

AMWUA Monitors HB2260

[HB2260: Regulatory Rulemaking](#)

HB2260 would require all proposals for new or amended state agency rules to require the use of a general permit rather than a specific permit, except under specific conditions. These exempted conditions include:

- Federal law prohibits the use of a General Permit
- State Statute specifically authorizes a Specific Permit
- A General Permit is not technically feasible
- A General Permit would result in additional regulatory requirements or costs on the applicant

The agency would retain the authority to revoke the authority to operate under a general permit and require a specific “traditional” permit if the permit holder is in substantial non-compliance.

The bill would also make numerous changes to the GRRC rule review process. The bill raises the GRRC approval threshold from a consideration of evidence of probably benefit to “clear and convincing” evidence. GRRC would also be prohibited from approving a rule that is more stringent than federal law unless the statute authorizes exceeding standards. The bill would allow a person to challenge the rule within two (2) years on grounds that the actual benefit did not exceed by “clear and convincing evidence” the cost of the rule.

The bill would also move responsibility for the GRRC economic impact statement from GRRC to the Governor’s Office of Strategic Planning and Budgeting (OSPB). OSPB would be required to include in its analysis of the proposed rule or amendment the estimate of employees that would be required by the agency to enforce and implement the proposed rule. This estimate must be reported to JLBC prior to the approval of the rule. OSPB would additionally be required to include in the agency’s 5-year rule reviews, a competitiveness analysis that compares the agency’s rules to those in other states.

As session law the bill would extend the moratorium on rulemaking through FY11.

AMWUA will monitor this measure as its members may be subject to permitting processes for their water operations. This may streamline some of those permits. AMWUA does experience concerns about unintended negative impacts of pollutants in water supplies as a result of relaxed permitting processes. In addition to the public health and safety aspects, additional contaminants in water supplies may add significant additional costs to water treatment.

Sponsor: Representative Tobin

Last action: 1/27 Passed House Commerce Amended; ready for House Rules

