

<p>Docket Number: <u>58-0101-0803</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: right;">Public Notice</p> <p>Hearings: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Locations and Dates: N/A Written Comment Deadline: October 1, 2008</p>
<p>Descriptive Summary of Rule as Initially Proposed: 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 numbers 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.</p> <p>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.</p> <p>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.</p> <p>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>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.</p>
	<p>Cost Impact: Costs To the Agency: No additional costs to the agency. 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 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.</p> <p>Idaho Code § 67-5221(1)(c) Fiscal Impact Statement: 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
----------------	--

Docket Number: <u>58-0101-0803</u>			
Section	Section Title	Summary of Rule Changes Based on Public Comment	
764	Dairy Farm Best Management Practices.	The rule has not been revised. See attached Response to Public Comments.	

**Rules for the Control of Air Pollution in Idaho
Docket No. 58-0101-0803**

Response to Public Comments

Commenter	Comment	DEQ Response
Dick Rogers rj_rogers@netzero.net	I have no problems using zeolite as a treatment option for controlling ammonia if pilot studies or literature documents it's effectiveness. However my concern is the disposal of the treated waste and that it does not adversely impact surface or ground water with pathogens and nutrients. Final approval of this rule can be conditioned that ground water and surface water not be adversely impacted. I believe this direction can be directed to those who oversee the land application of this treated waste via the memorandum of understanding with EPA, Dept. of AG and DEQ.	The zeolite apparently binds up the nutrients and, when it's land applied, it only releases that amount of nutrient that the plants and crops will take up. That, coupled with the fact that they still have to follow their nutrient management plans filed with the Idaho State Department of Agriculture, is sufficient science and regulation to ensure that ground and surface water will not be anymore affected than if zeolite was not used. The proposed rule has not been revised in response to this comment.