

# 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 – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by [Sections 39-105](#) and [39-107](#). This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency 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\(1\) of the Clean Air Act](#). It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act programs.

**DESCRIPTIVE SUMMARY:** This rulemaking was initiated to update federal regulations incorporated by reference. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 3, 2025, [Vol. 25-9, pages 209–211](#). DEQ received no comments, and the rule has been adopted as initially proposed. The board meeting documents are available at [Air Quality: Docket No. 58-0101-2501 | Idaho Department of Environmental Quality](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable.

**FISCAL IMPACT STATEMENT:** 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:** For assistance with questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler  
Rules and Planning Analyst  
Department of Environmental Quality  
1410 N. Hilton Street  
Boise, Idaho 83706  
Phone: (208)373-0165  
[Diane.Cutler@deq.idaho.gov](mailto:Diane.Cutler@deq.idaho.gov)