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Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Environment, Energy & Technology Committee

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: June 04, 2015

SUBJECT: Department of Environmental Quality

IDAPA 58.01.11 - Ground Water Quality Rule - Temporary and Proposed Rule (Docket No. 58-0111-1501)

The Department of Environmental Quality submits notice of temporary and proposed rule at IDAPA 58.01.11 - Ground Water Quality Rule. According to the department, rulemaking has been initiated for consistency with the 2015 revision to Section 39-102, Idaho Code, as a result of the passage of HB 197. The department notes that the rule clarifies that degradation of ground water caused by mining activities is allowed at point of compliance as long as the mine operator uses best management practices to the maximum extent practical. HB 197 also provided that the Board of Environmental Quality was to promulgate temporary rules by June 1, 2015, to implement the provisions of the act. The department states that given that fact, there was no time in which to conduct negotiated rulemaking.

Pursuant to the provisions of Section 39-107D, Idaho Code, the department indicates that the rule regulates an activity not regulated by the federal government. The rulemaking is authorized pursuant to sections 39-105, 39-107, 39-120 and 39-126, Idaho Code.

cc: Department of Environmental Quality
Paula J. Wilson