

**Negotiated Rule Draft No. 2**  
**Docket No. 58-0101-1601, Dated June 16, 2016**

**Written comment deadline for this draft – June 30, 2016**

DEQ made proposed revisions to the Preliminary Draft Rule (Draft No. 1). The revisions are highlighted in yellow.

DEQ considered comments provided at the May 18, 2016 meeting discussion and comments submitted in writing. In summary:

- Positive comments were received on the current implementation of no burning when PM2.5 levels reach or are forecasted to reach 75% of the NAAQS. Participants stated the program was working.
- When asked, DEQ was unable to scientifically justify a lowering of the PM2.5 trigger to ensure the crop residue burn does not cause or significantly contribute to a violation of the PM2.5 NAAQS.
- The NAAQS are set at a level that is protective of public health, including sensitive populations.
- 75% of the NAAQS for PM2.5 is consistent with the Nez Perce Tribe program.
- Emissions from crop residue burning do not affect ozone concentrations like they do PM2.5 concentrations. Raising the ozone trigger to 90% of the ozone NAAQS does not then necessitate a lowering of the PM2.5 trigger level to protect public health – meaning the emissions do not cause or significantly contribute to a violation of the applicable NAAQS.

**621. BURN DETERMINATION.**

**01. Burn Approval Criteria.** The Department shall develop a Crop Residue Operating Guide to use in assisting in the determination of burn approvals. The permittee shall obtain initial approval from the Department for the proposed burn at least twelve (12) hours in advance of the burn. The permittee shall confirm, with the Department, the approval the morning of the proposed burn. The Department may shorten this time frame if meteorological or other applicable conditions change that will impact the air quality during the proposed burn period. To approve a permittee's request to burn, the Department must determine that ambient air quality levels do not exceed ninety percent (90%) of the ozone national ambient air quality standards (NAAQS), sixty-five percent (65%) of the particulate matter NAAQS, and seventy-five percent (75%) of the level of any other national ambient air quality standards – sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead NAAQS on any day and are not projected to exceed such level over the next twenty-four (24) hours, and ambient air quality levels have not reached, and are not forecasted to reach and persist at, eighty percent (80%) of the one (1) hour action criteria for particulate matter under Section 556 of these rules. In making this determination, the Department shall consider the following: (5-8-09)