

Dear Senators LODGE, Broadsword and Bock, and
Representatives RAYBOULD, Harwood and Elaine Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Environmental Quality:

IDAPA 58.01.01 - Rules Pertaining To The Control Of Air Pollution In Idaho
(Docket No. 58-0101-1003).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 06/24/2011. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 07/25/2011.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX
number indicated on the memorandum enclosed.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Environment, Energy, & Technology Committee
FROM: Katharine A. Gerrity, Principal Legislative Research Analyst, LSO
DATE: June 7, 2011
SUBJECT: Department of Environmental Quality

IDAPA 58.01.01 - Rules Pertaining To The Control Of Air Pollution In Idaho - (Docket No. 58-0101-1003)

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.01 - Rules for the Control of Air Pollution in Idaho. According to the Department, the purpose of the rulemaking is to streamline Idaho's Rules for Control of Kraft Pulp Mills by removing requirements that are either obsolete or covered by existing federal rules and by clarifying reporting requirements.

The Department states that the proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations. Negotiated rulemaking was conducted.

The proposed rule appears to be authorized by Sections 39-105 and 39-107, Idaho Code.

cc: Department of Environmental Quality
Paula J. Wilson
Michael Simon

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1003

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 Sections 39-105 and 39-107, Idaho Code.

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

Monday, June 6, 2011, 3:30 p.m.

**Department of Environmental Quality
Conference Room B
1410 N. Hilton, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to streamline Idaho's Rules for Control of Kraft Pulp Mills by removing requirements that are either obsolete or covered by existing federal rules and by clarifying reporting requirements. Idaho's Rules for Control of Kraft Pulp Mills contain several obsolete requirements which were completed during the 1970's. Other requirements are duplicative or less stringent than existing federal New Source Performance Standards and Maximum Achievable Control Technology for this industry.

Members of the regulated community who may be subject to Idaho's air quality rules as well as special interest groups, public officials, or members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. 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.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption of a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

SECTION 39-107D, IDAHO CODE, STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

NEGOTIATED RULEMAKING: The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815. On November 3, 2010, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin, Vol. 10-11, pages 120 and 121](#), and a preliminary draft rule was made available for public review. A meeting was held on December 9, 2010. Members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written comments received, and documents distributed during the negotiated rulemaking process is available at http://www.deq.idaho.gov/rules/air/58_0101_1003_proposed.cfm.

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: Not applicable.

FISCAL IMPACT STATEMENT: 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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Michael Simon at (208) 373-0212, michael.simon@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 6, 2011.

DATED this 8th day of April, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton/Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 58-0101-1003

~~**815. RULES FOR CONTROL OF KRAFT PULPING MILLS.**~~

~~The purpose of Sections 815 through 826 is to establish for kraft pulping mills restrictions additional to the general rules presented in this Chapter; to formulate a schedule for compliance with the restrictions; and to formalize the policy of the Department concerning emissions control from kraft pulping mills.~~ (5-1-94)

~~**816. STATEMENT OF POLICY.**~~

~~It is hereby declared to be the policy of the Department to:~~ (5-1-94)

~~**01. Best Treatment and Control.** Require, in accordance with a specific program and timetable, the highest and best practicable treatment and control of emissions through the utilization of technically feasible equipment, devices and procedures.~~ (5-1-94)

~~**02. Monitoring.** Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Department will use these data in conjunction with other data on ambient air and local conditions to develop and revise emission standards and air quality standards as necessary, and to determine compliance therewith.~~ (5-1-94)

~~**03. Research.** Encourage and assist the kraft pulping industry to conduct research and technological development designed to progressively reduce emissions in accordance with specific programs, objectives and time schedules.~~ (5-1-94)

~~**04. Available Technology Required.** Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as necessary when new information and technology are developed.~~ (5-1-94)

~~**05. New Source Standards.** Establish more restrictive standards for new mills or for mills expanding existing facilities.~~ (5-1-94)

~~**817. GENERAL RULES.**~~

~~All emission standards in Sections 818 through 823 are based on average daily emissions. These limitations do not~~

~~preclude a requirement to install the highest and best practicable treatment and control available. (5-1-94)~~

~~818. RECOVERY FURNACE STANDARDS.~~

~~The emission of TRS from all recovery furnace stacks shall not exceed two (2) pounds of sulfur per ton of equivalent air dried kraft pulp or, from each recovery furnace stack, seventy (70) ppm expressed as hydrogen sulfide on a dry basis, whichever is the more restrictive. Compliance shall be achieved by December, 1972. (5-1-94)~~

~~819. RECOVERY FURNACE TRS STANDARDS.~~

~~The emission of TRS from all recovery furnace stacks shall be further reduced so as not to exceed one half (1/2) pound of sulfur per equivalent ton of air dried kraft pulp, or from each recovery furnace stack seventeen and one half (17 1/2) ppm, expressed as hydrogen sulfide on a dry gas basis, whichever is the more restrictive, or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls, and procedures. Compliance shall be achieved by not later than July, 1975. (5-1-94)~~

~~820. DIGESTER AND EVAPORATOR STANDARDS.~~

~~Noncondensibles from digesters and multiple-effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. Compliance with this requirement shall be achieved by not later than July, 1972. (5-1-94)~~

~~821. RECOVERY FURNACE PARTICULATE STANDARDS.~~

~~The emission of particulate matter from all recovery furnace stacks shall not exceed four (4) pounds per ton of equivalent air dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975. (5-1-94)~~

~~822. LIME KILN STANDARDS.~~

~~The emission of particulate matter from all lime kilns shall not exceed one (1) pound per ton of equivalent air dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975. (5-1-94)~~

~~823. SMELT TANK STANDARDS.~~

~~The emission of particulate material from all smelt tanks shall not exceed one half (1/2) pound per ton of equivalent air dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1972. (5-1-94)~~

~~824. MONITORING AND REPORTING.~~

~~**01. Continuous Monitoring Requirements.** Every kraft mill in the State shall install equipment for the continuous monitoring of TRS. (5-1-94)~~

~~**a.** The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continuous sampling and recording of the concentrations of TRS contaminants during a time interval not greater than thirty (30) minutes. (5-1-94)~~

~~**b.** The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks. (5-1-94)~~

~~**02. Particulate Sampling.** Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its sampling program as approved by the Department. The appropriate test method under Sections 821 through 823 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall also comply with Section 157. (4-5-00)~~

~~**03. Monitoring Program and Time Schedule Submittal.** Each mill shall submit within sixty (60) days after the original effective date of Sections 815 through 826 a detailed monitoring program and time schedule for approval by the Department. The equipment shall be ordered within thirty (30) days after the monitoring program has been approved in writing by the Department. The equipment shall be placed in effective operation in accordance with the approved program within ninety (90) days after delivery. (5-1-94)~~

~~**04. Quarterly Reporting Requirements.** Unless otherwise authorized by the Department, data shall be~~

~~reported by each mill at the end of each calendar quarter, as follows: (4-5-00)~~

~~a. Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program. (5-1-94)~~

~~b. The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds emission standards and the maximum concentration of TRS measured each day. (5-1-94)~~

~~c. Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a quarterly basis for each source included in the approved monitoring program. (4-5-00)~~

~~d. Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program. (5-1-94)~~

~~e. Average daily equivalent kraft pulp production in air-dried tons. (5-1-94)~~

~~f. Other emission data as specified in the approved monitoring program. (5-1-94)~~

~~05. Semi-Annual Reporting Requirements. Unless otherwise authorized by the Department, excess emissions data for emissions units covered by Section 820 shall be reported by each mill at the end of each semi-annual calendar period, as follows: (4-5-00)~~

~~a. Excess emissions for the semi-annual report required by Subsection 824.05 shall be defined as periods during which noncondensibles are not treated as required by Section 820. Periods of excess emissions reported under Subsection 824.05 shall not be a violation under Section 820 provided that the time of excess emissions (excluding periods of startup, shutdown, or malfunction) divided by the total process operating time in a semi-annual period does not exceed one percent (1%). (4-5-00)~~

~~b. The total duration of excess emissions during the reporting period (recorded in hours). (4-5-00)~~

~~c. The total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and (4-5-00)~~

~~d. A breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes. (4-5-00)~~

~~06. Miscellaneous Reports. Each kraft mill shall furnish, upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air pollutants, following procedures set forth in the approved monitoring program. (5-1-94)~~

825. SPECIAL STUDIES.

~~Special studies, having prior approval of the Department, shall be conducted, and the results thereof submitted to the Department by December, 1972. (5-1-94)~~

~~01. Areas to Be Included. The studies shall cover the following areas: (5-1-94)~~

~~a. TRS Emissions. Evaluation of the emissions of TRS from all other sources within the mill. Other sources mean sources of odorous sulfur emissions including, but not limited to, vents from lime kilns, knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases. (5-1-94)~~

~~b. Sulfur Dioxide Emissions. Evaluation of the emissions of sulfur dioxide from all sources within the mill, including but not necessarily limited to, the recovery furnace, lime kiln, and power boilers. (5-1-94)~~

~~e. Water Vapor. Evaluation of water vapor emissions from all sources within the mill. (5-1-94)~~

~~02. Additional Studies. The Department may require such additional special studies relevant to air pollution and establish completion dates as necessary. (5-1-94)~~

826. EXCEPTIONS.

The emission limits established under Sections 817 through 823 apply to the specific process as described. These emission limits do not apply to open burning, power boilers, or other operations conducted at the site of or ancillary to the kraft pulp mill operation. Such ancillary operations must meet standards established in this chapter. (5-1-94)

815. RULES FOR CONTROL OF KRAFT PULP MILLS.

The purpose of Sections 815 through 818 is to establish emission standards for recovery furnaces and notification and reporting requirements for low volume high concentration (LVHC) and high volume low concentration (HVLC) gas venting at kraft pulp mills. ()

816. RECOVERY FURNACE TRS STANDARD.

The average daily emissions of total reduced sulfur (TRS) from each recovery furnace shall not exceed fifteen (15) ppm expressed as hydrogen sulfide on a dry basis. Recovery furnaces at kraft pulp mills subject to 40 CFR Part 60 TRS standards are exempt from the requirements of Section 816. ()

817. RECOVERY FURNACE TRS MONITORING AND RECORDKEEPING.

Owners and operators of each recovery furnace subject to the TRS emission standard in Section 816 shall maintain and operate equipment to continuously monitor and record the daily average TRS concentrations. ()

818. KRAFT PULP MILL LVHC AND HVLC GAS VENTING NOTIFICATION AND REPORTING.

Section 818 is applicable to kraft pulp mill LVHC and HVLC gas venting from sources required to be controlled pursuant to 40 CFR 63, Subpart S. For purposes of Sections 130 through 136, an excess emission is defined as a continuous uncontrolled gas venting in excess of five (5) minutes. Excess emissions notification and reporting shall be conducted pursuant to the requirements contained in Sections 130 through 136 and the permit issued to the kraft pulp mill. ()

827~~19~~. -- 834. (RESERVED).