

<p>Docket Number: <u>58-0101-0703</u> Effective Date: <u>2009 Sine die</u> Rules Title: <u>Rules for the Control of Air Pollution in Idaho</u> Agency Contact and Phone: <u>Martin Bauer, 373-0440</u></p>	<p style="text-align: center;">Public Notice</p> <p>Hearings: [X] Yes [] No Locations and Dates: Boise, June 10, 2008 Written Comment Deadline: June 10, 2008</p>
<p>Descriptive Summary of Rule as Initially Proposed:</p> <p>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.</p> <p>Public comments were received. The proposed rule has not been revised. DEQ recommends that the Board adopt the rule, as presented in the final proposal, as a pending rule with the final effective date coinciding with the adjournment <i>sine die</i> of the First Regular Session of the Sixtieth Idaho Legislature. The rule is subject to review by the Legislature before becoming final and effective.</p>	<p>Negotiated Rule Making: [X] Yes [] No Groups Involved: Sign-in sheets attached.</p> <p>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.</p>
	<p>Cost Impact: Costs To the Agency: None anticipated. Costs To the Regulated Community: None anticipated.</p>
	<p>Relevant Statutes: Chapter 1, Title 39, Idaho Code</p>
	<p>Idaho Code § 39-107D Statement: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.</p> <p>Idaho Code § 67-5221(1)(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: Not applicable.</p>

Temporary Rule Necessary to protect public health, safety or welfare
 Compliance with deadlines in amendments to governing law or federal programs
 Conferring a benefit

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Section	Existing Rule Summary	Proposed Rule Summary	Summary of Rule Changes Based on Public Comment
725	Rules for Sulfur Content of Fuels	Clarifies the applicability of this section.	The rule has not been revised. See attached Response to Public Comments.
726	Definitions as Used in Sections 727 through 729	Section number changed from 726 to 725.01.	
727	Residual Fuel Oils	Section number changed from 727 to 725.02. Obsolete language deleted.	
728	Distillate Fuel Oils	Section number changed from 728 to 725.03.	
729	Coal	Section number changed from 729 to 725.04.	
798	Electric Generators	Revises reference to other rule section.	

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Response to Public Comments

Commenter	Comment	DEQ Response
<p>Alex LaBeau President Idaho Association of Commerce and Industry P.O. Box 389 Boise, ID 83701</p>	<p>Thank you for the opportunity to comment on Sections 725 through 729, as they relate to sulfur content of fuels. We recognize that the changes are not substantive in nature; rather it is to clean up and clarify the sections. Nevertheless, it is IACI's belief that this is an important opportunity for our organization to formally notify the IDEQ of our interest in revising these sections to allow for the utilization of alternative fuels. IACI's members are confronting untenable circumstances relating to the current limitations in these rules and escalating fuel prices. Any proposal presented for discussion would achieve the level of environmental protection reflected in the current rules or imposed by existing permits. Specifically we propose to work with the IDEQ to draft language that would give flexibility to Idaho sources to use varying sources or types of fuel to respond to unpredictable fuel markets. Our intent is to create flexibility only to the extent that currently allowed sulfur emissions are authorized under an approved alternative.</p> <p>We are aware that such a change would require a review by EPA of Idaho's State Implementation Plan. Nevertheless, we are hopeful that the EPA will find such a change acceptable as such regulation has been successfully implemented in other states. We are prepared to work with the IDEQ to provide the support for such a rule change. IACI would appreciate suggestions from IDEQ on an appropriate path forward. We look forward to working with you.</p>	<p>This comment letter does not provide specific comments on the proposed rule, recognizing that the changes in the proposed rule are not substantive in nature. The letter formally notifies DEQ of its interest in revising these sections, in a future rulemaking, to allow for the utilization of alternative fuels.</p> <p>The rule has not been revised in response to this comment.</p>