



Jeff Youtz
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

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, 2014

SUBJECT: Department of Environmental Quality

IDAPA 58.01.10 - Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended (Docket No. 58-0110-1401)

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.10 - Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as amended. According to the department, the purpose of the rulemaking is to implement Senate Bill 1260 from the 2014 Legislative Session. The legislation revised the definition of "restricted hazardous waste" in Section 39-4403, Idaho Code. The department notes that Section 39-4403(17), Idaho Code, outlines which waste types are prohibited from disposal in a commercial hazardous waste disposal facility located in Idaho, as well as provides exceptions to the definition for wastes not regulated under the federal Atomic Energy Act of 1954, as amended. The department states that the clarification will also allow several federal agencies to utilize the Grand View facility.

The department states that it intends to present the final proposal to the Idaho Board of Environmental Quality at the October 2014 board meeting for adoption as a pending and temporary rule and that the temporary rule will become effective on November 5, 2014. The department indicates that negotiated rulemaking was not conducted due to the simple nature of the rulemaking and because the department has no discretion with respect to implementing Idaho Code provisions. The department also states that the rule does regulate an activity not regulated by the federal government but is consistent with the legislative directive in Senate Bill 1260. The rulemaking appears to be authorized pursuant to Section 39-4405, Idaho Code.

cc: Department of Environmental Quality
Paula J. Wilson