

FINAL PROPOSAL
Dated September 10, 2018

RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO, DOCKET NO. 58-0101-1803

The Department of Environmental Quality recommends that the Board of Environmental Quality adopt the rule as initially proposed in the Idaho Administrative Bulletin, August 1, 2018, Vol. 18-8, pages 226 through 227.

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 RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2019 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the First Regular Session of the Sixty-fifth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-114, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 1, 2018, Vol. 18-8, pages 226 through 227. After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0101-1803 or by contacting the undersigned.

Before this rule docket can become final and 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. 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.

IDAHO CODE SECTION 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.

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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Carl Brown at carl.brown@deq.idaho.gov or (208) 373-0206.

Dated this 5th day of December, 2018

Paula J. Wilson
DEQ Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov