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Submitted via email: paula.wilson@deq.idaho.gov and carl.brown@deq.idaho.gov

RE: Air Quality: Docket No. 58-0101-1801 – Negotiated Rulemaking Draft 3.1

Dear Ms. Wilson and Mr. Brown,

Thank you for the opportunity to comment on the draft 3.1 of Negotiated Rulemaking Docket No. 58-0101-1801.

Since 1973, the Idaho Conservation League has been Idaho's leading voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 30,000 supporters, many of whom have a deep personal interest in protecting Idaho's air quality and public health.

Our detailed comments follow this letter. Please do not hesitate to contact me at 208-345-6933 ext. 23 or ahopkins@idahoconservation.org if you have any questions regarding our comments or if we can provide you with any additional information on this matter.

Sincerely,

Austin Hopkins
Conservation Associate

RE: Idaho Conservation League comments on Air Quality: Docket No. 58-0101-1801 – Negotiated Rulemaking Draft 3.1

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Periodic Reporting and Record Retention for TAP Exemptions

DEQ's proposed changes to Level II Exemption criteria (§223.03) will allow permittees, in essence, to account for controllable emissions in order to qualify for a Level II exemption. DEQ's proposed language for this section mirrors language found in previous exemption sections, notably §221.01, which governs exemptions related to emissions of criteria air pollutants.

We have concerns over utilizing the same exemption approach for criteria and toxic air pollutants given the relative toxicity of these pollutants and the effect on public health should control measures fail or be ignored. If DEQ proceeds with this Level II exemption, we request that they update the reporting requirements beyond just the first year of operation. To adequately protect public health, DEQ should require periodic reports from exempted facilities demonstrating their continued compliance with exemption criteria.

Pursuant to §220.02, exempted facilities are required to maintain records for a period of five (5) years; however, record retention and a compliance demonstration are two different things, with the latter being a more proactive approach to ensuring public health is not needlessly put in jeopardy. We recommend DEQ require compliance demonstrations from exempted facilities at a frequency of no less than every five (5) years.

NSPS and NESHAP Sources

As presented, the language presented in draft 3.1 for section 210.20 doesn't appear to reference the requirements listed in subsections a and b. We propose the following edit to this section to remedy this issue:

No demonstration of compliance with the toxic air pollutant provisions is required to obtain a permit to construct, or demonstrate permit to construct exemption criteria, for a new source or for modification of an existing source, if the toxic air pollutant is also a listed hazardous air pollutant, as demonstrated by:

- a. The equipment or activity covered by a NSPS or NESHAP; or*
- b. The source category of equipment or activity addressed by a NSPS or NESHAP even if the equipment or activity is not subject to compliance requirements under the federal rule.*

proposed edit underlined