



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Environment, Energy & Technology Committee

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: August 08, 2013

SUBJECT: Department of Environmental Quality

IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho (Docket No. 58-0101-1301)

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho. According to the Department, the rulemaking updates citations to the federal regulations incorporated by reference as mandated by the EPA for approval of the state's Title V Operating Permit Program, fulfilling the requirements of Idaho's delegation agreement with the EPA under the Clean Air Act. The Department states that the rule also deletes provisions relating to hospital/medical/infectious waste incinerators to remove requirements that have been superseded by recent updates to federal law. The Department notes that the changes allow it to maintain EPA approval to regulate these sources. The Department also states that it intends to hold a public hearing regarding Idaho's request for continued EPA approval to regulate hospital/medical/infectious waste incinerators. A Notice of Public Comment Period and Public Hearing has been published in the Idaho Administrative Bulletin.

The Department states that negotiated rulemaking was not conducted due to the simple nature of the rulemaking and because it has no discretion with respect to adopting the federal regulations that are necessary for EPA approval of Idaho's Title V Operating Permit Program. The Department does confirm that the proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations. The rulemaking appears to be authorized pursuant to Sections 39-105 and 39-107, Idaho Code.

cc: Department of Environmental Quality
Paula J. Wilson
Tiffany Floyd