

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES

DOCKET NO. 58-0103-1901

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0103-1901.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Wednesday, July 10th, 2019 – 9:00 a.m. to 12:30 p.m. (MDT)	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	
Contact the undersigned by July 1, 2019, to make arrangements for participation by telephone and web conferencing.	

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: DEQ did not draft a preliminary draft rule for public review prior to the first meeting. The first meeting has been scheduled for the purpose of discussing amendments to the Individual/Subsurface Sewage Disposal Rules, IDAPA 58.01.03, to address alternative systems, and setting a path forward for negotiated rulemaking. More information regarding this rule docket is available at www.deq.idaho.gov/58-0103-1901.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated in response to challenges made in enforcing and updating portions of the **Technical Guidance Manual for Individual Subsurface Sewage Disposal Systems** (TGM). This rule change will add a section to the Individual/Subsurface Sewage Disposal System Rules, IDAPA 58.01.03, to facilitate permitting, design and construction activities for individual/subsurface sewage disposal systems in the state of Idaho by adding portions of the TGM into the rules.

The rules only allow standard individual/subsurface sewage disposal systems to be installed in Idaho. If a standard system cannot be installed on a parcel, an alternative system may be permitted if it is approved by the Director and in accordance with the recommendations of the Technical Guidance Committee as documented in the TGM. Additionally, IDAPA 58.01.03.004.09 states: “The manual maintained by the Technical Guidance Committee shall provide state-of-the art technical guidance on alternative sewage disposal components and systems, soil determination methodology and other information pertinent to the best management practices of individual and subsurface sewage disposal.” Including portions of the TGM in the rules will help facilitate the permitting of alternative and/or proprietary individual/subsurface sewage disposal systems and will clarify the requirements applicable to these systems.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Health districts, subsurface sewage disposal system installers and manufacturers of subsurface sewage disposal systems as outlined in the TGM, conservation and environmental groups, counties, cities, and citizens of Idaho may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Rachael Smith at rachael.smith@deq.idaho.gov or (208) 373-0249.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. Information regarding public comment opportunities provided throughout the rulemaking process will be available at www.deq.idaho.gov/58-0103-1901 or by contacting the undersigned.

Dated this 5th day of June, 2019.

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