

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of Idaho’s Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho’s delegation agreement with EPA under Section 112(l) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act (CAA) programs.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, a public hearing has been scheduled and will be held as follows:

Friday, October 3, 2025, at 2:00 p.m. MT
ATTEND IN PERSON OR VIA MICROSOFT TEAMS
DEQ State Office Conference Room A 1410 N. Hilton Boise, ID 83706
The Teams meeting link is available at: https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/air-quality-docket-no-58-0101-2501/

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests must be made no later than five (5) business days prior to the meeting date. For arrangements, contact the undersigned.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to ensure that the state rules remain consistent with federal regulations. The Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01, are updated annually to maintain consistency with federal regulations implementing the CAA. This proposed rule updates federal regulations incorporated by reference with the July 1, 2025 Code of Federal Regulations (CFR) effective date. The July 1, 2025 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2025.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho State Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution. DEQ will submit the final rule to EPA.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

Adoption of federal regulations is necessary for EPA approval of Idaho’s Title V Operating Permit Program and state primacy of CAA programs. Incorporation by reference allows DEQ to keep its rules up to date with federal regulation changes and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference can be obtained at <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/air-quality-docket-no-58-0101-2501/>.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting federal regulations that are necessary for EPA approval of Idaho's Title V Operating Permit Program and state primacy of CAA programs. Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

IDAHO CODE SECTION 39-107D STATEMENT: This 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.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Aislinn Johns at Aislinn.Johns@deq.idaho.gov or (208) 373-0185.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 3, 2025. Submit comments to the undersigned.

Dated this 3rd day of September, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
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Boise, Idaho 83706
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0101-2501
(Only Those Sections With Amendments Are Shown.)

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

107. INCORPORATIONS BY REFERENCE.

01. Requirements for Preparation, Adoption, and Submittal of Implementation Plans. **40 CFR Part 51** revised as of July 1, ~~2024~~ **2025**. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, are excluded from incorporation except 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules. (7-1-25)()

02. **National Primary and Secondary Ambient Air Quality Standards.** 40 CFR Part 50, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
03. **Approval and Promulgation of Implementation Plans.** 40 CFR Part 52, Subparts A and N and Appendices D and E, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
04. **Ambient Air Monitoring Reference and Equivalent Methods.** 40 CFR Part 53, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
05. **Ambient Air Quality Surveillance.** 40 CFR Part 58, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
06. **Standards of Performance for New Stationary Sources.** 40 CFR Part 60, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
07. **National Emission Standards for Hazardous Air Pollutants.** 40 CFR Part 61, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
08. **Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008.** 40 CFR Part 62, Subpart HHH, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
09. **Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014.** 40 CFR Part 62, Subpart OOO, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
10. **National Emission Standards for Hazardous Air Pollutants for Source Categories.** 40 CFR Part 63, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
11. **Compliance Assurance Monitoring.** 40 CFR Part 64, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
12. **State Operating Permit Programs.** 40 CFR Part 70, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
13. **Permits.** 40 CFR Part 72, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
14. **Sulfur Dioxide Allowance System.** 40 CFR Part 73, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
15. **Protection of Stratospheric Ozone.** 40 CFR Part 82, revised as of July 1, ~~2024~~ 2025. (7-1-25)()
16. **Clean Air Act.** 42 U.S.C. Sections 7401 through 7671g (1997). (7-1-24)