

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

**DOCKET NO. 58-0101-1803**

**NOTICE OF NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-114, Idaho Code.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

**MEETING SCHEDULE:** The negotiated rulemaking meeting will be held as follows. Additional meetings will be scheduled if necessary.

<b>*ORIGINATING LOCATION – LIVE MEETING*</b>	
<b>DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho</b>	
<b>Thursday, June 21, 2018 - 9:00 a.m. to 12:30 p.m. (MDT)</b>	
<b>*TELEPHONE AND WEB CONFERENCE LOCATIONS*</b>	
<b>DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814</b>	<b>DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501</b>
<b>DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301</b>	<b>DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201</b>
<b>DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402</b>	
<b>TELEPHONE AND WEB CONFERENCE INFORMATION</b>	

**Contact the undersigned by *June 14, 2018*, to make arrangements for participation by telephone and web conferencing.**

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

**PRELIMINARY DRAFT RULE:** The preliminary draft rule is available at [www.deq.idaho.gov/58-0101-1803](http://www.deq.idaho.gov/58-0101-1803) or by contacting the undersigned.

**DESCRIPTIVE SUMMARY:** DEQ initiated this rulemaking at the recommendation of the Crop Residue Advisory Committee to allow farmers to pay the required fees after the burn instead of prior to the burn. This rulemaking also provides DEQ a more streamlined administrative process. The fee structure will not be changed. Due to the deployment timing of DEQ's software used to implement the crop residue burning program, it is necessary to adopt a temporary rule and implement this change prior to the 2019 spring burning season to avoid interruption of the burn season. This rulemaking will not change the timing of the fee payment for the spot and bale burn permit.

Before this rule docket can become effective, it will be necessary to revise Idaho Code § 39-114. Legislation will be drafted in conjunction with the negotiated rulemaking. DEQ intends to submit the proposed legislation for consideration by the 2019 Idaho Legislature. The temporary rule would become effective on the date the companion legislation becomes law. The identical companion pending rule would become final and effective upon conclusion of the legislative session.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Farmers desiring to burn crop residue, members of the regulated community who may be subject to Idaho's air quality rules, special interest groups, Idaho State Department of Agriculture, tribes, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the summer of 2018 and then present the final proposal to the Idaho Board of Environmental Quality (Board) in November 2018 for adoption of a temporary/pending rule. If adopted by the Board, the rule will be reviewed by the 2019 Idaho Legislature.

**TEMPORARY RULE JUSTIFICATION:** Adoption of this temporary rule is necessary to ensure that the revisions are effective prior to the 2019 burning season. Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption is appropriate in that the rulemaking confers a benefit. Temporary adoption of this rule confers a benefit to (1) farmers by allowing farmers to pay the required fees after the burn instead of prior to the burn, and (2) DEQ by providing a more streamlined administrative process.

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning this rulemaking, contact Carl Brown at [carl.brown@deq.idaho.gov](mailto:carl.brown@deq.idaho.gov) or (208) 373-0206.

Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is June 29, 2018. Information regarding public comment opportunities provided throughout the negotiated rulemaking process is available at [www.deq.idaho.gov/58-0101-1803](http://www.deq.idaho.gov/58-0101-1803) or by contacting the undersigned.

Dated this 6th day of June, 2018.

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