

HOUSE CONCURRENT RESOLUTION NO. 16

LEGISLATURE OF THE STATE OF IDAHO
SIXTY-FIRST LEGISLATURE FIRST REGULAR SESSION - 2011

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 16
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ENVIRONMENTAL
QUALITY RELATING TO WATER QUALITY STANDARDS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Environmental Quality relating to Water Quality Standards are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 58.01.02, Department of Environmental Quality Rules Governing Water Quality Standards, Section 010, Definitions, Subsection 19, "Degradation or Lower Water Quality," and Section 052, Implementation, Subsection 03, General Permits, Subsection 05, Identification of Tier II Waters, and Subsection 08.a., relating to Tier II Analysis, only, adopted as pending rules under Docket Number 58-0102-1001, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact:

STATEMENT OF PURPOSE RS20459

This concurrent resolution would reject three subsections and one paragraph in a pending rule of the Department of Environmental Quality relating to Water Quality Standards as being not consistent with Legislative intent. The effect of this resolution, if adopted by both houses, would be to prevent the three subsections and the paragraph from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: March 18, 2011.