



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: September 2, 2014

SUBJECT: Department of Environmental Quality - Air Quality

IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho - Proposed Rule (Docket No. 58-0101-1401)

IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho - Proposed Rule (Docket No. 58-0101-1402)

1. IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho

The Department of Environmental Quality submits notice of proposed rulemaking at IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho. According to the department, the purpose of the proposed rulemaking is to clarify the application of fugitive dust rules to agricultural activities. The department indicates that negotiated rulemaking was conducted. The department confirms that the rule does not regulate an activity not regulated by the federal government, nor is it broader in scope nor more stringent than federal regulations. The rulemaking appears to be authorized pursuant to Sections 39-105 and 39-107, Idaho Code.

2. IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho

The Department of Environmental Quality submits notice of proposed rulemaking at IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho. According to the department, there are three main objectives for the rulemaking. The department indicates that the first objective is to acknowledge feedback received from the EPA regarding necessary changes to the Rules for the Control of Air Pollution in Idaho for inclusion into Idaho's State Implementation Plan. The department states that including the rules in the State Implementation Plan will provide certainty to the regulated community that their permits fulfill all state and federal requirements. The department notes that there are also minor clarifications to the Facility Emissions Cap, Sulfur Content in Fuels Alternative and Nonmetallic Mineral Processing Plants. The second objective, according to the department, is to add references PM_{2.5} in order to capture updated federal requirements. The department adds that this change is necessary for clarification and consistency. The department states that the third objective is to update a source test reporting deadline to more realistically reflect existing practices, increasing the deadline from thirty to sixty days.

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cc: Department of Environmental Quality - Air Quality
Paula J. Wilson