



October 19, 2020

Mark Boyle, Smoke Management Supervisor
Idaho Department of Environmental Quality
DEQ Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814
Delivered via email: paula.wilson@deq.idaho.gov

Re: Idaho Department of Environmental Quality Negotiated Rule Draft No.3 – Rules for the Control of Air Pollution. Idaho Docket No. 58-0101-1901

Dear Mr. Boyle,

PotlatchDeltic has appreciated the opportunities provided to date for review and discussion regarding the proposed rulemaking. However, beyond commenting on several specific matters regarding provisions within the draft rule and field guide, we are increasingly concerned that the DEQ is proceeding and not adequately considering the comments that have been provided surrounding industrial timberland major burners.

Inadequate Analysis of Smoke Impacts of Industrial Timberland Major Burners

While the need for smoke management may be a valid objective, DEQ has failed to provide a data and analysis breaking out which sources smoke conditions currently come from. Without fully understanding the impact of various sources – such as small burners, public lands, and industrial timberland owners – the approach to the rulemaking is fundamentally flawed and risks over-reach through substantial additional regulations on a source that may not be warranted. Rulemaking should not continue unless this analysis can be completed, presented and ultimately reflected in the amount of additional regulation placed on various sources. Our industrial timberland burns are typically conducting in September and October when other smoke impacts are reduced, burn in a manner that minimizes smoke as compared to other sources throughout the year, and are in remote areas without significant risk of population impact. As a result, we believe industrial timberland impacts should not be the focus of this rulemaking as DEQ has not demonstrated the need for the rulemaking for industrial timberland major burners.

Smoke Management Program for Industrial Timberland Owners Already Exists

Nearly all large industrial timberland owners who would fall within DEQ's proposed major burner category voluntarily participate in the Montana-Idaho Airshed Group (MIAG) to conduct burns. The Airshed Group has been working effectively for several decades with an established process that is highly successful at smoke abatement and is efficient for industrial timberland owners and federal, state, and local agencies to implement. We recognize the value of all major industrial timberland burners participating in MIAG, however additional DEQ regulations as well as requirements that duplicate a well-established effective process have not been demonstrated to be required for major burners. DEQ's approach to hold final fire burn approval and provisions makes MIAG in effect redundant and violates the operating flexibility that is required for the practical management of slash removal by industrial landowners as required under the Idaho Forest Practices Code. DEQ would in effect be making complex decisions that are in some instances not operationally practical, can impact best forest management practices, and can actually increase risk of fire or smoke impacts.

Smoke Management Field Guide is Unacceptable Approach

DEQ's Draft Rule 3 consists of 12 pages while the vast majority of the regulatory requirements are planned to be accomplished through an over 100-page field guide. Major burners would be subject to sweeping rules that require no public approval process and could lead to impractical, inconsistent or confusing outcomes.

Alternative Approach Required for Industrial Landowners

Idaho Department of Lands (IDL) is the lead agency regulating prescribed fire operations in Idaho. IDL and the Land Board are also statutorily designated under the Forest Practices Act 38-1302 to protect air quality related to forest practices. IDL also specifically references (IDAPA 20.02.01) the establishment of a management system for smoke from prescribed fires that will protect air quality and requires IDL to coordinate with other state agencies in enforcement. As a result, creating a new regulatory process is, in our view, not the correct approach for DEQ to take with industrial landowners and is duplicative. A better alternative would be coordination among the state agencies and departments, leveraging existing expertise and practical solutions to find solutions that provide adequate consideration for smoke management. An interdisciplinary task force approach for regulatory guidance may be most productive, such as exists on best management practices associated with water quality protection measures under IDAPA 20.02.01.

Thank you for the opportunity to comment on DEQ Negotiated Rule Draft 3. PotlatchDeltic recommends that DEQ not proceed with the negotiated rulemaking for industrial landowners and look instead to partner with IDL in an advisory role to update their existing rules. We have significant specific additional comments regarding the proposed Rule and the Field Guide which we are happy to provide but have not included as a result of our position regarding this rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna Torma". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Anna Torma
Vice President Public Affairs