

April 13, 2026

Aislinn.Johns@deq.idaho.gov

Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

Re: Idaho Docket No. 58-0101-2601 Air Quality General Minor Permit Rule

Dear Aislinn:

Idaho Association of Commerce & Industry (“IACI”) appreciates the opportunity to comment on this negotiated rulemaking proposing an air quality general minor permit, Idaho Docket No. 58-0101-2601. Many of our members are permit applicants and permittees subject to the air quality rules. Our comments follow.

General Comments

IACI supports the use of general permits and permits by rule to improve the processes for minor new source review for source categories that can be standardized and streamlined for a number of reasons:

- IACI observes that the agency uses existing general permits and permits by rule for certain source categories like automotive coating, concrete batch plants, and hot-mix asphalt plants. <https://www.deq.idaho.gov/permits/air-quality-permitting/>
- IACI observes that currently the Idaho minor new source review program is at times overwhelmed with applications and understaffed, resulting in significant process delays.
- Delays in the reviews of applications in the minor new source review program can extend over many months, resulting in project postponement and uncertainty for business owners and operators.
- IACI observes that permitting delays often occur for proposed minor emissions increases when the agency requests ambient air impact modeling that adds time, complexity and cost to minor project proposals.

Specific Comments

The implementation of the minor new source review program affords the agency significant discretion and opportunity to streamline application reviews (e.g., public comment, extent of ambient air quality modeling and NAAQS requirements). IACI encourages the Department as a part of this rule making and in general, to look for ways to streamline these reviews.

- IACI requests other approaches be considered by the agency to improve the minor new source review process (e.g., additional exemptions, refinement of toxic air pollutant reviews, consideration of thresholds for requiring modeling, addressing administrative revisions to existing permits, simplifying permit content that reflects federal rules, clarifying public communication to anticipate needs for compliance assistance and supporting information).
- Specific edits, comments and questions are shown on the attached pages.
- IACI proposes language to clarify that projects at major sources (that are not major modifications) may be eligible for general permits (e.g., storage tanks, generators, repairs, maintenance, replacements).

We appreciate the opportunity to submit these comments. Please let us know if you have any questions about these comments.

Sincerely,

Alex LeBeau

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

007. DEFINITIONS FOR THE PURPOSES OF SECTIONS 200 THROUGH 228~~253~~ AND 400 THROUGH 461.

[BREAK IN CONTINUITY]

04. ~~General Minor Permit. A source category specific permit issued pursuant to Section 230.~~

Commented [A1]: Is Minor General Permit different than PBR? MGP will be on website but not in IDAPA? For transparency put MGP into IDAPA or use existing PBR language and process?

04.05. Net Emissions Increase. For purposes of Sections 204 and 205, a net emissions increase is defined by the federal regulations incorporated by reference. For purposes of Section 210, a net emissions increase is an emissions increase from a particular modification plus any other increases and decreases in actual emissions at the facility that are creditable and contemporaneous with the particular modification, where: (3-28-23)

a. A creditable increase or decrease in actual emissions is contemporaneous with a particular modification if it occurs between the date five (5) years before the commencement of construction or modification on the particular change and the date that the increase from the particular modification occurs. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred and eighty (180) days; (3-28-23)

b. A decrease in actual emissions is creditable only if it satisfies the requirements for emission reduction credits (Section 460) and has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular modification and is federally enforceable at and after the time that construction of the modification commences. (3-28-23)

c. The increase in toxic air pollutant emissions from an already operating or permitted source is not included in the calculation of the net emissions increase for a proposed new source or modification if: (3-28-23)

i. The already operating or permitted source commenced construction or modification prior to July 1, 1995; or (3-28-23)

ii. The uncontrolled emission rate from the already operating or permitted source is ten per cent (10%) or less of the applicable screening emissions level listed in Section 585 or 586; or (3-28-23)

iii. The already operating or permitted source is an environmental remediation source subject to or regulated by the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901-6992k) and IDAPA 58.01.05, "Idaho Rules and Standards for Hazardous Waste," (IDAPA 58.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order. (3-28-23)

05.06. Projected Actual Emissions. (3-28-23)

a. The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated air pollutant in any one (1) of the five (5) years (twelve (12) month period) following the date the unit resumes regular operation after the project, or in any one (1) of the ten (10) years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated air pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at an existing major stationary source. (3-28-23)

b. In determining the projected actual emissions, the owner or operator of the stationary source: (3-28-23)

i. Shall consider all relevant information including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with state or federal regulatory authorities, and compliance plans under the approved state implementation plan; and (3-28-23)

ii. Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and (3-28-23)

iii. Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive twenty-four (24) month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or (3-28-23)

iv. In lieu of using the method set out in Subsections 007.05.b.i. through 007.05.b.iii., may elect to use the emissions unit's potential to emit, in tons per year. (3-28-23)

06.07. Reasonable Further Progress (RFP). Annual incremental reductions in emissions of the applicable air pollutant as identified in the SIP which are sufficient to provide for attainment of the applicable ambient air quality standard by the required date. (3-28-23)

07.08. Sensitive Receptor. Any residence, building or location occupied or frequented by persons who, due to age, infirmity or other health-based criteria, may be more susceptible to the deleterious effects of a toxic air pollutant than the general population including, but not limited to, elementary and secondary schools, day care centers, playgrounds and parks, hospitals, clinics and nursing homes. (3-28-23)

08.09. Short Term Source. Any new stationary source or modification to an existing source, with an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations. (3-28-23)

008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 386.

[BREAK IN CONTINUITY OF SECTION]

07. General Tier I Operating Permit. A Tier I permit issued pursuant to Section 335. (~~3-28-23~~)

[BREAK IN CONTINUITY]

108. OBLIGATION TO COMPLY.

Receiving a permit to construct, a Tier I operating permit, a Tier II operating permit, a general minor permit, a Permit by Rule, or a Certificate of Registration for portable equipment does not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal statutes, rules and regulations. (~~3-28-23~~)

[BREAK IN CONTINUITY]

201. PERMIT TO CONSTRUCT REQUIRED.

No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department that satisfies the requirements of Sections 200 through 227 unless the source is exempted in any of Sections 220 through 223, or the owner or operator complies with Section 213 and obtains the required permit to construct, or the owner or operator complies with

Sections 175 through 181, or the source operates in accordance with all of the applicable provisions of a permit by rule, or the source obtains a general minor permit in accordance with Sections 230-232. (3-28-23)

[BREAK IN CONTINUITY]

228. -- ~~299-229~~. (RESERVED)

230. GENERAL MINOR PERMITS.

Sections 230 through 232 establish requirements and procedures for the Department to develop and issue general minor permits. Upon addressing any public comment, the Department will finalize the general minor permit, statement of basis, and application materials. This information will be posted on the Department’s website. ()

01. Applicability. A general minor permit can be developed by the Department for source categories that have similar operations, emissions, and applicable regulatory requirements. For purposes of Sections 230 through 232, the term source means the equipment or activity covered by a general minor permit. ()

02. Nonmajor Requirement. Sources that are considered a “major facility” as defined in Section 008, or a “major stationary source” as defined in 40 CFR 51.165(a)(1) and 40 CFR 52.21(b) (referenced in Sections 204 and 205) are not eligible for a general minor permit. Sources that are located at a major facility or major stationary source may be covered by a general minor permit as long as the source itself is not a major modification as defined.... ()

03. Nonattainment Area Requirement. Sources operating within a designated nonattainment area are not eligible for a general minor permit. ()

231. PROCEDURES FOR DEVELOPING GENERAL MINOR PERMITS.

General minor permits will be developed through the preparation of a proposed general minor permit, statement of basis, and supporting materials, followed by a thirty (30) day public comment period. Upon addressing any public comments, the Department will finalize the general minor permit, statement of basis, and application. This information will be posted on the Department’s website. ()

01. Requirements. Any new or modified general minor permit developed by the Department must meet all requirements in accordance with Section 203. ()

02. Reasonable Permit Conditions. The Department will develop reasonable permit conditions for a general minor permit in accordance with Section 211. ()

03. Petitioning for a new source. Any person may file a petition with the Department to add a source category for a general minor permit. The Department may use its discretion to determine whether to issue any such new general minor permit. The petition must include at least the following information:

a. Justification for why a new general minor permit source category should be developed;

b. The approximate number of sources that would be eligible for the general minor permit;

Commented [A3]: Consider developing list of what could potentially fall within this category at a major source; expand the exemption list.

Commented [A4]: Consider ways to expedite and streamline this process. General minor permits would already be reviewed and issued within the minor NSR framework where DEQ has discretion for process to expedite approval.

Commented [A5]: How would a petitioner have this information?

Commented [A5R2]: Consider resource impacts on DEQ for time to review, respond, and track decisions on these petitions.

c. Criteria for an owner or operator qualification to obtain the general minor permit; and

d. A list of the requirements applicable to the activities or sources covered by ~~that would be eligible~~ for the new general minor permit.
(30)

03. **Public Notice.** The Department will provide a thirty (30) day comment period after initial publication on any proposed or modified general minor permit for a source category. Notice of the proposed general minor permit, including the proposed permit, statement of basis, and supporting materials, will be posted on the Department's website. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication, unless the Department determines additional time is required to evaluate comments and information received or the Department determines in its discretion that a general minor permit is not appropriate, the Department will make available the general minor permit, statement of basis, response to comments, and application on the Department's website. ()

Commented [A6]: Restate the timeline at the next meeting because this is confusing. Is the same as 15 days after the public comment period closes? Or is this an additional 45 days following the public comment period?

232. PROCEDURES FOR ISSUING A GENERAL MINOR PERMIT.

General minor permits and application requirements for each source category developed by the Department will be posted on the Department's website. ()

01. **Application Procedures.** Owners or operators of a new or modified source which qualifies for a general minor permit may apply using the application materials available on the Department's website. ()

02. **Fees.** Owners or operators who apply for a general minor permit must submit general minor permit fees pursuant to Sections 224 through 225 or Sections 250 through 253 in new fee rule. Information about making fee payments is available on the Department's website.
()

03. **Issuance Procedures.** The Department will issue a general minor permit to qualifying applicants within fifteen (15) days of receipt of the application and fee. ()

Commented [A7]: Consider if this lines up with 231. Currently, applicants pay the application fee before DEQ assigns the permit application to a permit writer. The processing fee is due before the 30-day public comment period, If the general permit is granted within 15-days, then section 231 will need to be revised to align.

04. **Public Notice.** The public notice requirements in Section 231 do not apply to the approval of an application to be covered under the general minor permit. The Department will maintain a record of sources that are issued a general minor permit, and this information will be made available on the Department's website. ()

233. --299. (Reserved)