

State Implementation Plan Update With Regard to the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard

Regarding Clean Air Act Sections 110(a)(1) and (a)(2)



**State of Idaho
Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706**

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Background

The purpose of this document is to provide the US Environmental Protection Agency (EPA) with certification that the Idaho State Implementation Plan (SIP) for air quality adequately meets the "infrastructure" requirements of 42 USC §7410 (sections 110(a)(1) and (a)(2) of the Clean Air Act [CAA]).

To comply with section 110(a)(1), each state must adopt and submit to EPA a plan that provides for implementation, maintenance, and enforcement of any newly promulgated national primary ambient air quality standard. This plan is due within 3 years of promulgation of the standard or a shorter period if required by the final rule. The state must provide reasonable notice and public hearing prior to submitting the plan to EPA.

The revised sulfur dioxide national ambient air quality standard (NAAQS) was promulgated on June 3, 2010. In accordance with section 110(a)(1), Idaho is submitting this plan to meet the infrastructure requirements of sections 110(a)(1) and (a)(2). The following table demonstrates how Idaho meets each of the applicable requirements of section 110(a)(2).

Idaho's air quality laws are located in the Idaho Environmental Protection and Health Act (EPHA), Idaho Code 39-101 through 39-130. The "Rules for the Control of Air Pollution in Idaho" are located at IDAPA 58.01.01. The table that follows presents a listing of the CAA section 110(a)(2) SIP requirements and a very brief explanation of how Idaho's EPHA and IDAPA rules satisfy those requirements for the 2010 sulfur dioxide NAAQS.

Explanation of SIP Adequacy

Clean Air Act section (SIP requirements)	How Idaho addressed the §110(a)(2) requirements
<p>§110(a)(2)(A)</p> <p>Include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this act;</p>	<ul style="list-style-type: none"> • Idaho Code 39-105(3)(d) provides the Idaho Department of Environmental Quality (DEQ) broad power to supervise and administer a system to safeguard air quality. • Idaho Code 39-115 provides authority for issuance of air quality permits. • Idaho Code 39-116 provides authority to establish compliance schedules. <p>Rules relating to air quality permits and fees:</p> <ul style="list-style-type: none"> • IDAPA 58.01.01.200–228 addresses permits to construct. • IDAPA 58.01.01.300–399 addresses Tier I operating permits. • IDAPA 58.01.01.400–410 addresses operating permits pre-dating Title V (i.e., Tier II operating permits). <p>Rules for open burning, fugitive emissions, visible emissions, and sulfur content of fuel requirements:</p> <ul style="list-style-type: none"> • IDAPA 58.01.01.600–624 includes the rules for the control of open burning. IDAPA 58.01.01.625 includes specific visible emission requirements and testing. • IDAPA 58.01.01.725 applies to fuel burning sources with the purpose of preventing excessive ground level concentrations of sulfur dioxide. <p>Rules addressing other economic incentives:</p> <ul style="list-style-type: none"> • IDAPA 58.01.01.460–461 addresses banking of emissions. <p>Together these statutes and rules provide DEQ the authority to regulate the discharge of air pollutants and to promulgate rules to establish standards for emissions for ambient air quality.</p>

<p>§110(a)(2)(B)</p> <p>Provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—</p> <p>(i) monitor, compile, and analyze data on ambient air quality, and</p> <p>(ii) upon request, make such data available to the Administrator;</p>	<ul style="list-style-type: none"> • IDAPA 58.01.01.107 incorporates 40 CFR Parts 50, 53, and 58 Appendix B. • IDAPA 58.01.01.576.05 incorporates 40 CFR Parts 50 and 53 for defining ambient air monitoring methods. <p>The above rules give Idaho authority to implement ambient air monitoring surveillance systems in accordance with the requirements of referenced sections of the CAA. The collected information is analyzed and submitted to EPA.</p> <p>EPA approved the 2012 Idaho <i>Annual Ambient Air Monitoring Network Plan</i> in a letter from Debra Suzuki on October 25, 2012 (Appendix A). DEQ’s annual air network monitoring plan, air quality monitoring summaries, a map of the state’s air monitoring network, and a link to real-time air monitoring are available at http://www.deq.idaho.gov/air-quality/monitoring/monitoring-network.aspx .</p>
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§110(a)(2)(C)

Include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure the national ambient air quality standards are achieved, including a permit program as required in parts C and D;

- Idaho Code 39-108 (Administrative and Civil Enforcement) provides DEQ with the authority to enforce both administratively and civilly the EPHA or any rule, permit, or order pursuant to EPHA.
- Idaho Code 39-109 contains criminal enforcement authority.
- Idaho Code 39-112 provides for emergency orders.
- IDAPA 58.01.01.200–228 contains the procedures and requirements for permits to construct.

Also see §110(a)(2)(A) discussion and sections relating to air quality permits (page 2).

Initial prevention of significant deterioration (PSD) delegation was provided in a memorandum of understanding from Gary L. O’Neal, Region 10 air and toxics division director, on November 28, 1986. DEQ’s PSD program is federally approved and covers all regulated pollutants. The regulations for 40 CFR 52.683 are available at

<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=657f35928d6029edee7ac574997a8ffd&ty=HTML&h=L&r=PART&n=40y3.0.1.1.1>.

DEQ updates ambient air quality standards and changes to the PSD program (such as increments, significant impact levels, significant monitoring concentrations, definitions of major, etc.) as part of the annual incorporation-by-reference (IBR) rulemaking. These IBR updates, along with IDAPA 58.01.01.200–228, cover both minor and major permitting requirements for new and modified sources, and IDAPA 58.01.01.575–587 (Air Quality Standards and Area Classification) provide DEQ with the authority to implement the PSD and new source review (NSR) programs.

<p>§110(a)(2)(D)</p> <p>Contain adequate provisions—</p> <p>(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—</p> <p>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or</p> <p>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,</p> <p>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</p>	<p>(D)(i)(I):</p> <p>On February 6, 2013, Dennis J. McLerran EPA regional administrator, sent Idaho Governor Otter a letter stating, “On July 27, 2012, the EPA announced that it had insufficient information to complete the designations for the 1-hour SO₂ standard within two years and extended the designations deadline to June 3, 2013.” Therefore at this time, Idaho has not been shown to significantly contribute to nonattainment or interfere with maintenance of the 2010 SO₂ NAAQS in another state. Until the EME Homer City Generation, L.P., v. EPA, 696 F .3d 7, decision is reversed or otherwise modified by the Supreme Court, states are not required to submit section 110(a)(2)(D)(i)(I). Pending this decision and EPA’s policy and implementation guidance, Idaho will submit an interstate transport SIP to satisfy the requirements of this section.</p> <p>(D)(i)(II) regarding part C (PSD):</p> <p>DEQ received delegation of the PSD program on November 28, 1986, from Gary L. O’Neal, Region 10 air and toxics division director. DEQ’s PSD program is federally approved and covers all regulated pollutants. The regulations for 40 CFR 52.683 are available at http://www.gpo.gov/fdsys/granule/CFR-2011-title40-vol3/CFR-2011-title40-vol3-sec52-683/content-detail.html.</p> <p>On December 27, 2010, EPA approved numerous revisions to Idaho’s SIP. Many of these revisions related to Idaho’s permitting and PSD program. Also see §110(a)(2)(C) requirements discussed above (page 4).</p> <ul style="list-style-type: none"> • IDAPA 58.01.01.209 provides notice and comment procedures for various permit actions with regard to the public and to appropriate federal, state, international, and local agencies. <p>(D)(i)(II) regarding visibility:</p> <p>The EPA DEQ regional haze SIP (submitted October 25, 2010) was approved in the following Federal Registers: June 9, 2011 (76 FR 33651); June 22, 2011 (76 FR 36329); and November 8, 2012 (77 FR 66929). Idaho’s regional haze/visibility SIP shows a 33% decrease in projected sulfate emissions.</p>
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<p>§110(a)(2)(E)</p> <p>Provide</p> <p>(i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof),</p> <p>(ii) requirements that the State comply with the requirements respecting State boards under section 128, and</p> <p>(iii) necessary assurances that, where the State has relied on local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;</p>	<p>(E)(i):</p> <ul style="list-style-type: none"> • Idaho Code 39-106 provides DEQ authority to hire personnel to carry out the duties of the department. <p>(E)(ii):</p> <ul style="list-style-type: none"> • Idaho Code 39-107 meets the requirements of CAA section 128. Also see the Governor’s Executive Order 2013-06 that addresses the DEQ board make up. Specifically, “the appointment of members to the Idaho board of environmental quality shall be made in conformance with the requirements of Idaho Code section 39-107(1)(a), and section 128 of the Clean Air Act.” • Idaho Code Title 59 Chapter 7 also deals with “Ethics in Government.” <p>(E)(iii):</p> <ul style="list-style-type: none"> • Idaho Code 39-129 provides authority for DEQ to enter into binding agreements with local governments that are enforceable as orders. <p>These statutes provide assurances of adequate funding, personnel, and legal authority for implementing Idaho’s SIPs.</p>
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§110(a)(2)(F)

Require, as may be prescribed by the Administrator—

- (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,
- (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and
- (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;

Rules relating to installation, maintenance, replacement, and operation of monitoring equipment and record keeping:

(F)(i):

- IDAPA 58.01.01.157 includes source testing methods and procedures.
- IDAPA 58.01.01.211 contains conditions for permits to construct, including sampling ports, instrumentation to monitor and record, and performance testing to ensure compliance with NAAQS.
- IDAPA 58.01.01.405 contains conditions for Tier II operating permits, including sampling ports, instrumentation to monitor and record, and performance testing to ensure compliance with NAAQS.

(F)(ii):

- IDAPA 58.01.01.122 provides authority for information orders.

Also see above citations for permits to construct and Tier II operating permits relating to record keeping and reporting.

(F)(iii):

- Idaho Code 9-342A (Idaho’s Public Records Act) addresses public records.
- IDAPA 58.01.21 includes the rules for protection and disclosure of records.
- IDAPA 58.01.01.209 contains provisions for procedures for issuing permits, including public comment timing and process for permits to construct.
- IDAPA 58.01.01.404 contains provisions for procedures for issuing permits, including public comment timing and process for Tier II operating permits.

Idaho reports emissions data for the six criteria pollutants to EPA’s National Emission Inventory. The NEI is updated every three years and is available at <http://www.epa.gov/ttn/chief/eiinformation.html>.

These statutes and rules provide DEQ with the ability to monitor stationary source emissions for compliance purposes and make data available to the public.

<p>§110(a)(2)(G)</p> <p>Provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;</p>	<ul style="list-style-type: none"> • Idaho Code 39-112 provides the DEQ director with broad authorities to reduce or discontinue air pollution activities that create imminent and substantial endangerment to the public welfare and is comparable to CAA section 303. • IDAPA 58.01.01.550–562 contains air pollution emergency rules. <p>These statutes and rules identify air pollution emergency episode contingency plans and abatement strategies.</p>
<p>§110(a)(2)(H)</p> <p>Provide for revision of such plan—</p> <p>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</p> <p>(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;</p>	<ul style="list-style-type: none"> • Idaho Code 39-105(2) and (3)(d) provide broad authority to revise rules in accordance with IDAPA 58.01.23.808–860 to meet NAAQS. • IDAPA 58.01.01.107 incorporates by reference the NAAQS (40 CFR Part 50). • IDAPA 58.01.01.575–587 establishes and defines acceptable ambient concentrations consistent with established criteria. <p>These statutes and rules provide DEQ with the ability to adopt NAAQS and revise SIPs as needed to attain and maintain the standards.</p>

<p>§110(a)(2)(J)</p> <p>Meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection);</p>	<ul style="list-style-type: none"> • IDAPA 58.01.01.209, .01.364, and .01.404 provide for the public process for SIP and permitting under IDAPA 58.01.01.200–223. • Idaho Code 39-129 provides DEQ the authority to enter into agreements with local governments. DEQ consults with other state agencies, local agencies, nongovernmental organizations, and other state natural resource agencies regarding air quality issues. • Idaho Code 39-105(3)(c) promotes outreach with local governments. • See also IDAPA 58.01.01.563–574 regarding transportation conformity • IDAPA 58.01.01.667 provides for long-term strategies and the consultation process for regional haze SIPs. <p>These statutes and rules provide the authority to carry out the PSD part C requirements and lay out the consultation process and notifications to the public, EPA, and federal land managers.</p> <p>To satisfy CAA section 127 requirements, DEQ submits information to EPA’s AIRNow program and provides daily air quality index scores for many locations throughout the state. Interested parties can sign up to receive this daily information online at http://www.deq.idaho.gov/air-quality/monitoring/daily-reports-and-forecasts.aspx</p>
<p>§110(a)(2)(K)</p> <p>Provide for—</p> <p>(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</p> <p>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</p>	<ul style="list-style-type: none"> • IDAPA 58.01.01.107 incorporates by reference 40 CFR Part 51 Appendix W (Guideline on Air Quality Models). <p>Air quality modeling is conducted during development of SIP revisions, as appropriate, for the state to demonstrate attainment with required air quality standards.</p> <ul style="list-style-type: none"> • IDAPA 58.01.01.202.02 addresses permit to construct application procedures and modeling requirements for estimating ambient concentrations. • IDAPA 58.01.01.402.03 addresses Tier II operating permit application procedures and modeling requirements for estimating ambient concentrations. <p>Modeling is also addressed in the permitting process. See discussion for §110(a)(2)(A) (page 2).</p>

<p>§110(a)(2)(L)</p> <p>Require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—</p> <p>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</p> <p>(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),</p> <p>until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</p>	<ul style="list-style-type: none"> • IDAPA 58.01.01.387–397 sets the requirements for the annual registration of Tier I sources and the annual assessment and payment of fees to support the Tier I permitting program. The program was approved October 4, 2001 (66 FR 50575). • IDAPA 58.01.01.407–409 sets the requirements for Tier II operating permit processing fees and usage.
<p>§110(a)(2)(M)</p> <p>Provide for consultation and participation by local political subdivisions affected by the plan.</p>	<ul style="list-style-type: none"> • IDAPA 58.01.01.209, .01.364, and .01.404 provide for the public process for developing and issuing air quality permitting. • IDAPA 58.01.01.563–574 defines the transportation conformity consultation and public process for nonattainment and maintenance areas. <p>DEQ also follows the consultation and participation process outlined in 40 CFR 51.102 and incorporated by reference at IDAPA 58.01.01.107.</p>

Appendix A. Letter of Approval for Idaho's Ambient Air Monitoring Network Plan

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

RECEIVED

OCT 30 2012

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF IDAHO
OCT 25 2012

OFFICE OF
AIR, WASTE AND TOXICS

Mr. Bruce Louks
Air Quality Manager
Idaho Department of Environmental Quality
1410 North Hilton
Boise, ID 83706-1255

Dear Mr. Louks:

We have evaluated the 2012 Idaho Ambient Air Monitoring Network Plan, which describes the Idaho monitoring network for 2012-2013. EPA has the following comments on proposed changes to the network in this network plan:

1. Relocation of the Sandpoint USFS PM₁₀ and PM_{2.5} TEOMs to the Sandpoint University of Idaho site. IDEQ wants to relocate these monitors to the University of Idaho site because it will be more representative of population exposure, capturing PM contributions from the northern part of town, and there is a 10-meter meteorological station currently operating at this site. Because Sandpoint is currently a PM₁₀ nonattainment area, EPA requests that IDEQ simultaneously collect PM₁₀ data from both the current and proposed site to determine the correlation between these two sites. If the data show that there is good correlation between the two sites, EPA will be able to approve this relocation.
2. Evaluate the Thermo 1405 FDMS FEM monitor as a candidate for primary sampler designation at the Franklin, St. Maries and Nampa PM_{2.5} monitoring sites. This will require initial designation for these monitors as special purpose, non-regulatory monitors and allow IDEQ a period of two years for performance assessment, and to decide upon final monitor designation. EPA approves the testing of these monitors and their designation as SPM-NR monitors.

The following monitors are designated "core" monitors because they are either: 1) required by 40 CFR Part 58, Appendix D, 2) have a design value near or above the new PM_{2.5} 24-hour standard of 35ug/m³, or 3) they are essential monitoring parameters at NCore sites:

1. PM_{2.5} FRMs (or Approved Regional Method):
 - a) Nampa (primary and co-located)
 - b) Meridian/St. Luke's Hospital
 - c) Pinehurst
 - d) Salmon
 - e) Franklin
 - f) St Maries
2. PM_{2.5} speciation monitors and pre-cursor gas monitors at the Meridian/St. Luke's Hospital NCore site.

If you have any questions about our approval of the Idaho monitoring network plan, please contact Keith Rose at (206) 553-1949.

Sincerely,

Debra M. Suzuki

Debra M. Suzuki, Manager
State and Tribal Program Unit

cc: Mike McGown, IOO
Keith Rose, OAWT
Chris Hall, OEA
Claudia Vaupel, OAWT