

January 28, 2022



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Via email: paula.wilson@deq.idaho.gov

Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Re: Air Quality: Docket No. 58-0101-2101

Dear Ms. Wilson:

Idaho Association of Commerce & Industry (“IACI”) appreciates the opportunity to comment on DEQ’s zero based regulation negotiated rulemaking regarding rules for the control of air pollution in Idaho, Docket No. 58-0101-2101.

IACI members commenced a review of the entire document provided at the first negotiated rulemaking meeting and offer the following comments at this time.

1. While we understand that many of the definitions within the rule are incorporated by reference in federal code, many of the terms being removed are used dozens, if not hundreds, of times in the underlying rule, while others are not used at all or may be so intuitive, they probably don’t need to be defined. Where the definition is used frequently in the code, we believe it would be inefficient to remove them in this rulemaking. It is much easier for someone trying to comply with air quality regulations in Idaho to find them in the Idaho rule than to have to look them up in federal code. IACI would be happy to walk through these definitions individually with the Department at the next negotiated rulemaking session.
2. Where the definitions in the rule are intended to mirror federal code, we would ask that DEQ undertake a review to make sure they are consistent. There appear to be some definitions that differ from the federal code, for example Actual Emissions and Modification. IACI would be happy to walk through these definitions with the Department at the next negotiated rulemaking session.
We believe it is important that those definitions that remain in the Idaho rule reflect the federal language, unless there is a clear reason to deviate. IACI understands that this review may be outside of the scope of the zero-based rulemaking process but would like to make sure it is on your list for future rulemaking if possible.
3. It would be helpful if the definition sections were combined into one section and alphabetized. Again, we recognize this may be out of the scope of this rulemaking but is something that could make the rule clearer for those who utilize the rule.
4. The elimination of the definition of “emissions increase” in Section 007 appears to have an impact on the definition of “Modification” on page 13 of the draft rule. What would the impact of the removal of this term have on the evaluation of emissions impact for minor and major source permit applicability determinations? IACI understands that this review may be outside of the scope of the zero-based rulemaking process but would like to make sure it is on your list for future rulemaking if possible.

5. IACI requests that the exemptions portion of Section 625 on page 184 of the proposed rule remain unchanged and in place until substantive rulemaking can occur. These exemptions are still in use today by sources. Additional changes may need to be made to modernize the rule for federally applicable opacity limits. IACI understands that this review and revision is outside of the scope of the zero-based rulemaking process but would like to make sure it is on your list for future rulemaking if possible.
6. IACI requests that modernizing Section 675 to acknowledge more stringent federal standards also be on your list for future rulemaking.
7. IACI requests that interpretation, implementation, and possible revision of Section 210.20(b) also be on your list for future rulemaking.
8. IACI identified various typos or opportunities to clarify the wording without changing meaning of some definitions and rules. For example, Sections 125 and 126 and 155 could begin: "Persons are prohibited from" Or Section 157.04.a could begin "Be submitted to the Department within sixty (60) days of the completion of field sample collection. Or Section 161 could be titled "Toxic Air Pollutants" to avoid confusion. These are only a few examples. IACI can provide others at the next rulemaking meeting.
9. IACI disagrees with the addition of the word "unplanned" and "unavoidable" to describe breakdown or upset throughout Sections 130-136, suggesting that a source might plan a breakdown or upset. No source plans a breakdown or upset.

In addition to the comments above there was a general sense that very little has been done with the air quality rules in recent history, and perhaps it is time for a more thorough review of the rules beyond just the Zero-Based rulemaking process and the items noted here for future consideration. IACI would be happy to discuss this further with the staff at DEQ with an eye to future possible rulemaking.

Thank you for the opportunity to comment on this rulemaking.

Sincerely,



Alex LaBeau
President

cc: Alan Prouty, Chair
IACI Environment Committee