

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1902

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, 39-115(3), 39-118D and 39-119, 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: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0101-1902.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Tuesday, May 7th, 2019 – 9:00 a.m. to 3:00 p.m. (MDT)	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	
Contact the undersigned by May 3, 2019, 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: The preliminary draft rule is available at www.deq.idaho.gov/58-0101-1902.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to revise the fee structure of a Clean Air Act mandated air permitting program. Major industrial sources of air pollution are required to have a Title V operating

permit. In Idaho, the Title V permitting program is administered by DEQ. The Clean Air Act requires these industrial sources to pay on-going annual fees to cover all reasonable costs associated with the Title V permitting program (Clean Air Act 42 USC 7661a(b)(3) and implementation regulation at 40 CFR 70.9). In January 2018, the Idaho National Laboratory (INL) decreased its emissions such that it will no longer be required to have a Title V operating permit and, therefore, will no longer pay Title V permitting fees. Since the inception of the Title V permitting program, the INL has paid a Title V permitting fee of \$500,000, which covered far more than its share of program costs. Without this significant sum, DEQ must negotiate a revision to the current fee structure to ensure there is sufficient funding to cover the costs of administering the Title V program in Idaho. Collection of the fees is authorized by Sections 39-115(3), 39-118D and 39-119, Idaho Code.

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 the Title V permitting program, conservation and environmental groups, 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.

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

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is May 14, 2019. Information regarding public comment opportunities provided throughout the rulemaking process will be available at www.deq.idaho.gov/58-0101-1902 or by contacting the undersigned.

Dated this 1st day of May, 2019.

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