

## 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 TERMINATION OF NEGOTIATED RULEMAKING

Notice is hereby given that this agency has terminated the negotiated rulemaking previously initiated under this docket.

**DESCRIPTIVE SUMMARY:** In April 2017, DEQ published a Notice of Negotiated Rulemaking under Docket No. 58-0101-1701 (Idaho Administrative Bulletin, April 5, 2017, [Vol. 17-4, pages 41 through 42](#)). A negotiated rulemaking meeting was held on May 2, 2017. Provided below is a summary of the reason for terminating this negotiated rulemaking.

On May 23, 2017, the U.S. Environmental Protection Agency (EPA) announced a 90 day administrative stay for the August 2016 New Source Performance Standards (NSPS) and Emissions Guidelines (EG) for municipal solid waste (MSW) landfills. The 90 day stay began upon publication of EPA's May 31, 2017 notice in the [Federal Register](#). During the stay, EPA will reconsider certain aspects of the NSPS and EG for existing MSW landfills. As part of the reconsideration process, EPA expects to prepare a proposed rule, which will allow for public comment. Additional information on the stay and reconsideration is available at <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards>.

Based on the stay and the likelihood of updated requirements, DEQ is terminating the negotiated rulemaking. This is consistent with the public comments received on the negotiated rule draft. A common theme in the comments received was that DEQ should delay the rulemaking and allow EPA time to address inconsistencies in the rules promulgated in August 2016. After EPA completes its reconsideration, DEQ will assess resuming rulemaking for MSW landfills.

It is important to note that the current rules for MSW landfills (implemented through IDAPA 58.01.01.859-860) still apply: the requirements under 40 CFR Part 60, Subpart WWW (NSPS) and 40 CFR Part 60, Subpart Cc (EG). DEQ's solid waste program will continue to work with MSW landfills in Idaho to update DEQ's database of design capacity information.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this termination of negotiated rulemaking, contact the undersigned.

DATED this 5th day of July, 2017

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208) 373-0418 / Fax No. (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)