DEQ'S RESPONSE TO COMMENTS/PROPOSED RULE

IDAPA 58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2601

1. Idaho Association of Commerce & Industry (IACI), Alex LaBeau
2. Idaho Associated General Contractors (AGC), Will Smith
3. HK Contractors, Tim Beach
4. Knife River Corporation, Joseph Smith
5. Idaho Materials and Construction, Marlia Harnden
6. Archer-Daniels-Midland (ADM), Mariana Garcia

Cmt #	Rule Section/ Subject Matter	Commenter	Comment Summary	Response
1.	Letter of Support for Entire Rule	Idaho Association of Commerce & Industry (IACI)	The Idaho Association of Commerce and Industry (IACI) is the leading voice for business in the State of Idaho. The Department of Environmental Quality (Department) has proposed a general minor permit rule to streamline the permitting process for eligible source categories by issuing a standardized general minor permit (Docket No. 58-0101-26010). Many IACI members are required to obtain air quality construction (permit to construct) permits. Having a general minor permit for certain air emission source categories is of significant interest to our	DEQ appreciates IACI's letter of support on this rulemaking and participation in the negotiated rulemaking process. DEQ also appreciates IACI's interest in identifying additional source categories for future general minor permits. No changes were made because of this comment.

			members. IACI submitted comments to the Department in April 2026 in support of developing a rule to streamlining the permitting process for certain emission source categories. Thus, this rulemaking is of direct interest to IACI and its members; we offer the following comments on this rulemaking. As stated in our April 2026 comments, IACI supports the use of general permits and permits by rule to improve the processes for minor new source review for source categories. The reasons for that support are as follows: • At times, the Idaho minor source review program is overwhelmed with applications and is understaffed. This results in significant process delays. • These delays can extend for many months, resulting in project postponement and uncertainty for business owners and operators. • A common aspect of the permitting delays for minor permit applications is the ambient air quality analysis (typically done through ambient air quality modeling). An example of the utilization of a general minor permit would be for activities associated with maintaining and improving Idaho's transportation sector. Having a general minor permit for portable hot-mix asphalt plants and concrete batch plants would reduce significantly the time associated with obtaining an air permit while assuring compliance with Idaho's air quality standards. Also, obtaining timely air quality permits is important because of Idaho's climate; often transportation work is seasonal; therefore, there is often just a limited "season" for such work to occur. Finally, IACI and its members look forward to identifying additional source categories for which a minor source general permit would be appropriate, including for certain minor source emissions units and activities located at major sources.	

			We appreciate the Department's consideration of these comments. Please contact me if you have any questions about these comments or wish to discuss them further with us.	
2.	Letter of Support for Entire Rule	Idaho Association of General Contractors (AGC)	On behalf of the Idaho Associated General Contractors, I am writing in strong support of the Idaho Department of Environmental Quality's proposed rule, Docket No. 58-0101-2601, establishing a process for the development and issuance of General Minor Permits. This proposal represents a practical and carefully tailored improvement to Idaho's air permitting system. It would allow DEQ to develop standardized permits for categories of nonmajor sources that have similar operations, emissions, and regulatory requirements, reducing repetitive administrative work while maintaining the same applicable air quality standards and protections for public health and the environment. The Idaho AGC is particularly encouraged by the possibility of developing new General Minor Permits under this rule for portable hot-mix asphalt plants and concrete batch plants, which Idaho's construction industry and public infrastructure agencies regularly rely on to deliver road, bridge, utility, and other public works projects. Although these facilities frequently use substantially similar equipment and operating processes from one location to another, they have historically been required to proceed through a lengthy Permit to Construct process, which could take as long as a year for issuance. Once a source-category General Minor Permit has been developed, the proposed rule would require DEQ to approve or deny coverage within 15 days of receiving a qualifying application and fee. This is not a relaxation of Idaho's air quality requirements. Rather, it is a more efficient way of applying those requirements to facilities whose operations and potential impacts can be evaluated through standardized permit conditions. The necessary technical review, emission limitations, operating requirements, monitoring provisions, and recordkeeping requirements would be addressed when DEQ develops the General Minor Permit for a particular source category.	DEQ appreciates AGC's support for this rulemaking and participation in the negotiated rulemaking process. DEQ recognizes AGC's interest in prioritizing the development of general minor permits for concrete batch plants and hot-mix asphalt plants. No changes were made because of this comment.

			Each proposed or modified General Minor Permit would also be subject to a 30-day public comment period before it is finalized. The proposal builds on the standardized approach Idaho already uses for portable rock crushers through the existing permit-by-rule process, while providing DEQ with a more adaptable framework. Unlike a permit by rule, which generally requires another formal rulemaking to revise its conditions, a General Minor Permit can be updated through a transparent permit-development and public-comment process. The rule's flexible framework will also allow DEQ to develop General Minor Permits for other source categories where standardized permitting can provide similar efficiencies without compromising environmental protections. The final proposal also appropriately preserves DEQ's authority to approve or deny an individual application for coverage, while providing balance for applicants within the denial and challenge process. For Idaho AGC members, moving the permitting timeline from months to a matter of weeks will provide greater certainty when scheduling labor, equipment, material production, and project mobilization. It will reduce the risk of idle equipment, remobilization costs, missed construction windows, and other expenses caused by waiting for a permit for a facility that is substantially the same as facilities DEQ has reviewed before. These benefits will extend directly to Idaho's transportation infrastructure agencies, including the Idaho Transportation Department, cities, counties, and highway districts. Permitting delays can affect project schedules, contractor pricing, and the efficient use of public dollars. A faster and more predictable process will help agencies deliver projects sooner and reduce the costs and contingencies associated with uncertain permitting timelines. The benefits will be particularly meaningful in rural Idaho, where a portable asphalt or concrete plant may be mobilized specifically to serve a project and where construction seasons can be limited. In these communities,	

			reducing a permitting process from several months to a matter of weeks can make the difference between keeping a project on schedule and postponing work into another construction season. The proposed rule maintains appropriate safeguards by limiting eligibility to nonmajor source categories outside designated nonattainment areas. Covered facilities would remain responsible for complying with all applicable local, state, and federal requirements, and DEQ would maintain a publicly available record of facilities approved for coverage. These provisions strike the proper balance between regulatory efficiency, transparency, and continued protection of Idaho's air quality. For these reasons, the Idaho AGC respectfully urges the Board of Environmental Quality to adopt Docket No. 58-0101-2601 as proposed. Following final approval of the rule, we also encourage the Department to move promptly to develop General Minor Permits for portable hot-mix asphalt plants and concrete batch plants so that Idaho's contractors, public agencies, and taxpayers can begin realizing the benefits of this streamlined process. Thank you for the opportunity to comment and for DEQ's work to develop a clear, workable, and environmentally responsible permitting framework.	
3.	Letter of Support for Entire Rule	HK Contractors	On behalf of HK Contractors, Inc., I am writing in support of the Idaho Department of Environmental Quality's proposed rule, Docket No. 58-0101-2601, establishing a process for the development and issuance of General Minor Permits. HK Contractors, Inc. has provided aggregates, asphalt, paving and construction services to public and private clients throughout Idaho for the last 50 years. Our work regularly depends on portable hot-mix	DEQ appreciates HK Contractors' support of the proposed general minor permit rule and its recognition of the benefits of a more predictable and streamlined permitting process. DEQ also recognizes HK Contractors' interest in prioritizing the development of general minor permits for concrete batch plants and hot-mix

			asphalt plants and concrete batch plants to deliver road, bridge, utility, and other public infrastructure projects. For our company, permitting certainty is essential to effective project planning. A delay in approving a portable plant can affect project bidding, equipment mobilization, employee scheduling, material production, trucking, and coordination with the project owner. Although these facilities often use substantially similar equipment and operating processes from one location to another, the existing Permit to Construct process has taken as long as a year. The proposed General Minor Permit process would provide more predictability. Fifteen days to permit-completion would significantly improve our ability to provide essential services. Moving from an uncertain process measured in months to a defined process measured in weeks would help contractors schedule work more confidently and reduce the risk of idle equipment, repeated mobilization, missed construction windows, and other avoidable expenses. Those savings would also benefit the public agencies that rely on contractors to deliver Idaho's transportation infrastructure. Permitting delays can increase project costs, require additional contingencies in contractor pricing, and make it more difficult for the Idaho Transportation Department, cities, counties, and highway districts to complete projects on schedule. A faster and more predictable process will help those agencies use public dollars more efficiently. Importantly, the proposed rule would not reduce Idaho's air quality protections. DEQ would establish the applicable technical requirements, emission limitations, monitoring provisions, and recordkeeping obligations when developing each General Minor Permit, and individual facilities would remain responsible for meeting all applicable requirements.	asphalt plants. No changes were made because of this comment.

			For these reasons, HK Contractors, Inc. respectfully urges the Board of Environmental Quality to adopt Docket No. 58-0101-2601 as proposed. Following legislative approval, we also encourage DEQ to move promptly to develop General Minor Permits for portable hot-mix asphalt plants and concrete batch plants.	
4.	Letter of Support for Entire Rule	Knife River Corporation	On behalf of Knife River, I strongly support the Board of Environmental Quality's adoption of Docket No. 58-0101-2601 as proposed and DEQ's timely implementation of the General Minor Permit framework. Knife River is a contractor engaged in highway, heavy civil, utility, and public works construction. Our projects regularly rely on portable hot-mix asphalt plants and concrete batch plants. Based on our experience, the proposed rule represents a practical way to improve Idaho's permitting system while preserving the environmental standards that contractors and the public expect. The framework recognizes that certain non-major facilities have similar equipment, emissions, operating practices, and regulatory requirements. DEQ could establish consistent permit conditions for eligible facility categories rather than repeat the same technical review for each application. Once a permit is established, the Department would approve or deny a qualifying request for coverage within 15 days of receiving the application and fee. This approach would provide a significant practical benefit to contractors. Idaho's existing Permit to Construct process involves extensive engineering analysis and processing time, which can complicate coordination of project schedules, material production, labor, equipment, and public infrastructure funding. For eligible facilities, a standardized pathway would improve predictability and reduce unnecessary delay without limiting DEQ's authority to determine whether an individual applicant qualifies for coverage.	DEQ appreciates Knife River's support for this rulemaking and their recognition of the potential benefits of a standardized permitting process for eligible source categories. DEQ agrees that portable hot-mix asphalt plants and concrete batch plants may be appropriate candidates for general minor permits and appreciates Knife River's interest in providing practical input as the initial permits are developed. No changes were made because of this comment.

			We also support the environmental safeguards included in the proposal. General Minor Permits would be limited to eligible nonmajor source categories outside designated nonattainment areas. DEQ would conduct the necessary technical evaluation when developing each permit, including establishing emission limitations, operating conditions, monitoring provisions, and recordkeeping requirements. Proposed and modified permits would be subject to public comment, and covered facilities would remain responsible for complying with applicable local, state, and federal requirements. The framework also gives DEQ a practical way to update permit conditions as technology, operating practices, and regulatory requirements change. Each proposed or revised permit would remain subject to public review, and DEQ could consider additional facility categories where consistent permitting would provide similar benefits. Portable hot-mix asphalt plants and concrete batch plants are strong candidates for the first permits developed under this rule. More predictable permitting for these facilities would help contractors and public agencies maintain schedules, use infrastructure funding efficiently, and deliver safe, cost-effective public projects on time. For these reasons, Knife River supports adoption of Docket No. 58-0101-2601 and timely development of General Minor Permits for eligible portable hot-mix asphalt plants and concrete batch plants. We would welcome the opportunity to share our practical experience as DEQ develops the initial permits.	
5.	Verbal Comment of Support for Entire Rule	Idaho Materials and Construction (Staker Parson/ CRH)	Oral commenter expressed support for the proposed rule, noting that it would reduce the administrative burden for both DEQ and industry, minimize unnecessary back-and-forth, and strengthen the existing partnership between DEQ and the regulated community.	DEQ appreciates the comment of support for the proposed rulemaking. We agree that this rule will reduce the administrative burden for both DEQ and the regulated community. No

				changes were made because of this comment.
6.	Verbal Comment regarding eligibility	ADM	My name is Mariana Garcia, working as an area manager for ADM, I think that the proposed rule will provide a clear framework, but clarifying the scope of the term "eligible" would further improve the rule's clarity and facilitate consistent interpretation and implementation.	DEQ appreciates the comment and request for clarification on the eligibility for general minor permits. The proposed rulemaking is intended to create the broad framework for developing general minor permits for specific source categories. If the rule were adopted, DEQ would then work to develop a separate general minor permit for each source category. The specific eligibility criteria and requirements for coverage would be established in each source category-specific general minor permit. The proposed rules also provide a process for considering additional source categories to be eligible under coverage of a general minor permit. Any person may submit a request for DEQ to consider developing a general minor permit for a specific source category. DEQ agrees that clarity on eligibility for specific source categories (once developed) will facilitate consistent interpretation and implementation of the rule. No changes were made because of this comment.