



CORPORATE HEADQUARTERS

April 6, 2012

SENT VIA EMAIL TO: paula.wilson@deq.idaho.gov

Ms. Paula J. Wilson, Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255

RE: Docket No. 58-0101-1201 Negotiated Rulemaking Rules for the Control of Air Pollution
in Idaho

Dear Ms. Wilson:

The Department of Environmental Quality has requested public participation in rule making to address updates for consistency with federal regulations, clarification, and typographical corrections. Comments below are provided on behalf of the J.R. Simplot Company – a private agribusiness corporation based in Boise, Idaho. Simplot is engaged in a number of businesses including, food processing, farming, fertilizer manufacturing, beef feedlots, mining, ranching, and other enterprises related to agriculture.

On April 4, I attended a meeting to discuss the proposed changes associated with Docket No. 58-0101-1255. During the meeting Simplot learned that the proposed language added to Section 794 Permit Requirements was intended to require affected sources constructed before and after 1983 to obtain air permits. However, the language as proposed may also be read to include other air sources that are not within the Nonmetallic Mineral Processing definition, such as, equipment regulated under a different NSPS subpart. Since that was not the agency's intent, Simplot recommends the following changes.

794. PERMIT REQUIREMENTS.

No owner or operator may commence construction, reconstruction, modification, or operation of ~~any source at a~~ nonmetallic mineral processing plant regardless of whether or not the source is an affected facility pursuant to 40 CFR 60.670(e) without first obtaining a permit or complying with Sections 795 through 799. The owner or operator shall comply with the permitting requirements of Subsection 794.01 or Subsection 794.02 and the applicable portions of Subsection 794.03 and/or Subsection 794.04. ~~(3-15-02)~~

Including paragraph (e) in the citation of the federal rule allows DEQ to ensure plants constructed before 1983 are permitted and provides clarification that other portions of the designation of "affected facility" in 40 CFR 60.670 are applicable, such as paragraphs (a) – (d) and (f).

Thank you for soliciting public involvement in this rulemaking process.

Sincerely,



Chelly Reesman
Environmental Engineer 4

cc: Alan Prouty, J.R. Simplot Company