

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

#### DOCKET NO. 58-0101-0803

#### NOTICE OF RULEMAKING - PROPOSED RULE

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

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before September 17, 2008. If no such written request is received, a public hearing will not be held.

**DESCRIPTIVE SUMMARY:** In 2006, the Department of Environmental Quality (DEQ) negotiated a rule revision to IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho, which added Rules for the Control of Ammonia from Dairy Farms at Sections 760 through 764, requiring dairies above a certain threshold number of cows to be subject to industry Best Management Practices (BMPs). That rulemaking outlined a list of BMPs from which dairies could select various options for controlling ammonia emissions at their dairy farming operations.

Subsection 764.01 provides that the DEQ Director may approve additional BMPs as new information becomes available to DEQ. A BMP Review Team comprised of representatives from DEQ, the dairy industry, an environmental group, and other state agencies was subsequently formed to review these new BMPs as they were recommended.

In 2007, the BMP Review Team received a request to approve BMPs using Zeolite, an ammonia reducing product. After review, the team recommended that the DEQ Director approve these BMPs for use by dairy farming operations. The purpose of this rulemaking is to revise Subsection 764.02 to include these additional BMPs.

All dairy facilities and associations, special interest groups, agricultural agencies, public officials, or members of the public who have an interest in the regulation of air emissions from dairy 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 at the November 2008 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2009 legislative session if adopted by the Board and approved by the Legislature.

**NEGOTIATED RULEMAKING:** Because of the prior review, discussion, and negotiations by the BMP Review Team, which is comprised of the majority of the original stakeholders, no additional negotiations on this revision are anticipated unless requested.

**IDAHO CODE 39-107D STATEMENT:** This rule is broader in scope than federal law as the federal government has not yet indicated that these particular size and type of dairy farms must obtain air quality permits. The federal government is in the emissions information gathering stage of regulating emissions from dairy farms. This rule may be revised upon completion of additional state and federal scientific research. The BMP Review Team reached a consensus that the BMPs being added pursuant to this rule are based on the best available peer reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

**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.

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440, 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 October 1, 2008.

DATED this 1st day of August, 2008.

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-0803**

**764. DAIRY FARM BEST MANAGEMENT PRACTICES.**

**01. BMPs.** Each dairy farm subject to Sections 760 through 764, or that otherwise obtains a permit by rule under these sections, shall employ BMPs for the control of ammonia to total twenty-seven (27) points. Points may be obtained through third party export with sufficient documentation. The table located at Subsection 764.02. lists available BMPs and the associated point value. As new information becomes available or upon request, the Director may determine a practice not listed in the table constitutes a BMP and assign a point value. (3-30-07)

**02. Table - Ammonia Control Practices for Idaho Dairies.**

		Ammonia Control Effectiveness <sup>1</sup>			
System	Component	Open Lot	Freestall Scrape	Freestall Flush	Compliance Method <sup>3</sup>
Waste Storage and Treatment Systems	Synthetic Lagoon Cover	15	20	20	1
	GeoteXtile Covers	10	13	13	1
	Solids Separation	3	3	3	3, 4
	Composting	4	4	4	1
	Separate Slurry and Liquid Manure Basins	6	10	-	1
	In-House Separation	0	12	0	1
	Direct Utilization of Collected Slurry	6	10	-	1, 3, 4
	Direct Utilization of Parlor Wastewater	10	10	10	1
	Direct Utilization of Flush Water	8	0	13	3, 4

		Ammonia Control Effectiveness <sup>1</sup>			
System	Component	Open Lot	Freestall Scrape	Freestall Flush	Compliance Method <sup>3</sup>
	Anaerobic Digester	-	-	-	-
	Anaerobic Lagoon	-	-	-	-
	Aerated Lagoon	10	12	15	2
	Sequencing-Batch Reactor	15	20	20	2
	Lagoon Nitrification/Denitrification Systems	15	20	20	2
	Fixed-Media Aeration Systems	15	20	20	2
	<u>Zeolite Treatment of Liquid Manure 1lb/cow/day</u>	<u>4</u>	<u>5</u>	<u>5</u>	<u>2</u>
	<u>Zeolite Treatment of Liquid Manure 2lb/cow/day</u>	<u>8</u>	<u>10</u>	<u>10</u>	<u>2</u>
General Practices	Vegetative or Wooded Buffers (established)	7	7	7	1
	Vegetative or Wooded Buffers (establishing)	2	2	2	1
	Alternatives to Copper Sulfate	-	-	-	-
Freestall Barns	Scrape Built Up Manure	-	3	3	1
	Frequent Manure Removal	UD	UD	UD	-
	Tunnel Ventilation	-	-	-	-
	Tunnel Ventilation w/Biofilters	-	10	10	1
	Tunnel Ventilation w/Washing Wall	-	10	10	3, 4
Open Lots and Corrals	Rapid Manure Removal	4	2	2	1, 2
	Corral Harrowing	4	2	2	1
	Surface Amendments	10	5	5	2
	In-Corral Composting / Stockpiling	4	2	2	1
	Summertime Deep Bedding	10	5	5	1
Animal Nutrition	Manage Dietary Protein	2	2	2	2

		Ammonia Control Effectiveness <sup>1</sup>			
System	Component	Open Lot	Freestall Scrape	Freestall Flush	Compliance Method <sup>3</sup>
Composting Practices	Alum Incorporation	12	8	6	2
	Carbon:Nitrogen Ratio (C:N) Ratio Manipulation	10	7.5	5	2
	Composting with Windrows	-	-	-	-
	Composting Static Pile	6	4.5	3	1
	Forced Aeration Composting	10	7.5	5	1
	Forced Aeration Composting with Biofilter	12	8	6	1
	<u>Zeolite Incorporation</u>	<u>12</u>	<u>8</u>	<u>6</u>	<u>2</u>
Land Application <sup>2</sup>	Soil Injection - Slurry	10	15	7.5	2
	Incorporation of Manure within 24 hrs	10	10	10	2
	Incorporation of Manure within 48 hrs	5	5	5	2
	Nitrification of Lagoon Effluent	10	10	15	3, 4
	Low Energy/Pressure Application Systems	7	7	10	1
	Freshwater Dilution	5	8	8	1, 2
	Pivot Drag Hoses	8	8	10	1
	Subsurface Drip Irrigation	10	10	12	1

Notes:

- The ammonia emission reduction effectiveness of each practice is rated numerically based on practical year-round implementation. Variations due to seasonal practices and expected weather conditions have been factored into these ratings. Not implementing a BMP when it is not practicable to do so, does not reduce the point value assigned to the BMP, nor does it constitute failure to perform the BMP. UD indicates that the practice is still under development.
- Land application practices assume practice is conducted on all manure; points will be pro-rated to reflect actual waste treatment; points can be obtained on exported material with sufficient documentation.
- Method used by inspector to determine compliance
  - 1=Observation by Inspector
  - 2=On-Site Recordkeeping Required
  - 3, 4=Deviation Reporting Required. Equipment upsets and/or breakdowns shall be recorded in a deviation log and if repaired in a reasonable timeframe does not constitute non-compliance with this rule.

(3-30-07)( )