

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-second Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, June 6, 2012, [Vol. 12-6, pages 48 through 92](#). DEQ received no public comments; however, the Board revised the definition of "Significant" at Subsection 006.106.a.iv.(3). by adding the word "or" for clarification purposes. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0101-1201 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: Section 585, Toxic Air Pollutants Non-Carcinogenic Increments, and Section 586, Toxic Air Pollutants Carcinogenic Increments, do regulate an activity not regulated by the federal government. The federal government does not regulate toxic air pollutants for the state of Idaho; therefore, the rule revisions in Sections 585 and 586 are not broader in scope or more stringent than federal regulations. Notably, if a toxic air pollutant becomes subject to a federal regulation, that federal regulation applies in lieu of the state rules in accordance with Subsection 210.20. The remainder of the rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Michael Simon at michael.simon@deq.idaho.gov or (208)373-0212.

Dated this 11th day of October, 2012.

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DOCKET NO. 58-0101-1201 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-6, June 6, 2012, pages 48 through 92.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0101-1201, ONLY

006. GENERAL DEFINITIONS.

106. Significant. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following: (4-11-06)

- a. Pollutant and emissions rate: (4-11-06)
 - i. Carbon monoxide, one hundred (100) tons per year; (5-1-94)
 - ii. Nitrogen oxides, forty (40) tons per year; (5-1-94)
 - iii. Sulfur dioxide, forty (40) tons per year; (5-1-94)
 - iv. Particulate matter; ()
 - (1) Twenty-five (25) tons per year of particulate matter emissions; ()
 - (2) Fifteen (15) tons per year of PM₁₀ emissions; or (4-11-06)()

[Subparagraph 006.106.a.iv.(3).]

(3) Ten (10) tons per year of direct PM_{2.5} emissions; or forty (40) tons per year of sulfur dioxide emissions; or forty (40) tons per year of nitrogen oxide emissions; ()