

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0703

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rule will be held as follows:

Tuesday, June 10, 2008, 3:30 p.m.

**Department of Environmental Quality
Conference Room C
1410 N. Hilton, Boise, Idaho**

The hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) has initiated this rulemaking to ensure that the purpose and applicability of Sections 725 through 729, as they relate to sulfur content of fuels, is clear. The revisions to Sections 725 through 729 have been proposed for clarification purposes and are not substantive in nature.

Members of the regulated community who may be subject to Idaho's air quality rules as well as special interest groups, public officials, or members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2008 for adoption of a pending rule. The rule is expected to be final and effective upon adjournment of the 2009 legislative session if adopted by the Board and approved by the Legislature.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Idaho Code Section 67-5220 and IDAPA 58.01.23.810-815. On October 3, 2007, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 07-10, page 441, and a preliminary draft rule was made available for public review. One meeting was held on October 24, 2007. Several members of the public participated in this rulemaking by attending the meeting. No revisions were made to the preliminary draft rule.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

IDAHO CODE SECTION 67-5221(c) 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440 or martin.bauer@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 10, 2008.

DATED this 27th day of March, 2008.

Paula J. Wilson, Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.idaho.gov

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-0703

725. RULES FOR SULFUR CONTENT OF FUELS.

This section applies to fuel burning sources in Idaho. ~~The~~ Its purpose of Sections 725 through 729 is to prevent excessive ground level concentrations of sulfur dioxide ~~from fuel burning sources in Idaho~~. The reference test method for measuring fuel sulfur content shall be ASTM method, D129-95 Standard Test for Sulfur in Petroleum Products (General Bomb Method) or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157. (4-5-00)()

~~726. DEFINITIONS AS USED IN SECTIONS 727 THROUGH 729.~~

01. Definitions. ()

~~01a.~~ **ASTM.** American Society for Testing and Materials. (5-1-94)

~~02b.~~ **Distillate Fuel Oil.** Any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils. (5-1-94)

~~03c.~~ **Residual Fuel Oil.** Any oil meeting the specifications of ASTM Grade 4, Grade 5 and Grade 6 fuel oils. (5-1-94)

~~727. RESIDUAL FUEL OILS.~~

02. Residual Fuel Oils.

~~01. Standards for 1973.~~ After January, 1973, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than two and one-half percent (2.5%) sulfur by weight. (5-1-94)

~~02. Standards Beginning 1974.~~ After January, 1974, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than one and three-fourths percent (1.75%) sulfur by weight. (5-1-94)()

~~728. DISTILLATE FUEL OIL.~~

03. Distillate Fuel Oil. No person shall sell, distribute, use or make available for use, any distillate fuel oil containing more than the following percentages of sulfur: (5-1-94)()

~~01a.~~ **ASTM Grade 1.** ASTM Grade 1 fuel oil - zero point three percent (0.3 percent%) by weight. (5-1-94)()

~~02b.~~ **ASTM Grade 2.** ASTM Grade 2 fuel oil - zero point five percent (0.5 percent%) by weight. (5-1-94)()

~~729. COAL.~~

04. Coal. No person shall sell, distribute, use or make available for use, any coal containing greater

than one percent (1.0%) sulfur by weight. ~~(5-1-94)~~(_____)

~~730~~**26. -- 749. (RESERVED).**

(BREAK IN CONTINUITY OF SECTIONS)

798. ELECTRICAL GENERATORS.

The following requirements apply to all electrical generators used to provide electrical power to any nonmetallic mineral processing plant. The requirements apply to each site of operations. (3-15-02)

01. Fuel Type. Only ASTM (American Society of Testing and Materials) Grade 1 or 2 fuel oil shall be used. The sulfur content of the fuel used shall not exceed the percentages of sulfur given in Section 7285. ~~(3-15-02)~~(_____)

02. Generator Operating Requirements. For the purposes of Sections 790 through 799, the following apply to all electrical generators.

Rated Output Capacities (kW)	Allowable Operating Hours (hr/day)		Allowable Operating Hours (hr/yr)	
	Attainment Unclassifiable Areas	PM-10 Nonattainment Areas	Attainment Unclassifiable Areas	PM-10 Nonattainment Areas
0 – 454	24	8	8760	2880
455 – 1000	24	24	8760	8760
1001 – 2000	24	24	5200	5200

kW = kilowatts
 hr/day = hours per day
 hr/yr = hours per year (3-15-02)

03. Generator Opacity Limit. Visible emissions from any generator stack, vent, or other functionally equivalent opening shall not exceed twenty percent (20%) opacity for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period. Opacity shall be determined using the test methods and procedures contained in Section 625. (3-15-02)

04. Monitoring and Recordkeeping Requirements. (3-15-02)

a. The owner or operator shall monitor and record the following information. (3-15-02)

i. The rated output capacity, in kilowatts (kW), of the electrical generator(s) used; (3-15-02)

ii. Operating hours on a monthly and annual basis so compliance can be continuously determined for the previous twelve (12) month period; and (3-15-02)

iii. Vendor receipts of the fuel oil purchased clearly identifying the ASTM Grade. (3-15-02)

b. Records of monitoring and recordkeeping requirements for current operations shall be maintained at the site of operations for the duration of operations at that location and shall be available to Department representatives upon request. Records for previous sites of operation shall be kept for the most recent two (2) year period at a location where they can be reasonably accessed and shall be made available to the Department upon request. (3-15-02)