IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2603

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
11:00 a.m. MT

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

Microsoft Teams meeting:
Join: https://teams.microsoft.com/meet/216923888986998?p=Ipv6gBhEpBRs7jK81C
Meeting ID: 216 923 888 986 998
Passcode: VK32yb3d
Need help? | System reference

Dial in by phone
+1 208-985-2810,,909775748# United States, Boise
Find a local number
Phone conference ID: 909 775 748#

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:

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 Clean Air Act (CAA). This proposed rule updates federal regulations incorporated by reference with the July 1, 2026 Code of Federal Regulations (CFR) effective as of July 1, 2026.

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 2027 Idaho Legislature, the rule will become effective on July 1, 2027, unless otherwise specified in the concurrent resolution.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Not applicable.

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.

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 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.

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 Air Quality: Docket No. 58-0101-2603 | Idaho Department of Environmental Quality.

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 DOCKET NO. 58-0101-2603
(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, ~~2025~~ 2026. 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. ~~(7-1-26)~~( )

02. National Primary and Secondary Ambient Air Quality Standards. 40 CFR Part 50, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

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, ~~2025~~ 2026. ~~(7-1-26)~~( )

04. Ambient Air Monitoring Reference and Equivalent Methods. 40 CFR Part 53, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

05. Ambient Air Quality Surveillance. 40 CFR Part 58, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

06. Standards of Performance for New Stationary Sources. 40 CFR Part 60, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

07. National Emission Standards for Hazardous Air Pollutants. 40 CFR Part 61, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

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, ~~2025~~ 2026. ~~(7-1-26)~~( )

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, ~~2025~~ 2026. ~~(7-1-26)~~( )

10. National Emission Standards for Hazardous Air Pollutants for Source Categories. 40 CFR Part 63, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

11. Compliance Assurance Monitoring. 40 CFR Part 64, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

12. State Operating Permit Programs. 40 CFR Part 70, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

13. Permits. 40 CFR Part 72, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

14. Sulfur Dioxide Allowance System. 40 CFR Part 73, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

15. Protection of Stratospheric Ozone. 40 CFR Part 82, revised as of July 1, ~~2025~~ 2026. ~~(7-1-26)~~( )

16. Clean Air Act. 42 U.S.C. Sections 7401 through 7671g (1997). (7-1-24)