IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2602 (FEE RULE)

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. This rulemaking action is authorized by Sections 39-105 and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Friday, October 2, 2026
10:15 a.m. MT

In Person
Conference Room A - DEQ State Office, 1410 N. Hilton, Boise

Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/237997550933698?p=BISaxGkXbzc7kAReyk
Meeting ID: 237 997 550 933 698
Passcode: uy3yt3pw
Need help? | System reference
Dial in by phone
+1 208-985-2810,,402002537# United States, Boise
Find a local number
Phone conference ID: 402 002 537#

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is intended to update the application and processing fees for new and modified facilities seeking a permit to construct, general permit, permit by rule, or Tier II operating permit. This rulemaking will also add an annual fee for existing non-Title V facilities. The proposed fee revisions are intended to account for inflation and to reduce program reliance on the State General Fund for permitting and compliance activities for non-Title V facilities.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This proposed rule updates application and processing fees for issuing permits to construct, Tier II operating permits, permits by rule, and general permits to stationary sources requiring permits. This rule adds application fees for facility name and ownership changes, pre-permit construction, and exemption concurrence requests. This also adds an annual fee for existing non-Title V permitted sources based on facility classification.

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 resulting from this rulemaking: Not applicable.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule only regulates activities that are already regulated by the federal government, and it is not broader in scope or more stringent than existing federal regulations.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted. On April 1, 2026, the Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Volume 26-4 pages 15-16. Two public meetings were held during the negotiated rulemaking process.

At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at Air Quality: Docket No. 58-0101-2602 | Idaho Department of Environmental Quality.

INCORPORATION BY REFERENCE: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed 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 2, 2026. Submit written comments to:

Aislinn Johns
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
Aislinn.Johns@deq.idaho.gov

Dated this 2nd day of September, 2026.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 58-0101-2602
(Only Those Sections With Amendments Are Shown.)

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

224. PERMIT TO CONSTRUCT ~~APPLICATION~~ FEE.
~~All applicants for a permit to construct must submit a permit to construct application fee of one thousand dollars ($1,000) to the Department at the time of the original submission of the application. The permit to construct application fee is not required to be submitted for:~~Fees for permits to construct and exemption concurrences, must be paid in accordance with Sections 250 through 253. ~~(3-28-23)~~( )

01. Exemption Applicability Determinations. Exemption applicability determinations set forth in Sections 220 through 223; (3-28-23)

02. **Typographical Errors**. Changes to correct typographical errors; or (3-28-23)

03. **Name or Ownership Change**. A change in the name or ownership of the holder of a permit to construct when the Department determines no other review or analysis is required. (3-28-23)

~~**225. PERMIT TO CONSTRUCT PROCESSING FEE.**~~

~~A permit to construct processing fee, calculated by the Department pursuant to the categories provided in the following table, must be paid to the Department by the person receiving the permit. The applicable processing fee category is determined by adding together the amount of increases of regulated pollutant emissions and subtracting any decreases of regulated pollutant emissions as identified in the permit to construct. The fee calculation does not include fugitive emissions.~~

~~PERMIT TO CONSTRUCT CATEGORY~~	~~FEE~~
~~General permit, no facility specific requirements (Defined as a source category specific permit for which the Department has developed standard emission limitations, operating requirements, monitoring and recordkeeping requirements, and that require minimal engineering analysis. General permit facilities may include portable concrete batch plants, portable hot mix asphalt plants and portable rock crushing plants.)~~	~~$500~~
~~New source or modification to existing source with increase of emissions of less than one (1) ton per year~~	~~$1,000~~
~~New source or modification to existing source with increase of emissions of one (1) to less than ten (10) tons per year~~	~~$2,500~~
~~New source or modification to existing source with increase of emissions of ten (10) to less than one hundred (100) tons per year~~	~~$5,000~~
~~Nonmajor new source or modification to existing source with increase of emissions of one hundred (100) tons per year or more~~	~~$7,500~~
~~New major facility or major modification~~	~~$10,000~~
~~Permit modifications where no engineering analysis is required~~	~~$250~~
~~Application submittals for exemption applicability determinations, typographical errors, and name and ownership changes as described in Subsections 224.01, 224.02, 224.03~~	~~$0.00~~

~~(3-28-23)~~

~~**226. PAYMENT OF FEES FOR PERMITS TO CONSTRUCT.**~~

~~**01. Fee Submittal**. The permit to construct application fee must be submitted with the application. The permit to construct processing fee is payable upon receipt of an assessment sent to the person receiving a permit by the Department. Information for making payments is available at http://www.deq.idaho.gov.~~ ~~(3-28-23)~~

~~**02. Delinquency**. No application for a permit to construct will be processed by the Department unless accompanied by a permit to construct application fee. No permit to construct will be issued by the Department until the Department has received the permit to construct processing fee.~~ ~~(3-28-23)~~

~~**227. RECEIPT AND USAGE OF FEES.**~~

~~Permit to construct application and processing fee receipts 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 permit to construct application fee payable under Section 227 will be retained by the Department regardless of whether a permit to construct is issued by the Department in response to an application.~~ ~~(3-28-23)~~

2~~28~~25. -- 2~~99~~49. (RESERVED)

250. PERMIT FEES.
Sections 250 through 253 establish fees for a permit by rule, permit to construct, general minor permit, and Tier II operating permit; and establish an annual fee for all permitted facilities not subject to Sections 390 through 397 and Sections 760 through 764. ( )

01. Permit by Rule Registration or Application Fee. A permit by rule registration fee or an application fee provided in Section 251 must be paid to the Department at the time of the original submission. ( )

02. Processing Fee. A permit processing fee must be paid to the Department by the permittee pursuant to Section 251 through 252. For the purpose of determining processing fees in Sections 250 through 253: ( )

a. The pollutants included are: CO, NOx, SO2, PM10, VOC, and HAPs. ( )

b. The fee calculation will not include fugitive emissions. ( )

c. A permit processing fee is not required if a permit to construct or Tier II operating permit is issued to opt out of a Tier I permit, and the Department's processing costs can be charged against fees collected from the source receiving the permit under Title V of the federal Clean Air Act amendments of 1990. ( )

03. Annual Fee. The annual fee is not required for sources that must comply with Sections 390 through 397, and Sections 760 through 764. The source classification used for annual fees classification are defined below: ( )

a. B Source- Minor stationary source with: ( )

i. Uncontrolled potential to emit less than one hundred (100) tons per year for each criteria air pollutant; and ( )

ii. Uncontrolled potential to emit less than ten (10) tons per year individually and less than twenty-five (25) tons per year combined for hazardous air pollutants. ( )

b. SM Source- Synthetic minor stationary source, not classified as an SM 80 source, with: ( )

i. Uncontrolled potential to emit greater than one hundred (100) tons per year for one (1) or more criteria pollutants and permitted potential to emit less than eighty (80) tons per year for those criteria pollutants; or ( )

ii. Uncontrolled potential to emit greater than ten (10) tons per year individually or greater than twenty-five (25) tons per year combined and permitted potential to emit less than eight (8) tons per year individually or less than twenty (20) tons per year combined for hazardous air pollutants. ( )

c. SM80 Source- Synthetic minor stationary source, with: ( )

i. Uncontrolled potential to emit greater than or equal to one hundred (100) tons per year and permitted potential to emit greater than or equal to eighty (80) tons per year to less than one hundred (100) tons per year for one (1) or more criteria air pollutants; or ( )

ii. Uncontrolled potential to emit greater than or equal to eight (8) tons per year to less than ten (10) tons per year individually, or greater than or equal to twenty (20) tons per year to less than twenty-five (25) tons per year combined for hazardous air pollutants. ( )

251. PERMIT FEE SCHEDULE.
Fees described in Section 250 are provided in the following table. The following fees are valid for each state fiscal year starting July 1, 2027, through June 30, 2032. The fee structure will be updated every five (5) years. The final

year of fees remain in effect until fees have been updated.

Permit Fee Schedule

Step 1 Application and Registration Fee	**FY2028**	**FY2029**	**FY2030**	**FY2031**	**FY2032**
Permit to Construct or Tier II Operating Permit	$1,500	$1,550	$1,600	$1,650	$1,700
Permit By Rule Registration	$500	$520	$540	$560	$580
General Minor Permit	$500	$520	$540	$560	$580
Name or Ownership Change	$500	$520	$540	$560	$580
Portable Equipment Relocation Form	$0	$0	$0	$0	$0
Pre-Permit Construction	$3,000	$3,090	$3,180	$3,280	$3,380
Exemption Concurrence Request	$500	$520	$540	$560	$580
Typographical errors: Permit changes to correct typographical errors provided in application that do not affect emissions	$250	$260	$270	$280	$290
Step 2 Processing Fee	**FY2028**	**FY2029**	**FY2030**	**FY2031**	**FY2032**
Permit By Rule	$0	$0	$0	$0	$0
General Minor Permit	$0	$0	$0	$0	$0
Name or Ownership Change	$0	$0	$0	$0	$0
Typographical errors: Permit changes to correct typographical errors provided in application that do not affect emissions	$0	$0	$0	$0	$0
Permit revisions where no engineering analysis is required[a]	$375	$390	$400	$410	$420
Permits to Construct[b]:					
New source or modification to existing source with combined pollutant emissions increase of:					
less than 1 ton per year (or a requested decrease in potential emissions)	$1,500	$1,550	$1,600	$1,650	$1,700
1 ton per year to less than 10 tons per year	$3,750	$3,860	$3,980	$4,100	$4,220
10 tons per year to less than 100 tons per year	$7,500	$7,730	$7,960	$8,200	$8,450

Permit Fee Schedule

100 tons per year or more	$11,250	$11,590	$11,940	$12,300	$12,670
New major facility or major modification (first 150 hours)	$15,000	$15,450	$15,910	$16,390	$16,880
151 hours or more requires an additional hourly fee for service[c] for actual expenses incurred	$hourly	$hourly	$hourly	$hourly	$hourly
Tier II Operating Permits[b]:					
New source and renewal of existing source based on facility-wide potential to emit for combined pollutants; or modification of existing source based on the change in potential to emit for the modification; with potential to emit increase of:					
less than 1 ton per year (or a requested decrease in potential emissions)	$1,875	$1,930	$1,990	$2,050	$2,110
1 ton per year to less than 10 tons per year	$3,750	$3,860	$3,980	$4,100	$4,220
10 tons per year to less than 100 tons per year	$7,500	$7,730	$7,960	$8,200	$8,450
100 tons per year or more	$15,000	$15,450	$15,910	$16,390	$16,880
Synthetic minor stationary source with permitted emissions below a major threshold level	$15,000	$15,450	$15,910	$16,390	$16,880
Step 3: Annual Fee	**FY2028**	**FY2029**	**FY2030**	**FY2031**	**FY2032**
B Source	$750	$770	$790	$810	$830
SM Source	$1,250	$1,290	$1,330	$1,370	$1,410
SM80 Source	$3,000	$3,090	$3,180	$3,280	$3,380

[a] For example, including but not limited to, no change of emissions or modeling is evaluated, or no applicability review of state or federal standards.
[b] Fee is based on the total Facility Emission Cap limits for initial permits and renewals.
[c] Fee is based on actual time expended and expenses incurred by the Department following application submittal

( )

252. PAYMENT OF FEES FOR PERMITS.

01. Permit by Rule Registration, Application, and Processing Fees. ( )

a. Fee Submittal. The application fee or permit by rule registration fee must be submitted with the application or registration. The processing fee is payable upon receipt of an assessment sent to the permittee by the Department. Information for making payments is available at https://www.deq.idaho.gov. ( )

b. Delinquency. No permit, registration, or exemption concurrence request will be processed by the Department until the appropriate application or registration fee has been submitted. No permit will be issued until the processing fee has been submitted. ( )

02. Annual Fee. ( )

a. Fee Submittal. No later than September 15 of each year the Department will issue an annual fee invoice based on the source classification as of July 1 of that year. The annual fee must be paid to and received by the Department no later than October 31 of that same year. Information for making payments is available at https://www.deq.idaho.gov. ( )

b. Delinquency. No permit, registration, or automatic permit transfers will be processed until all annual fees have been paid. Failure to submit annual fee payment as required may result in a violation. ( )

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. 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. ( )

254. – 299. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

407. TIER II OPERATING PERMIT ~~PROCESSING~~ FEE.

~~01.~~ ~~Tier II Operating Permit Processing Fee.~~ A Tier II operating permit ~~processing~~ fee, calculated by the Department pursuant to the categories provided in ~~the following table~~ Sections 250 through 253, must be paid to the Department by the person receiving a Tier II permit or permit renewal. ~~The fee calculation will not include fugitive emissions~~ in accordance with Sections 250 through 253.

~~TIER II OPERATING PERMIT CATEGORY~~	~~FEE~~
~~General permit, no facility specific requirements (Defined as a source category specific permit for which the Department has developed standard emission limitations, operating requirements, monitoring and recordkeeping requirements, and that require minimal engineering analysis.)~~	~~$500~~
~~Stationary sources or facilities with permitted emissions of less than one (1) ton per year~~	~~$1,250~~
~~Stationary sources or facilities with permitted emissions of one (1) to less than ten (10) tons per year~~	~~$2,500~~
~~Stationary sources or facilities with permitted emissions of ten (10) to less than one hundred (100) tons per year~~	~~$5,000~~
~~Stationary sources or facilities with permitted emissions of one hundred (100) tons or more per year~~	~~$10,000~~
~~Synthetic minor stationary sources with permitted emissions below a major threshold level~~	~~$10,000~~

~~(3-28-23)~~

~~02.~~ ~~Tier II Operating Permit Processing Fee Not Required.~~ ~~If the Department determines no other review or analysis is required, the Tier II operating permit processing fee is not required to be submitted when:~~
~~(3-28-23)~~

~~**a.** A permit to construct issued within the last five (5) years is rolled into a Tier II permit; (3-28-23)~~

~~**b.** A change to correct typographical errors is requested; (3-28-23)~~

~~**c.** A change in the name or ownership of the holder of a Tier II operating permit is requested; or (3-28-23)~~

~~**d.** A synthetic minor permit is issued and the Department's processing costs can be charged against fees collected from the person receiving the permit under Title V of the federal Clean Air Act amendments of 1990. (3-28-23)~~

~~**408. PAYMENT OF TIER II OPERATING PERMIT PROCESSING FEE.**~~

~~**01. Fee Submittal**. The Tier II operating permit processing fee is payable upon receipt of an assessment sent, along with the final permit or permit renewal, to the person receiving a permit or permit renewal by the Department. Information for making payments is available at http://www.deq.idaho.gov. (3-28-23)~~

~~**02. Delinquency**. Failure to submit a Tier II operating permit processing fee within forty-five (45) days of receipt of an assessment by the Department will result in a monthly accrual of interest in the amount of twelve percent (12%) per annum on the outstanding balance until the fee is paid in full. (3-28-23)~~

~~**409. RECEIPT AND USAGE OF FEES.**~~
~~Tier II operating permit processing fee and delinquency interest receipts will be deposited by the Department into a stationary source permit account. Monies from this account are 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 amendments of 1990. (3-28-23)~~

4~~10~~08. -- 459. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

800. REGISTRATION FEE FOR PERMIT BY RULE.
A registration fee ~~of two hundred fifty dollars ($250)~~ must be submitted to the Department with each permit by rule registration in accordance with Sections 250 through 253. ~~(3-28-23)~~( )

~~**801. PAYMENT OF FEES FOR PERMITS BY RULE REGISTRATION.**~~
~~The permit by rule registration fee must be paid in its entirety at the time the required registration form is submitted to the Department. Information for making payments is available at http://www.deq.idaho.gov. (3-28-23)~~

~~**802. RECEIPT AND USAGE OF FEES.**~~
~~Permit by rule registration fee receipts 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 amendments of 1990. Fees payable under Section 800 will be retained by the Department regardless of whether a permit by rule registration is accepted by the Department in response to a registration request. (3-28-23)~~

8~~03~~01. -- 814. (RESERVED)