two total revisions prior to this one.
What is the benefit of having all related requirements in a single location in Idaho Code?	Consolidating public drinking water system regulations in statute is not beneficial; it limits Idaho's ability to manage Safe Drinking Water Act oversight effectively. The Rule for Public Drinking Water Systems (IDAPA 58.01.08) must be updated regularly in response to Safe Drinking Water Act changes to effectively

	<p>maintain primacy of the SDWA from the Environmental Protection Agency. These updates require EPA review and approval before taking effect and applying for primacy.</p> <p>If embedded in statute, updates would require legislative action, causing delays and risking noncompliance. By keeping public drinking water system regulations in rule, Idaho can respond more efficiently while maintaining strong public accountability. DEQ's rulemaking process is rigorous and inclusive, involving stakeholders in drafting language and providing multiple opportunities for public input and formal comment. This approach ensures both flexibility and transparency in protecting Idaho's drinking water quality.</p>
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