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1 Department of Environmental Quality
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 6 Public Hearing
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 8 REPORTER'S TRANSCRIPT OF PROCEEDINGS
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 10 before Paula Wilson, Hearing Facilitator
 11
 12 IDAPA 58
 13 DEPARTMENT OF ENVIRONMENTAL QUALITY 58.01.01
 14 RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
 15 Docket Nos. 58-0101-1601 and 58-0101-1604
 16 Location
 17 Department of Environmental Quality
 18 3 p.m., October 11, 2016
 19 Conference Room A
 20 1410 North Hilton
 21 Boise, Idaho
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1 BOISE, IDAHO
 2 October 11, 2016, 3:00 p.m.
 3
 4 HEARING FACILITATOR: Let the record that
 5 Paula Wilson is the hearing facilitator for this
 6 proceeding.
 7 It is 3 p.m. on the 11th day of
 8 October. The purpose of this hearing is to
 9 receive comments on Air Quality Rule Dockets
 10 58-0101-1601 and 58-0101-1604 as required by Idaho
 11 Code Section 67-5222. Written comments will also
 12 be accepted at this hearing.
 13 We are in the DEQ conference center in
 14 Boise, Idaho. Notice of this hearing appeared in
 15 the Idaho Administrative Bulletin as required by
 16 Idaho Code Section 67-5221 on September 7, 2016.
 17 This publication was timely made, and all
 18 necessary notice requirements have been met.
 19 A sign-in sheet is available for you to
 20 mark whether or not you intend to comment on the
 21 rule dockets. After a brief statement made by
 22 DEQ, those of you indicating a desire to comment
 23 will be allowed an opportunity to present your
 24 oral comment.
 25 The commenters are asked to limit the

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1 comments to the subject of Rule Dockets
 2 58-0101-1601 and 58-0101-1604.
 3 Because the comments are being
 4 recorded, I ask that you state your name clearly
 5 and provide the spelling if necessary.
 6 At this time DEQ will make its
 7 statement. And I want to say that because the two
 8 documents are related, that DEQ's statement will
 9 cover both rule dockets, and also the comments can
 10 be -- it's all going to be in the same transcript,
 11 so it doesn't have to be there's this and there's
 12 that. So just so you know that.
 13 Okay. Go ahead.
 14
 15 MARY ANDERSON,
 16 appeared and gave the following statement:
 17 MS. ANDERSON: My name is Mary Anderson. I
 18 am the Mobile and Area Source Program Manager for
 19 the Idaho Department of Environmental Quality's
 20 Air Quality Division. The purpose of this hearing
 21 is to gather public comments on proposed Rule
 22 Docket Nos. 58-0101-1601 and 58-0101-1604.
 23 Through the negotiated rulemaking
 24 process, DEQ developed a proposed rule that gives
 25 DEQ the authority to allow crop residue burning

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1 when ozone levels are not exceeding, or expected
 2 to exceed, 90 percent rather than 75 percent of
 3 the ozone NAAQS. This new 90 percent level is
 4 still protective of the ozone NAAQS, and also
 5 provides farmers the ability to burn while
 6 following smoke management best practices.
 7 This rule will be promulgated under
 8 Docket No. 58-0101-1601. As an outgrowth of the
 9 negotiations, DEQ also developed an interim rule
 10 that allows the CRB Program to continue operating
 11 under the 2008 ozone NAAQS until EPA approves the
 12 new 90 percent ozone level in a revised State
 13 Implementation Plan. This rule will be
 14 promulgated separately under Docket
 15 No. 58-0101-1604.
 16 HEARING FACILITATOR: Okay. So far the
 17 person we have that is going to make comments,
 18 Marc Fleisher, and it says he is with Save Our
 19 Summers Northwest --
 20 MR. FLEISHER: Yes.
 21 HEARING FACILITATOR: He will comment on
 22 both documents. Go ahead.
 23 ///
 24 ///
 25 ///

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1 and the growers, that this rule be withdrawn.
 2 That's the content of my statement.
 3 HEARING FACILITATOR: Okay. Thank you.
 4 MR. FLEISHER: How long is this meeting
 5 open?
 6 HEARING FACILITATOR: We will keep it open
 7 until at least 3:30 or so.
 8 (Recess.)
 9 HEARING FACILITATOR: It is 3:30 p.m., and
 10 the hearing is now closed.
 11 (3:31 p.m. The proceedings adjourned.)
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1 MARC FLEISHER,
 2 appeared and gave the following statement:
 3 MR. FLEISHER: First of all, Mary, hi.
 4 MS. ANDERSON: Hi.
 5 MR. FLEISHER: She is the only person maybe
 6 that I know in this room.
 7 My name is Marc Fleisher. I'm with
 8 Save Our Summers Northwest.
 9 And I am, up until the last meeting of
 10 the Crop Residue Burning Advisory Board, I was a
 11 member of that Board. My place was taken by
 12 Austin Hopkins of the Idaho Conservation League.
 13 So my statement is that, my
 14 understanding from talking with Patty Gora-McRavin
 15 is that at one point there was what you could call
 16 a gentleman's agreement that in return for
 17 loosening the requirements for ozone, that there
 18 would be a corresponding and matching tightening
 19 of the requirements for PM 2.5 NAAQS. And it
 20 appears that the current rule that's being
 21 promulgated does not do that.
 22 I think that there is no good science
 23 that allows this rule to go forward, and my
 24 recommendation would be that since it ignored the
 25 advise of both those concerned with public health

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1 REPORTER'S CERTIFICATE
 2
 3
 4
 5 I, Dianne E. Cromwell, Court Reporter, a
 6 Notary Public, do hereby certify:
 7 That I am the reporter who took the
 8 proceedings had in the above-entitled action in
 9 machine shorthand and thereafter the same was
 10 reduced into typewriting under my direct
 11 supervision; and
 12 That the foregoing transcript contains a
 13 full, true, and accurate record of the proceedings
 14 had in the above and foregoing cause, which was
 15 heard at BOISE, Idaho.
 16 IN WITNESS WHEREOF, I have hereunto set
 17 my hand November 2, 2016.
 18
 19
 20
 21
 22 Dianne E. Cromwell, Court Reporter
 23 CSR No. 21
 24
 25

<p style="text-align: center;">A</p> <p>ability 5:5 above-entitled 8:8 accepted 3:12 accurate 8:13 action 8:8 adjourned 7:11 Administrative 3:15 advise 6:25 Advisory 6:10 agreement 6:16 ahead 4:13 5:22 Air 1:10 3:9 4:20 allow 4:25 allowed 3:23 allows 5:10 6:23 Anderson 2:4 4:15 4:17,17 6:4 appeared 3:14 4:16 6:2 appears 6:20 approves 5:11 Area 4:18 asked 3:25 ASLETT 2:11 Austin 6:12 authority 4:25 available 3:19</p>	<p>clearly 4:4 closed 7:10 Code 3:11,16 comment 3:20,22 3:24 5:21 commenters 3:25 comments 3:9,11 4:1,3,9,21 5:17 concerned 6:25 conference 1:13 3:13 Conservation 6:12 contains 8:12 content 7:2 continue 5:10 CONTROL 1:10 corresponding 6:18 Court 8:5,21 cover 4:9 CRB 5:10 Cromwell 1:22 8:5 8:21 crop 4:25 6:10 CSR 1:22 8:22 current 6:20</p>	<p>EPA 5:11 exceed 5:2 exceeding 5:1 expected 5:1</p> <p style="text-align: center;">F</p> <p>F 8:1 facilitator 1:8 3:4,5 5:16,21 7:3,6,9 far 5:16 farmers 5:5 First 6:3 Fleisher 2:5 5:18 5:20 6:1,3,5,7 7:4 FLOYD 2:12 following 4:16 5:6 6:2 foregoing 8:12,14 forward 6:23 full 8:13</p>	<p>2:12 ignored 6:24 Implementation 5:13 indicating 3:22 intend 3:20 interim 5:9</p> <p style="text-align: center;">J</p> <p style="text-align: center;">K</p> <p>K 2:2 keep 7:6 know 4:12 6:6</p> <p style="text-align: center;">L</p> <p>L 2:8 League 6:12 level 5:3,12 levels 5:1 limit 3:25 Location 1:12 long 7:4 loosening 6:17</p>	<p>Nos 1:11 4:22 Notary 8:6 notice 3:14,18 November 8:17</p> <p style="text-align: center;">O</p> <p>O 2:8 8:1 October 1:13 3:2,8 Okay 4:13 5:16 7:3 open 7:5,6 operating 5:10 opportunity 3:23 oral 3:24 outgrowth 5:8 ozone 5:1,3,4,11,12 6:17</p>
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Date and Location: 10/11/16 - Boise, Idaho

Name and Email Address	Affiliation	Do you wish to comment on Rule Docket 58-0101-1601? 90% Ozone NAAQS	Do you wish to comment on Rule Docket 58-0101-1604? Interim Rule
MARC FLEISHER MARC.FLEISHER@GMAIL.COM	SOS NW SAVE OUR SUMMERS NW	YES	YES
Tami Aslett	IDEQ		
Carl Brown	IDEQ		
Mary Anderson	DEQ		
Tanya Chin	DEQ		
Tiffany Floyd	DEQ		