

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1701

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, 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.

ORIGINATING LOCATION – LIVE MEETING DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho Tuesday, May 2nd, 2017 - 9:00 am to 12:30 pm (MDT)	
TELEPHONE AND 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**

**Contact the undersigned by *April 25, 2017* 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: By April 12, 2017, the preliminary draft rule can be obtained at www.deq.idaho.gov/58-0101-1701 or by contacting Paula Wilson at [paula.wilson@deq.idaho.gov](mailto:Paula.Wilson@deq.idaho.gov), (208) 373-0418.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to provide DEQ with the authority to develop a Clean Air Act Section 111(d) state plan to implement the recently updated Emission Guidelines and Compliance Times for Municipal Solid Waste (MSW) Landfills (81 Fed. Reg. 59276, August 29, 2016). Idaho currently implements federal regulations for MSW landfills at IDAPA 58.01.01., Sections 859-860. EPA recently updated the federal regulations governing these facilities. In order for DEQ to continue to implement the program, DEQ must update its existing rules and develop a state plan for Idaho. If DEQ fails to update its rules and develop a state plan, EPA will promulgate a federal plan for Idaho. In this proposed rulemaking, Idaho plans to update and streamline IDAPA 58.01.01., Sections 859-860, which were promulgated in 2000 to provide DEQ the authority to implement the state plan at that time.

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. Members of the regulated community who may be subject to Idaho's air quality rules, municipalities, special interest groups, public officials, and members of the public who have an interest in the regulation of air emissions from landfills 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 2017 and then present the final proposal to the Idaho Board of Environmental Quality (Board) in the fall of 2017 for adoption of a temporary/pending rule. If adopted by the Board, the rule will be reviewed by the 2018 Idaho Legislature. Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to comply with deadlines in federal programs and, therefore, avoid promulgation of a federal plan for Idaho.

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 or (208) 373-0206.

For those who cannot participate by attending the scheduled meeting, 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 12, 2017. 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 5th day of April, 2017

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