

<p>Docket Number: <u>58-0101-0802</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: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Locations and Dates: Boise – September 9, 2008 Written Comment Deadline: September 9, 2008</p>
<p>Descriptive Summary of Rule as Initially Proposed: This rulemaking is necessary to ensure that the Rules for the Control of Air Pollution in Idaho are consistent with federal regulations. This proposed rule updates citations to federal regulations incorporated by reference at Sections 008 and 107 to include those revised as of July 1, 2008.</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: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Groups Involved: N/A</p> <p>Due to the nature of this rulemaking, negotiations were not held.</p>
	<p>Costs To the Agency: No additional costs to the agency.</p> <p>Costs To the Regulated Community: No additional costs to the regulated community.</p>
	<p>Relevant Statutes: Sections 39-105 and 39-107, 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	<input type="checkbox"/> Necessary to protect public health, safety or welfare <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs <input type="checkbox"/> Conferring a benefit
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Section	Section Title	Summary of Rule Changes Based on Public Comment
008.11	Definition of Part 70	This section has not been revised. See attached Response to Public Comments.
107	Incorporations by Reference	This section has not been revised. See attached Response to Public Comments.

**Rules for the Control of Air Pollution in Idaho
Docket No. 58-0101-0802**

Response to Public Comments

Commenter	Comment	DEQ Response
Cheri Condie Jerome, Idaho	As a resident of Jerome County, I appeal to you for stricter regulations of the industrial dairy activity here. Local control is not working. The fumes emitted from CAFO's should place them on your radar as source emitters. Please help us to stop the stink.	This comment is outside the scope of this rulemaking; the proposed rule does not include any revisions that would affect industrial dairy activity in Idaho. The proposed rule has not been revised in response to this comment.
Lee Halper Jerome, ID	<p>Dear DEQ, this is my official comment on your proposed rules on septic systems, air quality and nitrate priority areas. Your paragraph in the septic section says it all. Pathogens from open sewage are also airborne so these comments apply to your air quality comment request. When you consider your reports on the increasing nitrates in the 1000 springs areas from mainly farms and cafos, the whole northside of the magic valley should be classified as a nitrate priority area.</p> <p>The change to the septic systems makes sense but when you consider air quality and water quality and health, you're leaving off the main culprit of negative health effects, air quality and water quality, CAFOS. Their "septic systems" are lagoons that, by DEQ rules, are allowed to leak their nitrates, hormones, pharmaceuticals and pathogens to the aquifer at a rate of 1/8 inch per day or 500 gallons per acre per day. All spring, summer and fall these cesspools are emptied into the air and onto the ground spreading these same contaminants in volumes that make ALL the household septic systems pale in volume comparison.</p> <p>If you're sincere about protecting the health, safety and welfare of the public and the environment, require artificial liners for these cesspools with electronic monitors underneath to prevent ANY leakage, testing of the wastewater, drift analysis, etcetera. And what you really should consider is whether the Magic Valley and any other CAFO county is oversaturated already and ask the Governor to issue an Executive Order for an open-ended Moratorium so that an inventory of cow numbers and land available to wastewater and manure in a sustainable agronomic system is being met. ISDA's own testing of fields show increasing oversaturation of phosphorus</p>	This comment is outside the scope of this rulemaking; the proposed rule does not include any revisions regarding the allowance of airborne pathogens from open sewage. The proposed rule has not been revised in response to this comment.

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	<p>which suggests the reality that nitrates, hormones, etc. are also oversaturating the soil profile and leaching to our sole source aquifer.</p> <p>And please don't suggest that this is a local issue since by Idaho Code definition, ALL water in the State of Idaho belongs to EVERY Idaho citizen and what one County does to pollute the water under it affects the next county downstream and eventually the Snake River which belongs to EVERY United States citizen. The above is the only way you can do your jobs right. Any other action is mere collusion with the CAFO special interest group and, in my opinion, criminal threat and affect to the health, safety and welfare of the public. Thank you.</p>	