

<p>Docket Number: <u>58-0101-0902</u> Effective Date: <u>2010 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 – August 4, 2009 Written Comment Deadline: August 4, 2009</p>
<p>Descriptive Summary of Rule as Initially Proposed: The Rules for the Control of Air Pollution in Idaho limit, for fuel burning sources, the amount of sulfur allowed in residual fuel oil, distillate fuel oil, and coal. This limits the flexibility of industries to use less expensive alternative fuels with higher sulfur contents. DEQ has initiated this rulemaking to allow industries a less expensive alternative to current fuels with no additional environmental impact. The revisions included in this proposed rule allow for higher sulfur content fuels to be used in fuel burning equipment in Idaho as long as the resulting emissions are at levels equal to or lower than those provided for in the existing rules.</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 Second 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code Section 67-5220 and IDAPA 58.01.23.810-815. On April 1, 2009, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 09-4, page 40. On April 15, 2009, a preliminary draft negotiated rule was made available for public review. One meeting was held on April 14, 2009. Members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments.</p>
	<p>Costs To the Agency: None anticipated.</p> <p>Costs To the Regulated Community: The intent of the rulemaking is to allow industries a less expensive alternative to current fuels with no additional environmental impact.</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>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
725	Rules for Sulfur Content of Fuels	The proposed rule has not been revised. See attached Response to Public Comments.

**Rules for the Control of Air Pollution in Idaho
Docket No. 58-0101-0902**

Response to Public Comments

Commenter	Comment	DEQ Response
<p>Daniel J. Brown State and Tribal Air Program Unit U.S. EPA Region 10 1200 Sixth Avenue Seattle, WA 98101</p>	<p>Please accept these comments on the proposed rulemaking, Docket 58-0101-0902, Rules for the Control of Air Pollution in Idaho, for fuel burning sources, that limit the amount of sulfur allowed in residual fuel oil, distillate fuel oil, and coal (IDAPA 58.01.01.725).</p> <p>The proposed revisions allow industries flexibility to use fuels which do not meet the specified fuel sulfur limitations provided they can demonstrate that sulfur dioxide emissions are equal to, or less than, those resulting from the combustion of fuels complying with the limitations. However, the rule revisions do not include criteria for making any such demonstration.</p> <p>To make a demonstration of equivalent emissions for compliance with this rule revision it is important to specify both the metric and averaging time that must be used. We believe such a demonstration would need to compare the hourly average emissions from different fuels at the rated capacity of the emissions unit, as determined from a standard stack test and/or continuous emissions monitor. This would be necessary to ensure protection of the short term SO₂ standards and ensure that the rule revision does not result in a relaxation of the current SIP.</p> <p>It is also important to note that this rule revision alone would not allow IDEQ to relax any existing permit limits or conditions without also ensuring compliance with existing permit rules. Furthermore, any modification required for a facility to combust higher sulfur fuels, even without increasing allowable emissions, may be subject to new source review rules.</p>	<p>DEQ acknowledges that both the metric and averaging times must be specified in comparing the hourly average emissions from different fuels at the rated capacity of the emissions unit. This can and will be accomplished through case-by-case permitting actions.</p>