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3459 E. Boulder Heights Dr. Boise, Idaho 83712 208.345.7222 [www.torf.us](http://www.torf.us)

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Email Transmittal to: [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

Paula Wilson  
Idaho Department of Environmental Quality  
1410 N. Hilton  
Boise, ID 83706

Re: Air Quality: Docket No. 58-0101-1801- Negotiated Rulemaking

Dear Ms. Wilson:

Following are comments regarding the Department of Environmental Quality's Preliminary Draft (Draft No. 1) concerning the Negotiated Rulemaking referenced above.

1. IDEQ Proposed Deletion Section 210.03 Quantification of Ambient Concentrations a.i. and a.ii.

We support this revision. The proposed revision deletes outdated screening and refined modeling procedures in favor of the currently recommended U.S. EPA air model and procedures.

2. IDEQ Proposed Revisions Section 210.07 Controlled Emissions

We support this revision. The existing regulations are confusing and appear to indicate that in order to demonstrate compliance using controlled emissions, uncontrolled ambient concentrations must also be analyzed. The proposed revisions clarify that if controlled emissions are less than applicable Section 585 and 586 screening emission levels no further analysis is required.

This is consistent with IDEQ guidance described in Toxic Air Pollutant (TAP) Preconstruction Compliance Application Completeness Checklist (AQ-CH-P006). Although Checklist Section C. TAP Compliance Using Controlled Ambient Concentrations predominantly addresses analysis of ambient concentrations 210.08, the following paragraphs are included:

“Determine the controlled emissions from new emissions units and the controlled emission increase from modified emissions units. Show all calculations and state all assumptions, including the control methods.

Model the controlled emissions of each TAP from new emissions units and the increase in controlled emissions from all modified emissions units.

TAP emissions levels (EL) included in Rules Section 585 and 586 are derived based on generic modeling. If the sum the of (sic) emissions from new and modified sources is below the EL compliance is demonstrated without the need to conduct site-specific dispersion modeling.” (page 3)

In the past, we have provided, and IDEQ has accepted, compliance demonstrations based solely on the *controlled emissions* guidance described in the Checklist. In these cases, IDEQ has not also required analysis of uncontrolled ambient concentrations. We believe the proposed revised Section 210.07 is consistent with the existing Checklist guidance document. Therefore, we support the proposed revision.

### 3. Additional Proposed Revision Section 223 Exemption Criteria And Reporting Requirements For Toxic Air Pollutant Emission

We propose revising the existing regulation 223.01 Below Regulatory Concern, to read as follows:

“01. Below Regulatory Concern (BRC) Exemption. The source qualifies for a BRC exemption if the uncontrolled emission rate (refer to Section 210) for all toxic air pollutants emitted by the source is less than or equal to ten percent (10%) of all applicable screening emission levels listed in Sections 585 and 586.”

In order to satisfy permit exemption criteria for Toxic Air Pollutants (TAPS), the existing regulation 223.01 Below Regulatory Concern requires comparison of *uncontrolled emissions* (unrestricted/uncontrolled maximum potential to emit) to 10% of applicable Section 585 and 586 screening emission levels. A rationale I have heard in the past is that the TAPs exemption criteria are designed to be extremely conservative in order to assure compliance in the absence of permit-enforceable operating limits and controls.

However, in order to satisfy permit exemption criteria for criteria air pollutants, regulation 221.01 Below Regulatory Concern allows comparison of *controlled emissions* (restricted/controlled actual potential to emit) to 10% of applicable significant emission rates. Since the *controlled emissions* criterion for criteria pollutant BRC exemption is adequate without permit-enforceable operating limits and controls, it seems reasonable that the TAPs BRC exemption would also be adequate without permit-enforceable operating limits and controls. I note that in order to operate in compliance, even in the absence of a permit, a facility would have to operate within the operational limits and controls that satisfy BRC. In the event, a facility did not continue to operate within the limits and controls that satisfy

Idaho Department of Environmental Quality - Re: Air Quality: Docket No. 58-0101-1801-  
Negotiated Rulemaking

May 17, 2018

Page 3 of 3

BRC, the facility would be violating the requirement to obtain a permit and IDEQ would have adequate authority to compel compliance. Therefore, it seems reasonable that the BRC exemption criteria for TAPs be similar and no more restrictive than the BRC exemption for criteria pollutants.

This revision would benefit regulated facilities that can qualify for *controlled* BRC by avoiding air dispersion modeling of *uncontrolled* emissions to qualify for permit exemption. In addition, this revision would benefit IDEQ by reducing the number of air dispersion modeling reports it must review.

Please do not hesitate to contact me with any questions you may have. I may be reached at (208) 345-7222 or via Email at [mtorf@torf.us](mailto:mtorf@torf.us).

Very truly yours,  
TORF Environmental Management



Mark A. Torf  
Sr. Professional

