

<p>Docket Number: <u>58-0101-1803</u> Effective Date: <u>2019 Sine die</u> Rules Title: <u>Rules for the Control of Air Pollution in Idaho</u> Agency Contact and Phone: <u>Tiffany Floyd, 373-0440/Carl Brown, 373-0206</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, ID – 9/5/18 Written Comment Deadline: 9/5/18</p>
<p>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. This rulemaking does not change the fee structure and will not change the timing of the fee payment for the spot and bale burn permit.</p> <p>Due to the deployment timing of DEQ's software used to implement the crop residue burning program, it is necessary to implement this change prior to the 2019 spring burning season to avoid interruption of the burn season. Before this rule docket can become effective, it will be necessary to revise Idaho Code § 39-114. DEQ has submitted draft companion legislation for consideration by the 2019 Idaho Legislature. Upon passage and approval, the legislation would become effective immediately, providing DEQ with the necessary authorization to implement this rule change. If adopted by the Board and approved by the Legislature, the pending rule would become final and effective upon adjournment of the 2019 legislative session. DEQ originally scheduled this rule docket to be adopted as a temporary and pending rule but has determined that temporary rule adoption is not necessary for timely implementation of the rule change.</p> <p>DEQ recommends that the Board adopt the rule, as presented in the final proposal, as a pending rule.</p>	<p>Negotiated Rule Making: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The Negotiated Rulemaking Summary is attached.</p> <hr/> <p>Costs To the Agency: No additional costs to the agency.</p> <p>Costs To the Regulated Community: No additional costs to the regulated community.</p> <hr/> <p>Relevant Statutes: Sections 39-105, 39-107, and 39-114, Idaho Code</p> <hr/> <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>

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
620.	Burn Fee.	<p>Comment received from Gary Nystrom: After the elections this year, I want to get with my state representative such as Senator Mary Souza regarding DEQ and what I consider a huge waste of time and resources. This issue regarding burn fees has been going on for more than 6 months and this huge drawn out process only cost the government and business money. In other words, regulations and the process are taking way to <i>[sic]</i> much time to get things done. There has to be a shorter process and I will ask my representative to get the process cut.</p> <p>DEQ response: This rulemaking, as with all DEQ rulemaking, is conducted in accordance with the rulemaking procedures prescribed by the Idaho Legislature in the Idaho Administrative Procedure Act (APA), Chapter 52, Title 67, Idaho Code.</p>

**Department of Environmental Quality
Rules for the Control of Air Pollution in Idaho
IDAPA 58.01.01**

Docket No. 58-0101-1803

**Negotiated Rulemaking Summary
Idaho Code § 67-5220(3)(f)**

This rulemaking has been initiated 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.

The Notice of Negotiated Rulemaking was published in the June 2018 issue of the Idaho Administrative Bulletin and a preliminary draft rule was made available for public review. A meeting was held on June 21, 2018. Key information was posted on the DEQ rulemaking web page and distributed to the public. Members of the public participated in the negotiated rulemaking process by attending the meetings and by submitting written comments.

All comments received during the negotiated rulemaking process were considered by DEQ when making decisions regarding development of the rule. At the conclusion of the negotiated rulemaking process, DEQ formatted the final draft for publication as a proposed rule in the Idaho Administrative Bulletin. The negotiated rulemaking record, which includes the negotiated rule drafts, written public comments, and documents distributed during the negotiated rulemaking process, is available at www.deq.idaho.gov/58-0101-1803.