Aislinn Johns

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Sent: Wednesday, May 6, 2026 4:00 PM
To: Aislinn Johns
Subject: Comments on second meeting: General Minor Permit and Fees negotiated rule making

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Idaho SBDC Environmental Solutions Comments

Comments on General Minor Permit from the May 5th, 2026 negotiated rulemaking second meeting

1. Please consider expanding the operating parameters for a source category to receive a General Minor Permit to include a second classification of Below Regulatory Concern. Since the General Minor Permit for a source category will provide an easy determination of eligibility and speedy 15 day permit issuance it makes sense to also Include a category if your business is operating below specific parameters your source is Below Regulatory Concern and therefore exempt.

This will provide a streamlined straightforward way for businesses in the specific source categories For a General Minor Permit to be assured of compliance and not have to prepare an exemption concurrence. DEQ permit writers would save the time of reviewing exemption concurrences in General Minor Permit source categories.

2. The language in 231.03.c “Criteria for qualification to obtain the general minor permit; and” needs clarification. I'm concerned that a business or individual asking DEQ to consider a source category for the General Minor Permit would not know what information to submit. The language could be modified to describe the operating parameters or scenarios for a General Minor Permit.

Comments on Fees from the May 6th, 2026 negotiated rulemaking second meeting

1. **253. RECEIPT AND USAGE OF FEES.**

The fees received under Sections 250 through 252 will be deposited by the Department into a stationary source permit account. Monies from this account will not be used for those activities

supported by the fund created for implementing the operating permit program required under Title V of the federal Clean Air Act. The application and permit by rule registration fees payable under Section 251 will be retained by the Department regardless of whether a permit is issued, or an exemption concurrence is issued.

The draft one language

253. Receipt And Usage Of Fees.

The fees received under Sections 250 through 252 will be deposited by the Department into a stationary source permit account. Monies from this account will be used solely toward technical, legal, and administrative support of the Department's Permit to Construct and Tier II Permit programs and will not be used for those activities supported by the fund created for implementing the operating permit program required under Title V of the federal Clean Air Act. The application and permit by rule registration fees payable under Section 251 will be retained by the Department regardless of whether a permit is issued, or an exemption concurrence is issued.

Both the first draft and the second draft are too restrictive. From the second meeting it was clear that the intent is that funds remain in DEQ stationary source permitting and not a state general fund.

The first sentence achieves this.

Therefore, the best option is to strike the yellow highlighted language in the second draft.

The overly restrictive language has unintended consequences. The concern is Title V fees support the Clean Air Act (CAA) Small Business Environmental Assistance Program (SBEAP). In the past DEQ has not limited program funding to originating from Title V fees. Idaho DEQ has used funding from other internal sources in the past. Past records show when 70% came from Title V fees and 30% of program funding came from other DEQ sources. That was when the SBEAP program was more adequately funded. SBEAP funding has still not recovered from the 2008 economic collapse. Before that time, the program consistently supported 1 FTE and sometimes more. The program is currently under funded. This language appears to unnecessarily limit the support for small business assistance.

2. **253. RECEIPT AND USAGE OF FEES.**

The application and permit by rule registration fees payable under Section 251 will be retained by the Department regardless of whether a permit is issued, or an exemption concurrence is issued.

If a business is paying for a permit or exemption concurrence to be processed, they rightly expect the work to be done. For example, DEQ currently has a backlog of exemption concurrences that are not being processed. Collecting fees and continuing to not process exemption concurrences is unacceptable. This comment is closely tied to the previous comment on draft 1 asking if there would be a timeline in which exemption concurrences will be processed.

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