

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 38

BY WAYS AND MEANS COMMITTEE

1 A CONCURRENT RESOLUTION  
2 STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DE-  
3 PARTMENT OF ENVIRONMENTAL QUALITY REVIEWED BY THE HOUSE ENVIRONMENT,  
4 ENERGY, AND TECHNOLOGY COMMITTEE WITH AN EXCEPTION.

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

6 WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must  
7 approve pending administrative rules by adoption of a concurrent resolu-  
8 tion; and

9 WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any  
10 pending rule that is not approved by adoption of a concurrent resolution  
11 shall expire upon adjournment sine die of the legislative session during  
12 which the agency submits the pending rule to the Legislature for review; and

13 WHEREAS, the House Environment, Energy, and Technology Committee re-  
14 viewed pending rules adopted by the Department of Environmental Quality; and

15 WHEREAS, it is the finding of the Legislature that rules of the De-  
16 partment of Environmental Quality, Rules Regulating the Idaho Pollutant  
17 Discharge Elimination System Program, are not consistent with legislative  
18 intent because the Department struck the language in error; and

19 WHEREAS, the Legislature finds that it is in the public interest to  
20 adopt this resolution.

21 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular  
22 Session of the Sixty-seventh Idaho Legislature, the House of Representa-  
23 tives and the Senate concurring therein, that pending rules adopted by the  
24 Department of Environmental Quality, Rules Regulating the Idaho Pollutant  
25 Discharge Elimination System Program, pursuant to the Administrative Pro-  
26 cedure Act and submitted through the Office of the Administrative Rules Co-  
27 ordinator to the Legislature for review during the 2024 legislative session  
28 and reviewed by the House Environment, Energy, and Technology Committee, be,  
29 and the same are hereby approved, with the exception of IDAPA 58.01.25, Rules  
30 Regulating the Idaho Pollutant Discharge Elimination System Program, Docket  
31 No. 58-0125-2301, Section 105., Subsection 07.m., only, that is rejected  
32 and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall  
33 expire upon adjournment sine die of the legislative session and be null,  
34 void, and of no force and effect.