

April 14, 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 provide further comments on DEQ’s zero based regulation negotiated rulemaking regarding rules for the control of air pollution in Idaho, Docket No. 58-0101-2101.

Our first comment addresses a change to the standards for PM_{2.5} that was made in the definition of “Significant Contribution” (definition 109). In moving from the list of contributions to the table it appears as if the standard has been changed from 0.3 micrograms per cubic meter in the existing language to 0.2 micrograms per cubic meter in the new table. This is a significant policy change for industry, and we would request the table be revised to reflect the existing policy of 0.3 micrograms per cubic meter.

The remainder of our comments focus on definitions that are used frequently within the overall rule. As a general comment IACI members believe these types of definitions should remain in the rule. This belief remains even when the term is defined in statute or federal code.

During the last negotiated rulemaking it was pointed out that some of these definitions that are proposed to be removed have been moved to other sections of the rule. While we have not been able to track all those changes, if that is the case with any of the definitions discussed below, we are generally fine with them being removed from the definition section.

Definitions in Section 006 IACI members believe should remain in the rule to provide clarity and ease of use to the regulated community include:

- 05. Air Pollutant /Air Contaminant: The term “air pollutant” is used over 200 times in the rule, and while we could not find the term “air contaminant” used together, the word “contaminant(s)” appeared 14 times. There appears to be some room to clean up the contaminant side of this definition.
- 06 Air Pollution: This term is used 40 times in the rule.
- 07 Air Quality: This term is used 172 times in the rule.
- 13 Attainment Area: This term is used 20 times in the rule.
- 18 Breakdown: This term is used 18 times in the rule.
- 25 Control Equipment: This term is used 30 times in the rule.
- 26 Controlled Emission: This term is used 16 times in the rule.
- 27 Criteria Air Pollutant: While this term is only used in Section 205 of the rule it should be retained or spelled out in that section for clarity to avoid having to look for the CFR.

- 28 Deciview: This term is used 11 times in the rule.
- 33 Emission: This term is used 956 times in the rule.
- 42 Federal Land Manager: This term is used 11 times in the rule.
- 43 Federally Enforceable: This term is used 7 times in the rule.
- 44 Fire Hazard: This term is used 4 times in the rule.
- 49 Gasoline: This term is used 45 times in the rule.
- 50 Gasoline Cargo Tank: This term is used 10 times in the rule.
- 51 Gasoline Dispensing Facility (GDF): GDF is used 15 times in the rule.
- 52 Grain Elevator: This term is used 4 times in the rule.
- 56 Hazardous Waste: This term is used 9 times in the rule.
- 57 Hot Mix Asphalt Plant: This term is used times in the rule.
- 58 Incinerator: This term is used 23 times in the rule.
- 60 Integral Vista: This term is used 10 times in the rule.
- 63 Lowest Achievable Emission Rate (LAER): These terms are used approximately 10 times in the rule.
- 69 Monitoring: This term is used 68 times in the rule.
- 72 Natural Conditions: This term is used 6 times in the rule.
- 74 Nonattainment Area: This term is used 17 times in the rule.
- 79 Operating Permit: This term is used over 200 times in the rule and the definition is helpful to point to the sections where it is explained in greater detail.
- 80 Particulate Matter: This term is used 49 times in the rule.
- 81 Particulate Matter Emissions: This term is used 4 times in the rule.
- 82 Permit to Construct: Similar to Operating Permit, this term is used 132 times in the rule.
- 83 Person: This term is used 156 times in the rule.
- 84-87 Regarding PM: These terms are used several times in the rule and should be retained for clarity.
- 96 Quantifiable: This term is used 9 times in the rule.
- 97 Radionuclide: This term is used 14 times in the rule.
- 105 Secondary Ambient Air Quality Standards: This term is used elsewhere in the rule.
- 106 Secondary Emissions: This term is used 3 times in the rule
- 114 Source: This term is used 639 times in the rule.
- 115 Source Operation: This term is used 12 times in the rule.
- 117 Stack: This term is used 76 times in the rule.
- 118 Stage 1 Vapor Collection: This term is used 11 times in the rule.
- 129 TRS: This term is used 11 times in the rule.
- 130 Unclassifiable Area: This term is used 8 times in the rule.
- 131 Uncontrolled Emission: This term is used 131 times in the rule.
- 133 Visibility Impairment: This term is used 20 times in the rule.

Definitions in Section 007 IACI members believe should remain in the rule to provide clarity and ease of use to the regulated community include:

- 04 Emissions Increase: This term is used 22 times in the rule.

- 08 Projected Actual Emissions: Clarifies the definition of Emissions Increase.
- 09 Reasonable Further Progress: This term is used 3 times in the rule.

Definitions in Section 008 IACI members believe should remain in the rule to provide clarity and ease of use to the regulated community include:

- 01 Affected States: This term is used 15 times in the rule.
- 05 Draft Permit: This term is used 12 times in the rule.
- 07 Final Permit: This term is used 9 times in the rule.
- 08 General Permit: This term is used 4 times in the rule.
- 09 Insignificant Activity: This term appears to only be used in Section 314. Perhaps the definition could be moved there for clarity.
- 128 Confidential Information: There is some comfort level with having this stated in the rule, even if it is in statute.

We appreciate the Department's willingness to consider retaining several of the definitions in the existing rule. Thank you for the opportunity to comment on this rulemaking.

Sincerely,



Alex LaBeau
President

cc: Alan Prouty, Chair
IACI Environment Committee