

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1601

NOTICE OF INTENT TO PROMULGATE RULES - 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 meetings 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 dates provided in the table below. For those who cannot participate by attending the meetings, information for submitting written comments is provided at the end of this notice.

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

ORIGINATING LOCATION – LIVE MEETING DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
TELEPHONE & WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, Idaho	DEQ Lewiston Regional Office 1118 F Street Lewiston, Idaho
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, Idaho	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, Idaho
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, Idaho	
Meeting Date & Times	*Telephone & Web Conferencing Information*
Wednesday, May 18, 2016 9:00 a.m. - 12:30 p.m. (MT)	Contact the undersigned by <i>May 11, 2016</i> to make arrangements for participation by telephone and web conferencing
Thursday, June 23, 2016 9:00 a.m. - 12:30 p.m. (MT)	Contact the undersigned by <i>June 16, 2016</i> to make arrangements for participation by telephone and web conferencing

PRELIMINARY DRAFT RULE: The preliminary draft rule can be obtained at www.deq.idaho.gov/58-0101-1601 or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208) 373-0418.

DESCRIPTIVE SUMMARY: The crop residue burning rules have been in effect since 2008. One aspect of the rule requires that, prior to approving a crop residue burn, DEQ determines that 1) air quality is not exceeding 75% of any National Ambient Air Quality Standards (NAAQS), and 2) air quality is not projected to exceed such level during the next 24 hours. Fine particulate matter (PM_{2.5}) is the pollutant most directly affected by crop residue burning. There are days when PM_{2.5} concentrations are not a concern, but ozone concentrations exceed or are projected to exceed 75% of the ozone NAAQS. As a result, crop residue burns are not approvable despite the fact that 1) the weather conditions exhibit good smoke dispersion characteristics, and 2) DEQ technical staff expects the burns to have minimal impact on ambient ozone concentrations (NAAQS). Therefore, burning may not be allowed on good burn days even when the burn is not predicted to cause or significantly contribute to a violation of the ozone NAAQS. The goal of this rulemaking is to develop a more appropriate threshold number for ozone that is still protective of the ozone NAAQS, but also providing farmers the ability to burn while following smoke management best practices. Additionally, threshold numbers for other pollutants, including PM_{2.5}, may be revised.

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 2016. DEQ intends to present the final proposal to the Idaho Board of Environmental Quality (Board) in May 2017 for adoption of a temporary/pending rule. However, before DEQ presents this rule docket to the Board for adoption, it will be necessary to revise Idaho Code § 39-114. Proposed legislation will be drafted in conjunction with the negotiated rulemaking and will be submitted to the 2017 Idaho Legislature. If the legislation is enacted and the temporary/pending rule is adopted by the Board, DEQ will develop a revised State Implementation Plan (SIP) and submit the SIP to the U.S. Environmental Protection Agency (EPA) for approval. The rule revisions made under this docket will not be implemented until approved by EPA.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Mary Anderson at mary.anderson@deq.idaho.gov or (208) 373-0202.

For those who cannot participate by attending the scheduled meetings, written comments may be submitted by mail, fax or email at the address below. Written comments on the preliminary draft rule must be received by May 25, 2016. For information regarding submission of written comments on subsequent drafts of the negotiated rule, to receive copies of submitted written comments, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

Dated this 4th day of May, 2016.

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