Pending Rule in Strikeout/Underline Format (DEQ Document)
Docket No. 58-0101-2101

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

000. LEGAL AUTHORITY.
The Board of Environmental Quality is authorized to promulgate rules for the Department of Environmental Quality governing air pollution pursuant to Sections 39-105~~ and~~, 39-107, 39-114, and 39-115, Idaho Code.

001. TITLE AND SCOPE.
These rules are titled IDAPA 58.01.01, Rules of the Department of Environmental Quality, IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho~~.~~" ~~These rules~~and provide for the control of air pollution in Idaho.

002. WRITTEN INTERPRETATIONS.
The Department of Environmental Quality has written statements ~~which~~ that pertain to the interpretation of or compliance ~~of~~ with these rules ~~of this chapter, or to the documentation of compliance with the rules of this chapter. The written statements are available for public inspection and copying at cost~~ at ~~the Department of Environmental Quality,~~ 1410 N. Hilton, Boise, Idaho, the Department regional offices, and ~~83706-1255 at (208) 373-0502~~ https://www.deq.idaho.gov.

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal agency actions authorized under this chapter pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records."

004. (RESERVED)

005. DEFINITIONS.

~~The purpose of Sections 005 through 008 is to assemble definitions used throughout this chapter.~~ Definitions in federal statute, federal regulation, and Idaho Code are incorporated by reference unless otherwise listed below. The terms "air contaminant or contamination," "air pollution," "board," "department," "director," "emission," and "person" have the meaning provided for those terms in Section 39-103, Idaho Code.

006. GENERAL DEFINITIONS.

01. Accountable. Any SIP emission trading program must account for the aggregate effect of the emissions trades in the demonstration of reasonable further progress, attainment, or maintenance.

~~**02. Act**. The Environmental Protection and Health Act of 1972 as amended (Sections 39-101 through 39-130, Idaho Code).~~

~~**03**~~**02. Actual Emissions**. The actual rate of emissions of a pollutant from an emissions unit as determined ~~in accordance with the following~~below:

a. ~~In general, a~~Actual emissions as of a particular date ~~shall~~ equal the average rate, in tons per year, at which the unit ~~actually~~ emitted the pollutant during a ~~two-year~~consecutive 24-month period ~~which~~that precedes the particular date and ~~which~~ is representative of normal source operation. The Department ~~shall~~will allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions ~~shall~~ must be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

b. The Department may presume that the source-specific allowable emissions for the unit are equivalent to actual emissions of the unit.

c. For any emissions unit (other than an electric utility steam generating unit as specified below) which has not yet begun normal operations on the particular date, actual emissions ~~shall~~ equal the potential to emit of the unit on that date.

d. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change ~~shall~~ equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the Department, on an annual basis for a period of five (5) years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten (10) years may be required by the Department if it determines such a period to be more representative of normal source post-change operations.

~~**04. Adverse Impact on Visibility**. Visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I Area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with:~~

~~**a.** Times of visitor use of the Federal Class I Area; and~~

~~**b.** The frequency and timing of natural conditions that reduce visibility.~~

~~**c.** This term does not include affects on integral vistas when applied to 40 CFR 51.307.~~

~~**05. Air Pollutant/Air Contaminant**. Any substance, including but not limited to, dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon or particulate matter or any combination thereof.~~

~~**06. Air Pollution**. The presence in the outdoor atmosphere of any air pollutant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.~~

~~**07**~~**03. Air Quality**. The specific measurement in the ambient air of a particular air pollutant at any given time.

~~**08. Air Quality Criterion**. The information used as guidelines for decisions when establishing air quality goals and air quality standards.~~

~~**09**~~**04. Allowable Emissions**. The allowable emissions rate of a stationary source or facility calculated using the maximum rated capacity of the source or facility (unless the source or facility is subject to federally enforceable limits ~~which~~that restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

a. The applicable standards set forth in 40 CFR ~~part~~ Parts 60, ~~and~~ 61, and 63.

b. Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

c. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

~~**10**~~**05. Ambient Air**. That portion of the atmosphere, external to buildings, to which the general public has access.

~~**11**~~**06. Ambient Air Quality Violation**. Any ambient concentration that causes or contributes to an exceedance of a national ambient air quality standard as determined by 40 CFR Part 50.

~~**12. Atmospheric Stagnation Advisory**. An air pollution alert declared by the Department when air pollutant impacts have been observed and/or meteorological conditions are conducive to additional air pollutant buildup.~~

~~**13**~~**07. Attainment Area**. Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as having ambient concentrations equal to or less than national primary or secondary ambient air quality standards for a particular air pollutant or air pollutants.

~~**14. BART-Eligible Source**. Any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit two hundred fifty (250) tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted.~~

~~**a.** Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input;~~

~~**b.** Coal cleaning plants (thermal dryers);~~

~~**c.** Kraft pulp mills;~~

~~**d.** Portland cement plants;~~

~~**e.** Primary zinc smelters;~~

~~**f.** Iron and steel mill plants;~~

~~**g.** Primary aluminum ore reduction plants;~~

~~**h.** Primary copper smelters;~~

~~**i.** Municipal incinerators capable of charging more than two hundred fifty (250) tons of refuse per day;~~

~~**j.** Hydrofluoric, sulfuric, and nitric acid plants;~~

~~**k.** Petroleum refineries;~~

~~**l.** Lime plants;~~

~~**m.** Phosphate rock processing plants;~~

~~**n.** Coke oven batteries;~~

~~**o.** Sulfur recovery plants;~~

~~**p.** Carbon black plants (furnace process);~~

~~**q.** Primary lead smelters;~~

~~**r.** Fuel conversion plants;~~

~~**s.** Sintering plants;~~

~~**t.** Secondary metal production facilities;~~

~~**u.** Chemical process plants;~~

~~**v.** Fossil-fuel boilers of more than two hundred fifty (250) million BTU's per hour heat input;~~

~~**w.** Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels;~~

~~**x.** Taconite ore processing facilities;~~

~~**y.** Glass fiber processing plants; and~~

~~z. Charcoal production facilities.~~

~~**15. Baseline (Area, Concentration, Date)**. See Section 579.~~

~~**16. Best Available Retrofit Technology (BART)**. Means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.~~

~~**17. Board**. Idaho Board of Environmental Quality.~~

~~**18. Breakdown**. An unplanned failure of any equipment or emissions unit which may cause excess emissions.~~

~~**19. BTU**. British thermal unit.~~
~~**20. Clean Air Act**. The federal Clean Air Act, 42 U.S.C. Sections 7401 through 7671q.~~

~~**21. Collection Efficiency**. The overall performance of the air cleaning device in terms of ratio of materials collected to total input to the collector unless specific size fractions of the contaminant are stated or required.~~

~~22~~08. **Commence Construction or Modification**. ~~In general, this means i~~Initiation of physical on-site construction activities on an emissions unit ~~which~~that are ~~of a~~ permanent ~~nature~~. Such activities include, but are not limited to, fabrication, erection, installation, or modification of a stationary source or facility, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities, other than preparatory activities, ~~which~~that mark the initiation of the change.

~~**23. Complete**. A determination made by the Department that all information needed to process a permit application has been submitted for review.~~

~~**24. Construction**. Fabrication, erection, installation, or modification of a stationary source or facility.~~

~~25~~09. **Control Equipment**. Any method, process or equipment which removes, reduces or renders less noxious, air pollutants discharged into the atmosphere.

~~26~~10. **Controlled Emission**. An emission which has been treated by control equipment to remove all or part of an air pollutant before release to the atmosphere.

~~27~~11. **Criteria Air Pollutant**. Any of the following: PM_{10}; $PM_{2.5}$; sulfur oxides; ozone, nitrogen dioxide; carbon monoxide; lead.

~~**28. Deciview**. A measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements): Deciview Haze Index = $10 \ln_e (b_{ext}/10Mm^{-1})$ where b_{ext} = the atmospheric light extinction coefficient, expressed in inverse megameters (Mm^{-1}).~~

~~**29. Department**. The Department of Environmental Quality.~~

~~**30. Designated Facility**. Any of the following facilities:~~

~~a. Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input;~~

~~**b.** Coal cleaning plants (thermal dryers);~~

~~**c.** Kraft pulp mills;~~

~~**d.** Portland cement plants;~~

~~**e.** Primary zinc smelters;~~

~~**f.** Iron and steel mill plants;~~

~~**g.** Primary aluminum ore reduction plants;~~

~~**h.** Primary copper smelters;~~

~~**i.** Municipal incinerators capable of charging more than two hundred and fifty (250) tons of refuse per day;~~

~~**j.** Hydrofluoric, sulfuric, and nitric acid plants;~~

~~**k.** Petroleum refineries;~~

~~**l.** Lime plants;~~

~~**m.** Phosphate rock processing plants;~~

~~**n.** Coke oven batteries;~~

~~**o.** Sulfur recovery plants;~~

~~**p.** Carbon black plants (furnace process);~~

~~**q.** Primary lead smelters;~~

~~**r.** Fuel conversion plants;~~

~~**s.** Sintering plants;~~

~~**t.** Secondary metal production facilities;~~

~~**u.** Chemical process plants;~~

~~**v.** Fossil-fuel boilers (or combination thereof) of more than two hundred and fifty (250) million BTU's per hour heat input;~~

~~**w.** Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels;~~

~~**x.** Taconite ore processing facilities;~~

~~**y.** Glass fiber processing plants; and~~

~~**z.** Charcoal production facilities.~~

~~**31.** **Director**. The Director of the Department of Environmental Quality or his designee.~~

~~**32.** **Effective Dose Equivalent**. The sum of the products of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body of reference man. The unit of the effective dose equivalent is the rem. It is generally calculated as an annual dose.~~

~~33~~12. **Emission**. Any controlled or uncontrolled release or discharge into the outdoor atmosphere of any air pollutants or combination thereof. Emission also includes any release or discharge of any air pollutant from a stack, vent, or other means into the outdoor atmosphere that originates from an emission unit.

~~34~~13. **Emission Standard**. A permit or regulatory requirement established by the Department or EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

~~35~~14. **Emissions Unit**. An identifiable piece of process equipment or other part of a facility which emits or may emit any air pollutant. ~~This definition does not alter or affect the term "unit" for the purposes of 42 U.S.C. Sections 7651 through 7651o.~~

~~**36. EPA**. The United States Environmental Protection Agency and its Administrator or designee.~~

~~37~~15. **Environmental Remediation Source**. A stationary source that functions to remediate or recover any release, spill, leak, discharge or disposal of any petroleum product or petroleum substance, any hazardous waste or hazardous substance from any soil, ground water or surface water, and ~~shall have~~has an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations. Nothing in this definition ~~shall be construed so as to actually~~ limits remediation projects to five (5) years or less of total operation.

~~**38. Excess Emissions**. Emissions that exceed an applicable emissions standard established for any facility, source or emissions unit by statute, regulation, rule, permit, or order.~~

~~39~~16. **Existing Stationary Source or Facility**. Any stationary source or facility that exists, is installed, or is under construction on the original effective date of any applicable provision of this chapter.

~~40~~17. **Facility**. All of the pollutant-emitting activities ~~which~~that belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities ~~shall be~~ are considered as part of the same industrial grouping if they belong to the same Major Group (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual. The fugitive emissions ~~shall~~ are not ~~be~~ considered in determining whether a permit is required unless required by federal law.

~~**41. Federal Class I Area**. Any federal land that is classified or reclassified "Class I."~~

~~42~~18. **Federal Land Manager**. The Secretary of the department with authority over the Federal Class I Area (or the Secretary's designee).

~~43~~19. **Federally Enforceable**. All limitations and conditions which are enforceable by EPA and the Department under the Clean Air Act, including those requirements developed pursuant to 40 CFR Parts 60 and 61 requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Parts 51, 52, 60, or 63.

~~**44. Fire Hazard**. The presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare or adjacent lands.~~

~~45~~20. **Fuel-Burning Equipment**. Any furnace, boiler, or other apparatus, including all stacks and ~~all~~ appurtenances thereto, ~~used in the process of burning~~that burns fuel for the primary purpose of producing heat or power by indirect heat transfer.

~~46~~21. **Fugitive Dust**. Fugitive emissions composed of particulate matter.

~~47~~22. **Fugitive Emissions**. Those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~**48. Garbage**. Any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food including, but not limited to, waste materials from households, markets, storage facilities, handling and sale of produce and other food products.~~

~~**49**~~**23. Gasoline**. Any mixture of volatile hydrocarbons suitable as a fuel for the propulsion of motor vehicles or motorboats. Gasoline also means aircraft engine fuels when used for the operation or propulsion of motor vehicles or motor boats and includes gasohol, but does not include special fuels, which is defined as fuel suitable for diesel engines; a compressed or liquefied gas obtained as a by-product in petroleum refining or natural gasoline manufacture, such as butane, isobutane, propane, propylene, butylenes, and their mixtures; and natural gas, either liquid or gas, and hydrogen, used for the generation of power for the operation or propulsion of motor vehicles.

~~**50**~~**24. Gasoline Cargo Tank**. Any tank or trailer used for the transport of gasoline from sources of supply to underground gasoline storage tanks.

~~**51**~~**25. Gasoline Dispensing Facility (GDF)**. Any facility with underground gasoline storage tanks used for dispensing gasoline.

~~**52. Grain Elevator**. Any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded.~~

~~**53. Grain Storage Elevator**. Any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean extraction plant which has a permanent grain storage capacity of thirty five thousand two hundred (35,200) cubic meters (ca. 1 million bushels).~~

~~**54. Grain Terminal Elevator**. Any grain elevator which has a permanent storage capacity of more than eighty-eight thousand one hundred (88,100) cubic meters (ca. 2.5 million bushels), except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots.~~

~~**55**~~**26. Hazardous Air Pollutant (HAP)**. Any air pollutant listed pursuant to Section 112(b) of the Clean Air Act. Hazardous Air Pollutants are regulated air pollutants.

~~**56. Hazardous Waste**. Any waste or combination of wastes of a solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may:~~

~~**a.** Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible, or incapacitating reversible illnesses; or~~

~~**b.** Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties; provided that such wastes do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are allowed under a national pollution discharge elimination system permit, or source, special nuclear, or by-product material as defined by 42 U.S.C. Sections 2014(e),(z) or (aa).~~

~~**57. Hot-Mix Asphalt Plant**. Those facilities conveying proportioned quantities or batch loading of cold aggregate to a drier, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use.~~

~~**58**~~**27. Incinerator**. Any source consisting of a furnace and all appurtenances thereto designed for the destruction of refuse by burning. "Open Burning" is not considered incineration. For purposes of these rules, the destruction of any combustible liquid or gaseous material by burning in a flare stack shall be considered incineration.

~~**59. Indian Governing Body**. The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.~~

~~**60**~~**28. Integral Vista**. A view perceived from within the mandatory Class I Federal Area of a specific landmark or panorama located outside the boundary of the mandatory Class I Federal Area.

61. Kraft Pulping. Any pulping process which uses, for a cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide.

62. Least Impaired Days. The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the lowest amount of visibility impairment.

63. Lowest Achievable Emission Rate (LAER). For any source, the more stringent rate of emissions based on the following:

a. The most stringent emissions limitation which is contained in any State Implementation Plan for such class or category of facility, unless the owner or operator of the proposed facility demonstrates that such limitations are not achievable; or

b. The most stringent emissions limitation which is achieved in practice by such class or category of facilities. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the facility. In no event shall the application of the term permit a proposed new or modified facility to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

6429. Mandatory Class I Federal Area. Any area identified in 40 CFR 81.400 through 81.437.

65. Member of the Public. For purposes of Subsection 006.108.a.xvi., a person located at any off-site point where there is a residence, school, business or office.

66. Mercury. Total mercury including elemental mercury and mercury compounds.

6730. Mercury Best Available Control Technology (MBACT). An emission standard for mercury (including elemental mercury and mercury compounds) based on the maximum degree of reduction practically achievable as specified by the Department on an individual case-by-case basis taking into accountconsidering energy, economic and environmental impacts, and other relevant impacts specific to the source. A Department approved MBACT shall be is valid until the source subject to the MBACT is modified. If the proposed modification to the source subject to MBACT occurs within ten (10) years of the MBACT determination, a new MBACT review shall not beis not triggered as long asif the source can meet the existing MBACT requirements. If the proposed modification occurs more than ten (10) years after the MBACT determination, then the proposed modification shall will be subject to a new MBACT review.

6831. Modification.

a. Any physical change in, or change in the method of operation of, a stationary source or facility whichthat results in an emission increase as defined in Section 007 or which that would results in the emission of any regulated air pollutant not previously emitted.

b. Any physical change in, or change in the method of operation of, a stationary source or facility which that would results in an increase in the emissions rate of any state only toxic air pollutant, or emissions of any state only toxic air pollutant not previously emitted.

c. Fugitive emissions shall not beare not considered in determining whether a permit is required for a modification unless required by federal law.

d. For purposes of this definition of modification, rRoutine maintenance, repair and replacement shall not be are not considered physical changes and the following shall not beare not considered a change in the method of operation:

i. An increase in the production rate if such increase does not exceed the operating design capacity of the affected stationary source, and if a more restrictive production rate is not specified in a permit;

ii. An increase in hours of operation if more restrictive hours of operation are not specified in a permit; and

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iii. Use of an alternative fuel or raw material if the stationary source is specifically designed to accommodate such fuel or raw material before January 6, 1975, and use of such fuel or raw material is not specifically prohibited in a permit.

~~**69. Monitoring**. Sampling and analysis, in a continuous or noncontinuous sequence, using techniques which will adequately measure emission levels and/or ambient air concentrations of air pollutants.~~

~~**70. Most Impaired Days**. The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the highest amount of visibility impairment.~~

~~**71. Multiple Chamber Incinerator**. Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned.~~

~~**72.**~~ **32. National Ambient Air Quality Standard (NAAQS)** National primary and secondary ambient air quality standards under Section 109 of the Clean Air Act (CAA) are set forth in 40 CFR Part 50 and incorporated by reference in Section 107. Primary standards define levels of air quality that EPA has determined, with an adequate margin of safety, to protect public health. Secondary standards define levels of air quality necessary to protect public welfare from any known or anticipated adverse effects of a pollutant. Pollutants subject to a NAAQS are termed criteria pollutants. Geographic areas are designated as unclassifiable, attainment, or nonattainment of the NAAQS. Section 110 of the CAA and 40 CFR Parts 51 and 52, incorporated by reference in Section 107, requires states to submit state implementation plans to meet, attain, and maintain the NAAQS.

~~**72. Natural Conditions**. Includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.~~

~~**73.**~~**33 New Stationary Source or Facility**.

a. Any stationary source or facility, the construction or modification of which is commenced after the original effective date of any applicable provision of this chapter; or

b. The restart of a non-operating facility ~~shall be~~ is considered a new stationary source or facility if:

i. The restart involves a modification to the facility; or

ii. If ~~A~~after the facility has been in a non-operating status for a period of two (2) years, and the Department receives an application for a Permit to Construct in the area affected by the existing non-operating facility, then the Department will, within five (5) working days of receipt of the application notify the ~~nonoperating~~ facility of receipt of the application for a Permit to Construct. To not be considered a new stationary source or facility within thirty (30) working days ~~U~~upon receipt of this ~~Departmental~~ notification, the ~~nonoperating~~ facility ~~will comply with the following restart schedule or be considered a new stationary source or facility when it does restart: Within thirty (30) working days after receipt of the Department's notification of the application for a Permit to Construct, the nonoperating facility~~ must~~shall~~ provide the Department with a schedule detailing the restart of the facility. The restart must begin within sixty (60) days of the date the Department receives the restart schedule.

~~**74**~~**34. Nonattainment Area**. Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as not meeting (or contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.

~~**75. Noncondensibles**. Gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified.~~

~~**76. Odor**. The sensation resulting from stimulation of the human sense of smell.~~

~~**77. Opacity**. A state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view, expressed as percent.~~

~~**78. Open Burning**. The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct or chimney.~~

~~**79. Operating Permit**. A permit issued by the Director pursuant to Sections 300 through 386 and/or 400 through 461.~~

~~**80**~~**35. Particulate Matter**. Any material, except water in uncombined form, that exists as a liquid or a solid at standard conditions. Emissions are measured by an applicable reference method, or any equivalent or alternative method in accordance with Section 157. PM_{10} is all particulate matter in the ambient air with an aerodynamic diameter less than or equal to ten (10) micrometers. $PM_{2.5}$ is all particulate matter in the ambient air with an aerodynamic diameter less than or equal to two point five (2.5) micrometers.

~~**81. Particulate Matter Emissions**. All particulate matter emitted to the ambient air as measured by an applicable reference method, or any equivalent or alternative method in accordance with Section 157.~~

~~**82. Permit to Construct**. A permit issued by the Director pursuant to Sections 200 through 228.~~

~~**83. Person**. Any individual, association, corporation, firm, partnership or any federal, state or local governmental entity.~~

~~**84. PM_{10}**. All particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.~~

~~**85. PM_{10} Emissions**. All particulate matter, including condensible particulates, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method in accordance with Section 157.~~

~~**86. $PM_{2.5}$**. All particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal two point five (2.5) micrometers measured by a reference method based on Appendix L of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.~~

~~**87. $PM_{2.5}$ Emissions**. All particulate matter, including condensible particulates, with an aerodynamic diameter less than or equal to a nominal two point five (2.5) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method in accordance with Section 157.~~

~~**88**~~**36. Potential to Emit/Potential Emissions**. The maximum capacity of a facility or stationary source to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, ~~shall be~~ is treated as part of its design if the limitation or the effect it would have on emissions is state or federally enforceable. Secondary emissions do not count in determining the potential to emit of a facility or stationary source.

~~**89**~~**37. Portable Equipment**. Equipment ~~which is~~ designed to be dismantled and transported from one (1) job site to another ~~job site~~.

~~**90. PPM (parts per million)**. Parts of a gaseous contaminant per million parts of gas by volume.~~

~~**91. Prescribed Fire Management Burning**. The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including:~~

~~**a.** Fire hazard reduction;~~

~~**b.** The control of pests, insects, or diseases;~~

~~**c.** The promotion of range forage improvements;~~

~~**d.** The perpetuation of natural ecosystems;~~

~~**e.** The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system;~~

~~**f.** The preparation of planting and seeding sites for forest regeneration; and~~

~~**g.** Other accepted natural resource management purposes.~~

~~**92. Primary Ambient Air Quality Standard**. That ambient air quality which, allowing an adequate margin of safety, is requisite to protect the public health.~~

~~93~~**38.** **Process or Process Equipment**. Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stack, etc., the use of which may cause any discharge of an air pollutant into the ambient air but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment.

~~**94. Process Weight**. The total weight of all materials introduced into any source operation which may cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air. Water which occurs naturally in the feed material shall be considered part of the process weight.~~

~~**95. Process Weight Rate**. The rate established as follows:~~

~~**a.** For continuous or long run steady state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof;~~

~~**b.** For cyclical or batch source operations, the total process weight for a period that covers a complete cycle of operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.~~

~~**96. Quantifiable**. The Department must be able to determine the emissions impact of any SIP trading programs requirement(s) or emission limit(s).~~

~~**97. Radionuclide**. A type of atom which spontaneously undergoes radioactive decay.~~

~~**98. Regional Haze**. Visibility impairment that is caused by the emission of air pollutants from numerous sources located over a wide geographic area. Such sources include, but are not limited to, major and minor stationary sources, mobile sources, and area sources.~~

~~99~~**39.** **Regulated Air Pollutant**.

a. For purposes of determining applicability of major source permit to operate requirements, issuing, and modifying permits pursuant to Sections 300 through 397, and in accordance with Title V of the federal Clean Air Act amendments of 1990, 42 U.S.C. Section 7661 et seq., "regulated air pollutant" ~~shall have~~ has the same meaning as in Title V of the federal Clean Air Act amendments of 1990, and any applicable federal regulations promulgated pursuant to Title V of the federal Clean Air Act amendments of 1990, 40 CFR Part 70;

b. For purposes of determining applicability of any other operating permit requirements, issuing, and modifying permits pursuant to Sections 400 through ~~410~~409, the federal definition of "regulated air pollutant" as defined in Subsection 006.~~99~~39.a. ~~shall~~ also ~~apply~~ applies;

c. For purposes of determining applicability of permit to construct requirements, issuing, and

modifying permits pursuant to Sections 200 through ~~228~~227, except Section 214, and in accordance with Part D of Subchapter I of the federal Clean Air Act, 42 U.S.C. Section 7501 et seq., "regulated air pollutant" ~~shall~~ means those air contaminants that are regulated in non-attainment areas pursuant to Part D of Subchapter I of the federal Clean Air Act and applicable federal regulations promulgated pursuant to Part D of Subchapter I of the federal Clean Air Act, 40 CFR 51.165; and

d. For purposes of determining applicability of any other major or minor permit to construct requirements, issuing, and modifying permits pursuant to 200 through ~~228~~227, except Section 214, "regulated air pollutant" ~~shall~~ means those air contaminants that are regulated in attainment and unclassifiable areas pursuant to Part C of Subchapter I of the federal Clean Air Act, 40 CFR 52.21, and any applicable federal regulations promulgated pursuant to Part C of Subchapter I of the federal Clean Air Act, 42 U.S.C. Section 7470 et seq.

~~100~~**40.** **Replicable**. Any SIP procedures for applying emission trading ~~shall~~ must be structured so that two (2) independent entities would obtain the same result when determining compliance with the emission trading provisions.

~~101~~**41.** **Responsible Official**. One (1) of the following:

a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

i. The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000) (in second quarter 1980 dollars); or

ii. The delegation of authority to such representative is approved in advance by the Department.

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

c. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of Section 123, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA).

d. For Phase II sources:

i. The designated representative in so far as actions, standards, requirements, or prohibitions under 42 U.S.C. Sections 7651 through 7651o or the regulations promulgated thereunder are concerned; and

ii. The designated representative for any other purposes under 40 CFR Part 70.

~~**102. Safety Measure**. Any shutdown (and related startup) or bypass of equipment or processes undertaken to prevent imminent injury or death or severe damage to equipment or property which may cause excess emissions.~~

~~**103. Salvage Operation**. Any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards.~~

~~**104. Scheduled Maintenance**. Planned upkeep, repair activities and preventative maintenance on any air pollution control equipment or emissions unit, including process equipment, and including shutdown and startup of such equipment.~~

~~105~~**42.** ~~**Secondary Ambient Air Quality Standard**. That The ambient air quality which is requisite required to protect the public welfare from any known or anticipated adverse effects associated with the presence of air pollutants in the ambient air.~~

~~106~~42. **Secondary Emissions**. Emissions ~~would~~ that occur as a result of the construction, modification, or operation of a stationary source or facility, but do not come from the stationary source or facility itself. Secondary emissions must be specific, well defined, quantifiable, and affect the same general area as the stationary source, facility, or modification ~~which~~ that causes the secondary emissions. Secondary emissions include emissions from any offsite support facility ~~which~~ that would not be constructed or increase its emissions except as a result of the construction or operation of the primary stationary source, facility or modification. Secondary emissions do not include any emissions ~~which~~ that come directly from a mobile source regulated under 42 U.S.C. Sections 7521 through 7590.

~~107. **Shutdown**. The normal and customary time period required to cease operations of air pollution control equipment or an emissions unit beginning with the initiation of procedures to terminate normal operation and continuing until the termination is completed.~~

~~108~~43. **Significant**. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following:

~~**a.** Pollutant and emissions rate:~~

~~i. Carbon monoxide, one hundred (100) tons per year;~~

~~ii. Nitrogen oxides, forty (40) tons per year;~~

~~iii. Sulfur dioxide, forty (40) tons per year;~~

~~iv. Particulate matter:~~

~~(1) Twenty-five (25) tons per year of particulate matter emissions;~~

~~(2) Fifteen (15) tons per year of PM_{10} emissions; or~~

~~(3) Ten (10) tons per year of direct $PM_{2.5}$ emissions; or forty (40) tons per year of sulfur dioxide emissions; or forty (40) tons per year of nitrogen oxide emissions;~~

~~v. Ozone, forty (40) tons per year of volatile organic compounds;~~

~~vi. Lead, six-tenths (0.6) of a ton per year;~~

~~vii. Fluorides, three (3) tons per year;~~

~~viii. Sulfuric acid mist, seven (7) tons per year;~~

~~ix. Hydrogen sulfide (H_2S), ten (10) tons per year;~~

~~x. Total reduced sulfur (including H_2S), ten (10) tons per year;~~

~~xi. Reduced sulfur compounds (including H_2S), ten (10) tons per year;~~

~~xii. Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans), thirty-five ten-millionths (0.0000035) tons per year;~~

~~xiii. Municipal waste combustor metals (measured as particulate matter), fifteen (15) tons per year;~~

~~xiv. Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride), forty (40) tons per year; or~~

~~xv. Municipal solid waste landfill emissions (measured as nonmethane organic compounds), fifty (50) tons per year.~~

~~**b.** In reference to a net emissions increase or the potential of a source or facility to emit a regulated air pollutant not listed in Subsection 006.108.a. above and not a toxic air pollutant, any emission rate; or~~

~~**c.** For a major facility or major modification which would be constructed within ten (10) kilometers of a Class I area, the emissions rate which would increase the ambient concentration of an emitted regulated air pollutant in the Class I area by one (1) microgram per cubic meter, twenty-four (24) hour average, or more.~~

a. Criteria Pollutant Significant emission rate

Criteria Pollutant	Emission Rate (tons/year)
CO	100
NO_x	40
SO_2	40
Ozone as NO_x	40
Ozone as VOC	40
PM	25
PM_{10}	15
$PM_{2.5}$	10
$PM_{2.5}$ as SO_2	40
$PM_{2.5}$ as NO_x	40
Pb	0.6
Any regulated air pollutant not listed in this definition.	Greater than 0

b. Non criteria pollutant significant emission rate

Non-Criteria Pollutant	Emission Rate (tons/year)
H2S	10
TRS (including H2S)	10
Reduced sulfur compounds (including H2S)	10
H2SO4 mist	7
Fluorides	3
Any regulated pollutant not listed in this definition and not a TAP	Greater than zero

c. Other pollutants with a significant emission rate.

Other	Measured as	Emission rate (tons/year)
Municipal waste combustor organics	total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans	3.5×10^{-6}
Municipal waste combustor metals	Particulate matter	15
Municipal waste combustor acid gases	SO_2 and hydrogen chloride	40
Municipal solid waste landfills	Nonmethane organic compounds	50
Any new or modified major source within 10 kilometers of a Class I area	Any regulated air pollutant	Any rate or net increase with a 24-hour impact of ≥ 1 µg/m3

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~~109~~**44**. **Significant Contribution**. Any increase in ambient concentrations which would exceed the following:

~~**a.** Sulfur dioxide:~~

i. One (1.0) microgram per cubic meter, annual average;

ii. Five (5) micrograms per cubic meter, twenty-four (24) hour average;

iii. Twenty-five (25) micrograms per cubic meter, three (3) hour average;

b. Nitrogen dioxide, one (1.0) microgram per cubic meter, annual average;

c. Carbon monoxide:

i. One-half (0.5) milligrams per cubic meter, eight (8) hour average;

ii. Two (2) milligrams per cubic meter, one (1) hour average;

d. PM_{10}:

i. One (1.0) microgram per cubic meter, annual average;

ii. Five (5.0) micrograms per cubic meter, twenty-four (24) hour average;

e. $PM_{2.5}$:

i. Three-tenths (0.3) microgram per cubic meter, annual average;

ii. One point two (1.2) micrograms per cubic meter, twenty-four (24) hour average.

Pollutant	**Annual**	**Averaging time (hours)**			
		24	**8**	**3**	**1**
SO_2	1.0 µg/m ^{3}	5 µg/m ^{3}		25 µg/m ^{3}	
PM_{10}	1.0 µg/m ^{3}	5 µg/m ^{3}			
$PM_{2.5}$	0.3 µg/m ^{3}	1.2 µg/m ^{3}			
NO_2	1.0 µg/m ^{3}				
CO			0.5 mg/m ^{3}		2 mg/m ^{3}

110. Small Fire. A fire in which the material to be burned is not more than four (4) feet in diameter nor more than three (3) feet high.

111. Smoke. Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible material.

112. Smoke Management Plan. A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning.

113. Smoke Management Program. A program whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location, amount and timing of open burning operations so as to minimize the impact of such burning on identified smoke sensitive areas.

~~114~~45. Source. A stationary source.

~~115~~46. Source Operation. The last operation preceding the emission of air pollutants, when this operation:

a. Results in the separation of the air pollutants from the process materials or in the conversion of the process materials into air pollutants, as in the case of fuel combustion; and

b. Is not an air cleaning device.

116. Special Fuels. All fuel suitable as fuel for diesel engines; a compressed or liquefied gas obtained as

~~a by-product in petroleum refining or natural gasoline manufacture, such as butane, isobutane, propane, propylene, butylenes, and their mixtures; and natural gas, either liquid or gas, and hydrogen, used for the generation of power for the operation or propulsion of motor vehicles.~~

~~117~~47. **Stack**. Any point in a source arranged to conduct emissions to the ambient air, including a chimney, flue, conduit, or duct but not including flares.

~~118. **Stage 1 Vapor Collection**. Used during the refueling of underground gasoline storage tanks to reduce hydrocarbon emissions. Vapors in the tank, which are displaced by the incoming gasoline, are routed through a hose into the gasoline cargo tank and returned to the terminal for processing. Two (2) types of Stage 1 systems exist: coaxial and dual point.~~

~~a. Coaxial System. A Stage 1 vapor collection system that requires only one (1) tank opening. The tank opening is usually four (4) inches in diameter with a three (3) inch diameter product fill tube inserted into the opening. Fuel flows through the inner tube while vapors are displaced through the annular space between the inner and outer tubes.~~

~~b. Dual Point System. A Stage 1 vapor collection system that consists of two (2) separate tank openings, one (1) for delivery of the product and the other for the recovery of vapors.~~

~~119. **Standard Conditions**. Except as specified in Subsection 576.02 for ambient air quality standards, a dry gas temperature of twenty degrees Celsius (20C) sixty-eight degrees Fahrenheit (68F) and a gas pressure of seven hundred sixty (760) millimeters of mercury (14.7 pounds per square inch) absolute.~~

~~120. **Startup**. The normal and customary time period required to bring air pollution control equipment or an emissions unit, including process equipment, from a nonoperational status into normal operation.~~

~~121~~48. **Stationary Source**. Any building, structure, facility, emissions unit, or installation which emits or may emit any air pollutant. The fugitive emissions shall not be considered in determining whether a permit is required unless required by federal law.

~~122~~49. **Tier I Source**. Any of the following:

a. Any source located at any major facility as defined in Section 008;

b. Any source, including an area source, subject to a standard, limitation, or other requirement under 42 U.S.C. Section 7411 or 40 CFR Part 60, and required by EPA to obtain a Part 70 permit;

c. Any source, including an area source, subject to a standard or other requirement under 42 U.S.C. Section 7412, 40 CFR Part 61 or 40 CFR Part 63, and required by EPA to obtain a Part 70 permit, except that a source is not required to obtain a permit solely because it is subject to requirements under 42 U.S.C. Section 7412(r);

d. Any Phase II source; and

e. Any source in a source category designated by the Department.

~~123. **Total Suspended Particulates**. Particulate matter as measured by the method described in 40 CFR 50 Appendix B.~~

~~124~~50. **Toxic Air Pollutant**. An air pollutant that has been determined by the Department to be by its nature, toxic to human or animal life or vegetation and listed in Section 585 or 586.

~~125. **Toxic Air Pollutant Carcinogenic Increments**. Those ambient air quality increments based on the probability of developing excess cancers over a seventy (70) year lifetime exposure to one (1) microgram per cubic meter (1 ug/m3) of a given carcinogen and expressed in terms of a screening emission level or an acceptable ambient concentration for a carcinogenic toxic air pollutant. They are listed in Section 586.~~

~~126. **Toxic Air Pollutant Non-carcinogenic Increments**. Those ambient air quality increments based on occupational exposure limits for airborne toxic chemicals expressed in terms of a screening emission level or an~~

~~acceptable ambient concentration for a non-carcinogenic toxic air pollutant. They are listed in Section 585.~~

~~**127. Toxic Substance**. Any air pollutant that is determined by the Department to be by its nature, toxic to human or animal life or vegetation.~~

~~**128. Trade Waste**. Any solid, liquid or gaseous material resulting from the construction or demolition of any structure, or the operation of any business, trade or industry including, but not limited to, wood product industry waste such as sawdust, bark, peelings, chips, shavings and cull wood.~~

~~**129**~~**51. TRS (Total Reduced Sulfur)**. Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and any other organic sulfide present.

~~**130**~~**52. Unclassifiable Area**. An area which, because of a lack of adequate data, is unable to be classified pursuant to 42 U.S.C. Section 7407(d) as either an attainment or a nonattainment area.

~~**131**~~**53. Uncontrolled Emission**. An emission which has not been treated by control equipment.

~~**132. Upset**. An unplanned disruption in the normal operations of any equipment or emissions unit which may cause excess emissions.~~

~~**133. Visibility Impairment**. Any humanly perceptible change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions.~~

~~**134. Visibility in Any Mandatory Class I Federal Area**. Includes any integral vista associated with that area.~~

~~**135. Wigwam Burner**. Wood waste burning devices commonly called teepee burners, silos, truncated cones, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes.~~

~~**136. Wood Stove Curtailment Advisory**. An air pollution alert issued through local authorities and/or the Department to limit wood stove emissions during air pollution episodes.~~

007. DEFINITIONS FOR THE PURPOSES OF SECTIONS 200 THROUGH 228 AND 400 THROUGH 461.

01. Agricultural Activities and Services. For the purposes of Subsection 222.02.f., the usual and customary activities of cultivating the soil, producing crops and raising livestock for use and consumption. Agricultural activities and services do not include manufacturing, bulk storage, handling for resale or the formulation of any agricultural chemical listed in Sections 585 or 586.

02. Baseline Actual Emissions. The rate of emissions, in tons per year, of a regulated air pollutant as determined by the following provisions:

a. For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the regulated air pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the five (5) year period immediately preceding when the owner or operator begins actual construction of the project. The ~~Director~~Department ~~shall~~ will allow the use of a different time period upon a determination that it is more representative of normal source operation. The average rate must:

i. ~~The average rate shall i~~Include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

ii. ~~The average rate shall b~~Be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive twenty-four (24) month period.

iii. For a regulated air pollutant, when a project involves multiple emissions units, use only one (1)

consecutive twenty-four (24) month period~~ must be used~~ to determine the baseline actual emissions for all the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated air pollutant.

iv. ~~The average rate shall n~~Not be based on any consecutive twenty-four (24) month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Subsection 007.02.a.ii.

b. For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the regulated air pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the ten (10) year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the ~~Director~~Department for a permit required under these rules, whichever is earlier, except that the ten (10) year period ~~shall~~must not include any period earlier than November 15, 1990. The average rate must:

i. ~~The average rate shall i~~Include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

ii. ~~The average rate shall b~~Be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive twenty-four (24) month period.

iii. ~~The average rate shall b~~Be adjusted downward to exclude any emission limitation with which the source must currently comply, had such source been required to comply with such limitations during the consecutive twenty-four (24) month period; however, if an emission limitation is part of a standard or other requirement under 40 CFR Part 63, the baseline actual emissions need only be adjusted if the Department has taken credit for such emissions reductions in an attainment demonstration or maintenance plan.

iv. For a regulated air pollutant, when a project involves multiple emissions units, use only one (1) consecutive twenty-four (24) month period~~ must be used~~ to determine the baseline actual emissions for all the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated air pollutant.

v. ~~The average rate shall n~~Not be based on any consecutive twenty-four (24) month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Subsections 007.02.b.ii. and 007.02.b.iii.

c. For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit ~~shall~~ must: equal zero (0)~~;~~ and, thereafter, for all other purposes, ~~shall~~ equal the unit's potential to emit.

d. For a plant-wide applicability limit (PAL) for a stationary source, the baseline actual emissions ~~shall~~must be calculated for existing electric utility steam generating units in accordance with the procedures contained in Subsection 007.02.a, for other existing emissions units in accordance with the procedures contained in Subsection 007.02.b, and for a new emissions unit in accordance with the procedures contained in Subsection 007.02.c.

~~**03. Begin Actual Construction**. Commence construction.~~

~~**04**~~**03. Emissions Increase**. The amount by which projected actual emissions exceed baseline actual emissions of an emissions unit.

~~**05. Innovative Control Technology**. Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental effects.~~

~~**06**~~**04. Net Emissions Increase**. For purposes of Sections 204 and 205, a net emissions increase~~ shall be~~ is

defined by the federal regulations incorporated by reference. For purposes of Section 210, a net emissions increase ~~shall be~~is an emissions increase from a particular modification plus any other increases and decreases in actual emissions at the facility that are creditable and contemporaneous with the particular modification, where:

a. A creditable increase or decrease in actual emissions is contemporaneous with a particular modification if it occurs between the date five (5) years before the commencement of construction or modification on the particular change and the date that the increase from the particular modification occurs. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred and eighty (180) days;

b. A decrease in actual emissions is creditable only if it satisfies the requirements for emission reduction credits (Section 460) and has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular ~~modification, and~~modification and is federally enforceable at and after the time that construction of the modification commences.

c. The increase in toxic air pollutant emissions from an already operating or permitted source is not included in the calculation of the net emissions increase for a proposed new source or modification if:

i. The already operating or permitted source commenced construction or modification prior to July 1, 1995; or

ii. The uncontrolled emission rate from the already operating or permitted source is ten per cent (10%) or less of the applicable screening emissions level listed in Section 585 or 586; or

iii. The already operating or permitted source is an environmental remediation source subject to or regulated by the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901-6992k) and IDAPA 58.01.05, "Idaho Rules and Standards for Hazardous Waste," (IDAPA 58.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order.

~~**07. Pilot Plant**. A stationary source located at least one quarter (1/4) mile from any sensitive receptor that functions to test processing, mechanical, or pollution control equipment to determine full-scale feasibility and which does not produce products that are offered for sale except in developmental quantities.~~

~~08~~05. Projected Actual Emissions.

a. The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated air pollutant in any one (1) of the five (5) years (twelve (12) month period) following the date the unit resumes regular operation after the project, or in any one (1) of the ten (10) years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated air pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at an existing major stationary source.

b. In determining the projected actual emissions, the owner or operator of the stationary source:

i. Shall consider all relevant information including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with state or federal regulatory authorities, and compliance plans under the approved state implementation plan; and

ii. Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and

iii. Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive twenty-four (24) month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

iv. In lieu of using the method set out in Subsections 007.0~~8~~5.b.i. through 007.0~~8~~5.b.iii., may elect to use the emissions unit's potential to emit, in tons per year.

~~09~~06. **Reasonable Further Progress (RFP)**. Annual incremental reductions in emissions of the applicable air pollutant as identified in the SIP which are sufficient to provide for attainment of the applicable ambient air quality standard by the required date.

~~10~~07. **Sensitive Receptor**. Any residence, building or location occupied or frequented by persons who, due to age, infirmity or other ~~health based~~health-based criteria, may be more susceptible to the deleterious effects of a toxic air pollutant than the general population including, but not limited to, elementary and secondary schools, day care centers, playgrounds and parks, hospitals, clinics and nursing homes.

~~11~~08. **Short Term Source**. Any new stationary source or modification to an existing source, with an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations.

~~12. **Toxic Air Pollutant Reasonably Available Control Technology (T-RACT)**. An emission standard based on the lowest emission of toxic air pollutants that a particular source is capable of meeting by the application of control technology that is reasonably available, as determined by the Department, considering technological and economic feasibility. If control technology is not feasible, the emission standard may be based on the application of a design, equipment, work practice or operational requirement, or combination thereof.~~

008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 386.

01. Affected States. All States:

a. Whose air quality may be affected by the emissions of the Tier I source and that are contiguous to Idaho; or

b. That are within fifty (50) miles of the Tier I source.

02. Allowance. An authorization allocated to a Phase II source by the EPA to emit during or after a specified calendar year, one (1) ton of sulfur dioxide.

03. Applicable Requirement. All of the following if approved or promulgated by EPA as they apply to emissions units in a Tier I source (including requirements that have been promulgated through rulemaking at the time of permit issuance but which have future-effective compliance dates):

a. Any standard or other requirement provided for in the applicable state implementation plan, including any revisions to that plan that are specified in 40 CFR Parts 52.670 through 52.690.

b. Any term or condition of any permits to construct issued by the Department pursuant to Sections 200 through 223 or by EPA pursuant to 42 U.S.C. Sections 7401 through 7515; provided that terms or conditions relevant only to toxic air pollutants are not applicable requirements.

c. Any standard or other requirement under 42 U.S.C. Section 7411 including 40 CFR Part 60;

d. Any standard or other requirement under 42 U.S.C. Section 7412 including 40 CFR Part 61 and 40 CFR Part 63;

e. Any standard or other requirement of the acid rain program under 42 U.S.C. Sections 7651 through 7651o;

f. Any requirements established pursuant to 42 U.S.C. Section 7414(a)(3), 42 U.S.C. Section 7661c(b) or Sections 120 through 128~~ of these rules~~;

g. Any standard or other requirement governing solid waste incineration, under 42 U.S.C. Section 7429;

h. Any standard or other requirement for consumer and commercial products and tank vessels, under 42 U.S.C. Sections 7511b(e) and (f); and

i. Any standard or other requirement under 42 U.S.C. Sections 7671 through 7671q including 40 CFR Part 82.

j. Any ambient air quality standard or increment or visibility requirement provided in 42 U.S.C. Sections 7470 through 7492, but only as applied to temporary sources receiving Tier I operating permits under Section ~~324~~336.

04. **Designated Representative**. A responsible person or official authorized by the owner or operator of a Phase II unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a Phase II unit, and the submission of and compliance with permits, permit applications, and compliance plans for the Phase II unit.

05. **Draft Permit**. The version of a Tier I operating permit that is made available by the Department for public participation and affected State review.

~~**06.** **Emergency**. For the purposes of Section 332, an emergency is any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation and that causes the Tier I source to exceed a technology-based emission limitation under the Tier I operating permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.~~

~~07~~06. **Final Permit**. The version of a Tier I permit issued by the Department that has completed all review procedures required in Sections 364 and 366.

~~08~~07. **General Permit**. A Tier I permit issued pursuant to Section 335.

~~**09.** **Insignificant Activity**. Those activities that qualify as insignificant in accordance with Section 317.~~

~~10~~08. **Major Facility**. A facility (as defined in Section 006) is major if the facility meets any of the following criteria~~:~~.

a. For hazardous air pollutants, the facility emits or has the potential to emit:

i. ~~The facility emits or has the potential to emit t~~Ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, which has been listed pursuant to 42 U.S.C. Section 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station ~~shall~~ must not be aggregated with emissions from other similar emission units within the facility~~.~~; or

ii. ~~The facility emits or has the potential to emit t~~Twenty-five (25) tpy or more of any combination of any hazardous air pollutants, other than radionuclides, which have been listed pursuant to 42 U.S.C. 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station ~~shall~~ must not be aggregated with emissions from other similar emission units within the facility.

b. For non-attainment areas, the facility is located in:

i. ~~The facility is located in a~~A "serious" particulate matter (PM_{10} or $PM_{2.5}$) nonattainment area and the facility has the potential to emit seventy (70) tpy or more of PM_{10} or $PM_{2.5}$~~.~~;

ii. ~~The facility is located in a~~A "serious" carbon monoxide nonattainment area in which stationary sources are significant contributors to carbon monoxide levels and the facility has the potential to emit fifty (50) tpy or more of carbon monoxide~~.~~;

iii. ~~The facility is located in a~~An ozone transport region established pursuant to 42 U.S.C. Section 7511c and the facility has the potential to emit fifty (50) tpy or more of volatile organic compounds~~.~~; or

iv. ~~The facility is located in a~~An ozone nonattainment area and, depending upon the classification of the nonattainment area, the facility has the potential to emit the following amounts of volatile organic compounds or oxides of nitrogen; provided that oxides of nitrogen ~~shall~~ are not ~~be~~ included if the facility has been identified in accordance with 42 U.S.C. Section 7411a(f)(1) or (2) if the area is "marginal" or "moderate," one hundred (100) tpy or more, if the area is "serious," fifty (50) tpy or more, if the area is "severe," twenty-five (25) tpy or more, and if the area is "extreme," ten (10) tpy or more.

c. The facility emits or has the potential to emit one hundred (100) tons per year or more of any regulated air pollutant. The fugitive emissions ~~shall~~ are not ~~be~~ considered in determining whether the facility is major unless the facility belongs to one (1) of the following categories:

i. Designated facilities.

ii. All other source categories regulated by 40 CFR Part 60, ~~40 CFR Part~~ 61 or ~~40 CFR Part~~ 63, but only with respect to those air pollutants that have been regulated for that category and only if determined by rule by the Administrator of EPA pursuant to Section 302(j) of the Clean Air Act.

009. DEFINITIONS FOR THE PURPOSES OF 40 CFR PART 60.
Notwithstanding the definitions listed in Sections 006 through 008, the definitions in 40 CFR Part 60 shall have the meaning given in that Part, except that the term "Administrator" shall mean "Department."

~~**010. DEFINITIONS FOR THE PURPOSES OF 40 CFR PART 61 AND 40 CFR PART 63.**~~
~~Notwithstanding the definitions listed in Sections 006 through 008, the definitions in 40 CFR Part 61 and 40 CFR Part 63 shall have the meaning given in those Parts, except that the term "Administrator" shall mean "Department."~~

~~**011. DEFINITIONS FOR THE PURPOSES OF SECTIONS 790 THROUGH 799.**~~

~~**01. Best Management Practice**. The best management practice (BMP) employed within an industry to control fugitive emissions.~~

~~**02. Control Strategy Trigger**. An event or condition that indicates that a control action is needed to prevent violation of a standard or a provision of the rule.~~

~~**03. Nonmetallic Mineral Processing Plant**. Any combination of equipment that is used to crush or grind any nonmetallic mineral or rock wherever it may be located, including equipment located at lime plants, power plants, steel mills, asphalt concrete plants, Portland cement plants, or any other facility or location processing nonmetallic minerals.~~

~~**04. NSPS Regulated Facility or Plant**. A facility or processing plant that is subject to a standard, limitation, or other requirement of 40 CFR 60, Standards for the Performance of New Stationary Sources.~~

~~**05. Permit by Rule**. A provision of the rules under which a facility or source registers with the Department and meets the specific requirements for that type of source. The source is then deemed to have a permit, thereby authorizing construction and operation without first obtaining a "Permit to Construct" as required in Section 201. Operating in accordance with a "Permit by Rule" (PBR) does not relieve the owner or operator from complying with all applicable federal, state, and local rules and regulations.~~

~~**06. Progressive Control Strategy**. A sequence of control actions that when progressively employed can reduce the potential for violation of a standard or a provision of the rules. Control actions, beginning with those early in the sequence, shall be progressively applied until an adequate level of control is achieved.~~

~~**07. Site of Operations**. The specific operating location of a nonmetallic mineral processing plant.~~

~~012~~009. -- ~~105~~106. (RESERVED)

~~**106. ABBREVIATIONS.**~~

~~**01. AAC**. Acceptable Ambient Concentration.~~

~~**02.** **AACC**. Acceptable Ambient Concentration for a Carcinogen.~~

~~**03.** **ACGIH**. American Conference of Government Industrial Hygienists.~~

~~**04.** **CAS**. Chemical Abstract Service.~~

~~**05.** **CL**. Derived form ACGIH ceiling Limit UF = 10.~~

~~**06.** **EL**. Emissions Screening Level.~~

~~**07.** **ID**. Idaho Division of Environmental Quality. Not OEL based.~~

~~**08.** **LA**. From LA Dept. of Environmental Quality. Not OEL based eight (8) hour TWA.~~

~~**09.** **MA**. From MA Dept. of Environmental Protection, Div. of Air Quality Control. Not OEL based, annual averaging time, no uf.~~

~~**10.** **MI**. From MI Dept. of Natural Resources, Air Quality Div. Based on toxicological data, annual av. time, no uf.~~

~~**11.** **NY**. From New York Dept. of Conservation, Div. of Air Quality. Not OEL based, one (1) yr. Av. time no uncertainty factor (uf).~~

~~**12.** **OEL**. Reference Occupational Exposure Level.~~

~~**13.** **PL**. From Phil. Dept. of Air Management Services. Not OEL based, one (1) yr. averaging time no uf.~~

~~**14.** **PL1**. From Phil. Dept. of Air Management Services. Unspecified OEL based, one (1) yr. averaging time, uf=10.~~

~~**15.** **PL2**. From Phil. Dept. of Air Management Services. Not OEL based one (1) yr. Av. time, uf=10.~~

~~**16.** **PL3**. From Phil. Dept. of Air Management Services. Not OEL based, one (1) yr. av. time, uf=1000.~~

~~**17.** **TWA**. Time Weighted Average.~~

~~**18.** **UF**. Uncertainty Factor.~~

~~**19.** **URF**. Unit Risk Factor from the US Environmental Protection Agency.~~

~~**20.** **WA**. From Washington Dept. of Ecology, Air Programs. Acceptable Source Impact Level based.~~

107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 constitutes the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association.

02. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations:

a. All federal publications: U.S. Government Printing Office at http://www.ecfr.gov/cgi-bin/ECFR;

and;

b. Statutes of the state of Idaho: http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm; and

c. All documents herein incorporated by reference:

i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373-0502 www.deq.idaho.gov.

ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051 at www.isll.idaho.gov, (208) 334-3316.

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules:

a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR Part 51 revised as of July 1, 20202022. The following portions of 40 CFR Part 51 are expressly excluded from any incorporation by reference into these rules:

i. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, are excluded from incorporation except that 40 CFR 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules; and.

ii. Appendix Y to Part 51, Guidelines for BART Determinations Under the Regional Haze Rule.

b. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 20202022.

c. Approval and Promulgation of Implementation Plans, 40 CFR Part 52, Subparts A and N and Appendices D and E, revised as of July 1, 20202022.

d. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, 20202022.

e. Ambient Air Quality Surveillance, 40 CFR Part 58, revised as of July 1, 20202022.

f. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 20202022.

g. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, 20202022.

h. 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, 20202022.

i. 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, 20212022.

j. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 20202022.

k. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, ~~2020~~2022.

l. State Operating Permit Programs, 40 CFR Part 70, revised as of July 1, ~~2020~~2022.

m. Permits, 40 CFR Part 72, revised as of July 1, ~~2020~~2022.

n. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, ~~2020~~2022.

o. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, ~~2020~~2022.

p. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997).

108. OBLIGATION TO COMPLY.
Receiving a permit to construct, a Tier I operating permit, a Tier II operating permit, a Permit by Rule, or a Certificate of Registration for portable equipment does not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal statutes, rules and regulations.

~~108~~109. -- 120. (RESERVED)

121. COMPLIANCE REQUIREMENTS BY DEPARTMENT.
Any person engaged in an activity ~~which~~ that may violate the air quality provisions of the Act, violate an air quality order issued or entered in accordance with the Act or these rules, or violate any of these rules, may be required by the Department to do any of the following:

01. Schedule. Prepare a proposed schedule whereby the unlawful activity will be brought into compliance over a specified period of time.

02. Report. Submit periodic reports to the Department indicating progress in achieving compliance.

03. Records. Submit, keep and maintain appropriate records.

04. Monitoring. Monitor air pollutants at the source, in the ambient air, or in vegetation to demonstrate compliance.

05. Episode Plans. Develop emergency episode plans to help prevent ambient air pollution concentrations from reaching levels which would cause substantial endangerment to health or the environment.

122. INFORMATION ORDERS BY THE DEPARTMENT.
The Department may issue information orders as follows:

01. Purpose. For the purpose of:

a. Developing or assisting in the development of any implementation plan, any standard of performance, any emission standard or any rule;

b. Determining whether any person is in violation of any standard of performance, any emission standard, any implementation plan or any rule; or

c. Carrying out any air quality provisions of the Act, any air quality order issued or entered in accordance with the Act or rules, or any of these rules.

02. Persons. The Department may issue an information order to any person who:

a. Owns or operates any emission source;

b. Manufactures emission control equipment;

c. The Department believes may have information necessary to meet the intent of these rules; or

d. Is subject to any requirement of these rules.

03. **~~Requirements~~Procedures**. The information order may require ~~the person to perform~~ the following on a one-time, periodic or continuous basis:

a. Establish, maintain and submit records;

b. Make reports;

c. Install, use, and maintain monitoring equipment, and use audit procedures or methods;

d. Sample emissions in accordance with procedures or methods, at such locations, at such intervals, during such periods and in such manner as the Department ~~shall~~ prescribes;

e. Keep records on control equipment parameters, production variables or other indirect data when the Department determines that direct monitoring of emissions is impractical;

f. Submit compliance certifications including:

i. Identification of the applicable requirement that is the basis of the certification;

ii. The method(s) or other means used by the owner or operator for determining the compliance status for each applicable requirement, and whether such methods or other means provide continuous or intermittent data; and

iii. The status of compliance with each applicable requirement, based on the method or means designated in Subsection 122.03.f.ii. The certification ~~shall~~ must identify each deviation and take it into account in the compliance certification. The certification ~~shall~~ must also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and

g. Provide such other information as the Department may require.

123. CERTIFICATION OF DOCUMENTS.
All documents, including but not limited to, application forms for permits to construct, application forms for operating permits, progress reports, records, monitoring data, supporting information, requests for confidential treatment, testing reports or compliance certifications submitted to the Department ~~shall~~ must contain a certification by a responsible official. The certification ~~shall~~ must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

124. ~~TRUTH, ACCURACY AND COMPLETENESS OF DOCUMENTS.~~ (RESERVED)

~~All documents submitted to the Department shall be truthful, accurate and complete.~~

125. FALSE STATEMENTS.
~~No p~~Persons ~~shall~~ are prohibited from knowingly ~~make~~making ~~-~~any false statement, representation, or certification in any form, notice, or report required under any permit, or any applicable rule or order in force pursuant thereto.

126. TAMPERING.
~~No p~~Persons ~~shall~~ are prohibited from knowingly ~~render inaccurate~~ interfering with any monitoring device or method required under any permit, or any applicable rule or order in force pursuant thereto.

127. ~~FORMAT OF RESPONSES.~~(RESERVED)
~~All responses and information submitted to the Department shall be provided in a format approved by the Department.~~

128. CONFIDENTIAL INFORMATION.

Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Chapter 1, Title 74, Idaho Code and Section 39-111, Idaho Code. Information submitted under a trade secret claim may be entitled to confidential treatment by the Department as provided in Section 74-114, Idaho Code, and IDAPA 58.01.~~21~~23, "Contested Case Rules~~ Governing the~~ and Rules for Protection and Disclosure of Records~~ in the Possession of the Department of Environmental Quality~~." If the information for which the person is requesting confidential treatment is submitted to the Department under Sections 300 through 386 or the terms or conditions of a Tier I operating permit, the person ~~shall~~ must also submit the same information directly to the EPA.

129. (RESERVED)

130. STARTUP, SHUTDOWN, SCHEDULED MAINTENANCE, SAFETY MEASURES, UPSET AND BREAKDOWN.

~~The purpose of~~ Sections 130 through 136 ~~is to~~ establish procedures ~~and requirements~~ to be implemented in all excess emissions events and ~~to~~ establish criteria to be applied by the Department in determining whether to take enforcement action to impose penalties for an excess emissions event where the excess emissions are caused by startup, shutdown, scheduled maintenance, upset, or breakdown of any emissions unit or ~~which~~ that occur as a direct result of the implementation of any safety measure. Startup is defined as the normal and customary time period required to bring air pollution control equipment or an emissions unit, including process equipment, from a nonoperational status into normal operation. Shutdown is defined as the normal and customary time period required to cease operations of air pollution control equipment or an emissions unit beginning with the initiation of procedures to terminate normal operation and continuing until the termination is completed. Upset is defined as an unplanned disruption in the normal operations of any equipment or emissions unit that may cause excess emissions. Breakdown is defined as an unplanned failure of any equipment or emissions unit that may cause excess emissions. Scheduled maintenance is defined as planned upkeep, repair activities and preventative maintenance on any air pollution control equipment or emissions unit, including process equipment, and including shutdown and startup of such equipment. Safety measure is defined as any shutdown (and related startup) or bypass of equipment or processes undertaken to prevent imminent injury or death or severe damage to equipment or property which may cause excess emissions.

131. EXCESS EMISSIONS.

01. Applicability. The owner or operator of a facility or emissions unit generating excess emissions ~~shall~~ must comply with Sections 131, 132, 133.01, 134.01, 134.02, 134.03, 135, and 136, as applicable. If the owner or operator anticipates requesting consideration under Subsection 131.02, then the owner or operator ~~shall~~ must also comply with the applicable provisions of Subsections 133.02, 133.03, 134.04, and 134.05.

02. Enforcement Action Criteria. Where an excess emissions event occurs as a direct result of startup, shutdown, or scheduled maintenance, or an unavoidable upset or unavoidable breakdown, or the implementation of a safety measure, the Department~~ shall~~ will consider the sufficiency of the information submitted and the following criteria to determine if an enforcement action to impose penalties is warranted:

a. Whether prior to the excess emissions event, the owner or operator submitted and implemented procedures pursuant to Subsections 133.02 and 133.03 or Subsections 134.04 and 134.05, as applicable;

b. Whether the owner or operator complied with all relevant portions of Subsections 131, 132, 133.01, 134.01, 134.02, 134.03, 135, and 136;

c. Whether the excess emissions event was part of a recurring pattern of excess emissions events indicative of inadequate design, operation or maintenance of the facility or emissions unit; and

d. Where appropriate, whether the excess emissions event was caused by an activity necessary to prevent loss of life, personal injury or severe property damage.

03. Effect of Determination. Any decision by the Department under Subsection 131.02 ~~shall~~ will not excuse the owner or operator from compliance with the relevant emission standard and ~~shall~~will not preclude the Department from taking an enforcement action to enjoin the activity causing the excess emissions. Any decision made by the Department under Subsection 131.02 ~~shall~~ does not preclude the Department from taking an enforcement action for future or other excess emission events. The affirmative defense for emergencies under Section 332~~ of these Rules~~

may be applied in addition to the provisions of Sections 130 through 136.

132. CORRECTION OF CONDITION.
The person responsible for, or in charge of a facility during, an excess emissions event ~~shall~~must, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing such excess emissions event; to reduce the frequency of occurrence of such events; to minimize the amount by which the emission standard is exceeded; and ~~shall~~must, as provided below or upon request of the Department, submit a full report of such occurrence, including a statement of all known causes, and of the scheduling and nature of the actions to be taken.

133. STARTUP, SHUTDOWN AND SCHEDULED MAINTENANCE REQUIREMENTS.
The requirements in Subsection 133.01 ~~shall~~ apply in all cases where startup, shutdown, or scheduled maintenance of any equipment or emissions unit is expected to result or results in an excess emissions event. The owner or operator of the facility or emissions unit generating the excess emissions ~~shall~~must demonstrate compliance with all of the requirements of Subsection 133.01, as well as the development and implementation of procedures pursuant to Subsections 133.02 and 133.03 as a prerequisite to any consideration under Subsection 131.02.

01. General Provisions. The following ~~shall~~ pertains to all startup, shutdown, and scheduled maintenance activities expected to result or resulting in excess emissions. The owner or operator of a source of excess emissions must:

a. Ensure that ~~N~~no scheduled startup, shutdown, or maintenance resulting in excess emissions ~~shall~~ occurs during any period in which an ~~Atmospheric Stagnation~~Air Quality Advisory ~~and/or a Wood Stove Curtailment Advisory~~ has been declared by the Department within an area designated by the Department as a PM_{10} nonattainment area, unless the permittee demonstrates that such is reasonably necessary to facility operations and cannot be reasonably avoided and the Department approves such activity in advance, to the extent advance approval by the Department is feasible. This prohibition on scheduled startup, shutdown or maintenance activities during Advisories does not apply to situations where shutdown is necessitated by urgent situations, such as imminent equipment failure, power curtailment, worker safety concerns or similar situations.

b. ~~The owner or operator of a source of excess emissions shall n~~Notify the Department of any startup, shutdown, or scheduled maintenance event that is expected to cause an excess emissions event. Such notification ~~shall~~ must identify the time of the excess emissions, specific location, equipment involved, and type of excess emissions event (i.e. startup, shutdown, or scheduled maintenance). The notification ~~shall~~must be given as soon as reasonably possible, but no later than two (2) hours prior to the start of the excess emissions event unless the owner or operator demonstrates to the Department's satisfaction that a shorter advanced notice was necessary. The Department may prohibit or postpone any scheduled startup, shutdown, or maintenance activity upon consideration of the factors listed in Subsection 134.03~~.~~;

c. ~~The owner or operator of a source of excess emissions shall r~~Report and record the information required pursuant to Sections 135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance~~.~~ and

d. ~~The owner or operator of a source of excess emissions must m~~Make the maximum reasonable effort, including off-shift labor where practicable to accomplish maintenance during periods of nonoperation of any related source operations or equipment.

02. Excess Emissions Procedures. For all equipment or emissions unit from which excess emissions may occur during startup, shutdown, or scheduled maintenance, the facility owner or operator ~~shall~~must prepare, implement and file with the Department specific procedures ~~which~~that will be used to minimize excess emissions during such events. Specific information for each of the types of excess emissions events (i.e. startup, shutdown and scheduled maintenance) ~~shall~~must be established or documented for each piece of equipment or emissions unit and ~~shall~~ must include all of the following (which may be based upon the facility owner or operator's knowledge of the process or emissions where measured data is unavailable)~~:~~.

a. Identification of the specific equipment or emissions unit and the type of event anticipated.

b. Identification of the specific emissions in excess of applicable emission standards during the startup, shutdown, or scheduled maintenance period.

c. The estimated amount of excess emissions expected to be released during each event.

d. The expected duration of each excess emissions event.

e. An explanation of why the excess emissions are reasonably unavoidable for each of the types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance).

f. Specification of the frequency at which each of the types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance) are expected to occur.

g. For scheduled maintenance, the owner or operator ~~shall~~must also document detailed explanations of:

i. Why the maintenance is needed~~.~~;

ii. Why it is impractical to reduce or cease operation of the equipment or emissions unit during the scheduled maintenance period~~.~~;

iii. Why the excess emissions are not reasonably avoidable through better scheduling of the maintenance or through better operation and maintenance practices~~.~~; and

iv. Why, where applicable, it is necessary to by-pass, take ~~off-line~~offline, or operate equipment or emissions unit at reduced efficiency while the maintenance is being performed.

h. Justification to explain why the piece of equipment or emissions unit cannot be modified or redesigned to eliminate or reduce the excess emissions ~~which~~ that occur during startup, shutdown, and scheduled maintenance.

i. Detailed specification of the procedures to be followed by the owner or operator ~~which~~ that will minimize excess emissions at all times during startup, shutdown, and scheduled maintenance. These procedures may include such measures as preheating or otherwise conditioning the emissions unit prior to its use or the application of auxiliary equipment or emissions unit to reduce the excess emissions.

03. Amendments ~~to Procedures~~. The owner or operator ~~shall~~ must amend, and the Department may require amendments to, the procedures established pursuant to Section 133 from time to time and as deemed reasonably necessary to ensure that the procedures are and remain consistent with good pollution control practices.

04. Filing ~~of Excess Emissions~~ Procedures.

a. Unless otherwise required by the Department, the failure to prepare or file procedures pursuant to Subsection 133.02 ~~shall~~ is not ~~be~~ a violation of these ~~R~~rules ~~in and of itself~~.

b. To the extent procedures or plans for excess emissions resulting from startup, shutdown, or scheduled maintenance are required to be or are otherwise submitted to the Department with any permit application, such submission, if deemed adequate by the Department, ~~shall~~ fulfills the requirement under this Section to file plans and procedures with the Department.

134. UPSET, BREAKDOWN AND SAFETY REQUIREMENTS.

The requirements in Subsections 134.01, 134.02, and 134.03 ~~shall~~ apply in all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, result or may result in an excess emissions event. The owner or operator of the facility or emissions unit generating the excess emissions ~~shall~~ must demonstrate compliance with all of the requirements of Subsections 134.01, 134.02 and 134.03 as well as the development and implementation of procedures pursuant to Subsections 134.04 and 134.05 as a prerequisite to any consideration under Subsection 131.02. Where the owner or operator demonstrates that because of the unforeseeable nature of the excess emissions event it is impractical to develop procedures pursuant to Subsection 134.04, the Department ~~shall~~ will exercise its enforcement discretion on a ~~case by case~~case-by-case basis.

01. Routine Maintenance and Repairs. For all equipment or emissions units from which excess

emissions may occur during upset conditions or breakdowns or implementation of safety measures, the facility owner or operator ~~shall~~must:

a. Implement routine preventative maintenance and operating procedures consistent with good pollution control practices for minimizing upsets and breakdowns or events requiring implementation of safety measures, and

b. Make routine repairs in an expeditious fashion when the owner or operator knew or should have known that an excess emissions event was likely to occur. Off-shift labor and overtime ~~shall~~ must be utilized, to the extent practicable, to ensure that such repairs are made expeditiously.

02. Excess Emissions Minimization and Notification. For all equipment or emissions units from which excess emissions result during upset or breakdown conditions, or for other situations that may necessitate the implementation of safety measures which cause excess emissions, the facility owner or operator must~~shall comply with the following~~:

a. ~~The owner or operator shall i~~Immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health~~.~~;

b. ~~The owner or operator shall n~~Notify the Department of any upset/breakdown/safety event that results in excess emissions. Such notification ~~shall~~ must identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification ~~shall~~ must be given as soon as reasonably possible, but no later than twenty-four (24) hours after the event, unless the owner or operator demonstrates to the Department's satisfaction that the longer reporting period was necessary~~.~~; and

c. ~~The owner or operator shall r~~Report and record the information required pursuant to Sections 135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure.

03. Discretionary Reduction or Cessation Provisions. During any period of excess emissions caused by upset, breakdown, or operation under facility safety measures, the Department may require the owner or operator to immediately reduce or cease operation of the equipment or emissions unit causing the excess emissions until such time as the condition causing the excess emissions has been corrected or brought under control. Such action by the Department ~~shall~~ will be taken upon consideration of the following factors and after consultation with the facility owner or operator:

a. Potential risk to the public or the environment.

b. Whether ceasing operations could result in physical damage to the equipment, emissions unit or facility, or cause injury to employees.

c. Whether continued excess emissions were reasonably unavoidable as determined by the Department.

d. The effect of the increase in pollution resulting from the shutdown and subsequent restart of the equipment or emissions unit or facility.

e. The owner or operator ~~shall~~ is not ~~be~~ required to reduce or cease operations at the entire facility if reducing or ceasing operations at a portion of the facility eliminates or adequately reduces the excess emissions.

04. ~~Excess Emissions~~ Procedures. For equipment or emissions units and process upsets and breakdowns and situations that require implementation of safety measures, ~~which~~ events that can reasonably be anticipated to occur periodically but ~~which~~ that cannot be reasonably avoided or predicted with certainty, the owner or operator ~~shall~~ must prepare, implement, and file with the Department specific procedures ~~which~~ that will be used to minimize such events and excess emissions during such events. To the extent possible and reasonably practicable (and based upon knowledge of the process or emissions where measured data is not available), specify the following information for each type of anticipated upset/ breakdown/safety event:

a. The specific air pollution control equipment or emissions unit and the type of event anticipated.

b. The specific emissions in excess of applicable emission standards during the event.

c. The estimated amount of excess emissions expected to be released during each event.

d. The expected duration of each excess emissions event.

e. An explanation of why the excess emissions are reasonably unavoidable.

f. The frequency of the type of event, based on historic occurrences.

g. Justification to explain why the piece of control equipment or emissions unit cannot be modified or redesigned to eliminate or reduce the particular type of event.

h. Detailed specification of the procedures to be followed by the owner or operator ~~which~~ that will minimize excess emissions at all times during such events, including without limitation those procedures listed under Subsection 134.05.

05. Amendments to Procedures. The owner or operator ~~shall~~ must amend, and the Department may require amendments to, the procedures established pursuant to Section 134 from time to time and as deemed reasonably necessary to ensure that the procedures are and remain consistent with good pollution control practices.

06. Filing ~~of Excess Emissions~~ Procedures.

a. Failure to follow procedures filed with the Department ~~shall~~ does not preclude the Department from making a determination under Subsection 131.02 if the owner or operator demonstrates to the Department's satisfaction that alternate and equivalent procedures were used and were necessitated by the exigency of the circumstances.

b. Unless otherwise required by the Department, the failure to prepare or file procedures pursuant to Subsection 134.04 ~~shall~~ is not ~~be~~ a violation of these ~~R~~rules in and of itself.

c. To the extent procedures or plans for excess emissions resulting from upsets, breakdowns or safety measures are required to be or are otherwise submitted to the Department with any permit application, such submission, if deemed adequate by the Department, ~~shall~~ fulfills the requirement under this Section to file plans and procedures with the Department.

135. EXCESS EMISSIONS REPORTS.

01. ~~Deadline for Excess Emissions Reports~~Submission Deadline. A written report for each excess emissions event ~~shall~~ must be submitted to the Department by the owner or operator no later than fifteen (15) days after the beginning of each such event.

02. ~~Contents of Excess Emissions Reports~~Report Contents. Each report ~~shall~~ must contain the following information:

a. The time period during which the excess emissions occurred;

b. Identification of the specific equipment or emissions unit ~~which~~ that caused the excess emissions;

c. An explanation of the cause, or causes, of the excess emissions and whether the excess emissions occurred as a result of startup, shutdown, scheduled maintenance, upset, breakdown or a safety measure;

d. An estimate of the emissions in excess of any applicable emission standard (based on knowledge of the process and facility where emissions data is unavailable);

e. A description of the activities carried out to eliminate the excess emissions; and

f. Certify compliance status with the requirements of Sections 131, 132, 133.01, 134.01 through 134.03, 135, and 136.

g. If requesting consideration under Subsection 131.02, certify compliance status with Sections 131, 132, 133.01 through 133.03, 134.01 through 134.05, 135, and 136.

136. EXCESS EMISSIONS RECORDS.

01. **~~Maintenance of Excess Emissions Records~~Record Retention**. The owner or operator ~~shall~~ must maintain excess emissions records at the facility for the most recent five (5) calendar year period.

02. **~~Availability of Excess Emissions~~** ~~Records~~**Record Availability.** The excess emissions records ~~shall~~ must be made available to the Department upon request.

03. **~~Contents of Excess Emissions Records~~Record Contents**. The excess emissions records ~~shall~~ must include the following:

a. An excess emissions ~~log book~~logbook for each emissions unit or piece of equipment containing copies of all reports that have been submitted to the Department pursuant to Section 135 for the particular emissions unit or equipment; and

b. Copies of all startup, shutdown, and scheduled maintenance procedures and upset/breakdown/safety preventative maintenance plans which have been developed by the owner or operator in accordance with Sections 133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans.

~~**04. Protections Under Section 128**. The protections under Section 128 for confidential information shall be available for excess emissions reports and records upon proper request of the owner or operator in accordance with Section 128.~~

137. -- ~~139~~154. (RESERVED)

~~**140. VARIANCES.**~~
~~The purpose of Sections 140 through 149 is to establish procedures for obtaining variances.~~

~~**141. PETITION.**~~
~~A variance proceeding shall be commenced by filing three (3) copies of a petition for variance with the Department. The complaint may be accompanied by such affidavits or other proof as the petitioner may submit in order to make it possible for the Department, if it so desires, to dispose of the matter without a hearing. The petition shall contain the following:~~

~~**01. Statement of Facts**. A concise statement of the facts upon which the variance is requested, including a description of the business or activity in question; the quantity and type of raw materials processed; an estimate of the quantity and type of contaminants discharged; a description of existing and proposed equipment for the control of discharges; and a time schedule for bringing the activity into compliance.~~

~~**02. Statement of Reasons**. A concise statement of why the petitioner believes that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship, including a description of the costs that compliance would impose on the petitioner and others, and of the injury that the grant of the variance would impose on the public.~~

~~**03. Requested Relief**. A clear statement of the precise extent of the relief sought.~~

~~**142. NOTICE.**~~
~~The Department shall give notice of all variance petitions as required by law.~~

143. INVESTIGATION AND RECOMMENDATION.
After investigating the variance petition and considering the views of persons who might be adversely affected by the grant of the variance, the Department staff shall, within twenty-one (21) days after the filing of the petition, make a recommendation to the Department as to the disposition of the petition. The recommendation, a copy of which shall be served on the petitioner, shall include:

01. Efforts. A description of the efforts made by the staff to investigate the facts as alleged and to ascertain the views of persons who might be affected, and a summary of the views so ascertained.

02. Disputed Facts. A statement of the degree to which, if at all, the staff disagrees with the facts as alleged in the petition.

03. Other Facts. Allegations of any other facts the staff believes relevant to the disposition of the petition.

04. Costs. The staff's assessment of the costs that compliance would impose on the petitioner and on others and of the injury that the grant of the variance would impose on the public.

05. Recommendations. The staff's reasoned recommendations as to what disposition should be made of the petition.

144. OBJECTIONS TO PETITION.
Any person may file with the Department, within twenty-one (21) days after the filing of the petition, a written objection to the grant of the variance. A copy of such objection shall be provided by the Department to the petitioner.

145. AUTHORIZATION OF HEARING.

01. No Objection. If no objection is made by the staff or by any other person to the grant of the variance within twenty-one (21) days after the filing of the petition, the Department shall authorize a hearing unless it determines either:

a. That even if all the facts alleged in the petition are true, the petitioner is not entitled to variance; or

b. That the petitioner has shown from affidavits or other proof that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship.

02. No Hearing. If the Department decides not to hold a hearing, it shall pass upon the petition and shall prepare an opinion stating its reasons both for the grant or denial of the petition and for its decision not to hold a hearing.

03. Early Hearing. The Department may authorize a hearing without waiting for the expiration of the twenty-one (21) days during which objections may be filed; provided that if a hearing is not held the Department shall not rule upon the petition until the twenty-one (21) days have elapsed.

146. NOTICE OF HEARING.
The Hearing Officer, after appropriate consultation with the parties, shall set a time and place for hearing and give notice to the petitioner, the EPA, and anyone who has filed an objection to the petition at least twenty-one (21) days prior to the date of the hearing. The hearing shall be set for a date no later than sixty (60) days after the filing of the petition. Any request by the petitioner for a continuance shall constitute a waiver of the right to a decision within ninety (90) days for the period of the continuance.

147. DECISION.
The Department shall render a final decision upon the petition within ninety (90) days after the filing of the petition, except that time included in a continuance granted at the request of the petitioner shall not be counted. When exigencies of time require, the Department may delay the filing of an opinion until not more than thirty (30) days after the filing of its final order.

~~148. PROOF OF HARDSHIP.~~
~~No variance shall be granted, with or without hearing, without adequate proof by the petitioner that compliance would impose an arbitrary or unreasonable hardship.~~

~~149. VARIANCE FROM NEW RULE.~~
~~If any person files a petition for variance from a rule within twenty (20) days after the original effective date of such a rule, the operation of such rule shall be stayed as to such person, pending the disposition of the petition. The Department may hold a hearing upon said petition within five (5) days from the notice of such hearing, but in all other respects, the rules in Sections 140 through 149 shall apply to the extent they are consistent with the hearing date set by the hearing officer.~~

~~150. -- 154. (RESERVED)~~

155. CIRCUMVENTION.
No person ~~shall~~ may willfully cause or permit the installation or use of any device or use of any means that conceals emissions of pollutants that would otherwise violate the provisions of this chapter without resulting in a reduction in the total amount of emissions.

156. TOTAL COMPLIANCE.
Where more than one (1) section of these rules applies to a particular situation, all such rules must be met for total compliance, unless otherwise provided for in these rules.

157. TEST METHODS AND PROCEDURES.
~~The purpose of this~~This ~~S~~section ~~is to~~ establishes procedures and requirements for test methods and results~~. U~~ unless otherwise specified in these rules, permit, order, consent decree, or prior written approval by the Department:

01. General Requirements. If a source test is performed to satisfy a performance test requirement or a compliance test requirement imposed by state or federal regulation, rule, permit, order or consent decree, then the test methods and procedures ~~shall~~ must be conducted in accordance with the requirements of ~~Section 157~~this section.

a. Prior to conducting any emission test, owners or operators are ~~strongly~~ encouraged to submit to the Department in writing, at least thirty (30) days in advance, the following for approval:

i. The type of method to be used;

ii. Any extenuating or unusual circumstances regarding the proposed test; and

iii. The proposed schedule for conducting and reporting the test.

b. Without prior Department approval, any alternative testing is conducted solely at the owner's or operator's risk. If the owner or operator fails to obtain prior written approval by the Department for any testing deviations, the Department may determine the test does not satisfy the testing requirements.

02. Test Requirements. Tests ~~shall~~ must be conducted in accordance with the following requirements.

a. The test must be conducted under operational conditions specified in the applicable state or federal regulation, rule, permit, order, consent decree or by Department approval. If the operational requirements are not specified, the source ~~should~~ must test at worst-case normal operating conditions. Worst-case normal conditions are those conditions of fuel type, and moisture, process material makeup and moisture and process procedures ~~which~~ that are changeable or ~~which~~ that could reasonably be expected to be encountered during the operation of the facility and ~~which~~ that would result in the highest pollutant emissions from the facility.

b. The Department may impose operational limitations or require additional testing in a permit, order or consent decree if the test is conducted under conditions other than worst-case normal.

c. The Department will accept the methods approved for the applicable pollutants, source type and operating conditions found in 40 CFR Parts 51, 60, 61, and 63 in determining the appropriate test method for an emission limit where one is not otherwise specified.

d. The following requirements apply to owners or operators requesting minor changes in the test method. ~~As stated in Subsection 157.01 above, without prior Department approval, other changes may result in rejection of the test results by the Department.~~

i. For federal emission standards codified at 40 CFR Parts 60, 61, and 63, the Department will accept those minor changes ~~which~~ that have received written approval of the U.S. EPA Administrator ~~so long as~~if the Department determines they are appropriate for the specific application.

ii. For all other emission standards in these rules or for permit requirements, the Department will accept those minor changes that the Department determines are appropriate for the specific application.

e. An owner or operator proposing to use an alternative test method not considered a minor change in Subsection 157.02.d. above, must:

i. Demonstrate to the Department by comparative testing or sufficient analysis, that the alternative method is comparable and equivalent to the designated test method.

ii. Submit the request for approval to use an alternative test method to the Department at least thirty (30) days in advance of a scheduled test.

iii. Obtain, and submit to the Department, EPA approval for use of the alternative test method for emission standards in these rules (except for state only toxic air pollutant standards) or for federal emission standards codified at 40 CFR Parts 60, 61, and 63.

iv. Obtain verification that any prior approval of an alternative test method by the Department continues to be acceptable. Alternative methods may cease to be acceptable if new or different information indicates that the alternative test method is less accurate, less reliable, or not comparable with any current state or federal regulation, rule order, permit, or consent decree.

f. Prior approval by the Department may not constitute Department approval for subsequent tests if new or different information indicates that a previously Department approved test method is less accurate, less reliable or not comparable with any current state or federal regulation, rule, order, permit or consent decree.

03. Observation of Tests by Department Staff. The owner or operator ~~shall~~ must provide notice of intent to test to the Department at least fifteen (15) days prior to the scheduled test, or shorter time period as provided in a permit, order, consent decree or by Department approval. The Department may, at its option, have an observer present at any emissions tests conducted on a source.

04. Reporting Requirements. If the source test is performed to satisfy a performance test requirement imposed by state or federal regulation, rule, permit, order, or consent decree, a written report ~~shall be submitted to the Department within sixty (60) days of the completion of the test. The written report shall~~ must:

a. Be submitted to the Department within sixty (60) days of the completion of field sample collection;

~~a~~b. Meet the format and content requirements specified by the Department in any applicable rule, regulation, guidance, permit, order, or consent decree. Any deviations from the format and contents specified require prior written approval from the Department. Failure to obtain such approval may result in the rejection of the test results~~.~~; and

~~b~~c. Include all data required to be noted or recorded in any referenced test method.

05. Test Results Review Criteria. The Department will make every effort to review test results within a reasonable time. The Department may reject tests as invalid for:

a. Failure to adhere to the approved/required method;

b. Using a method inappropriate for the source type or operating conditions;

c. An incomplete written report;

d. Computational or data entry errors;

e. Clearly unreasonable results;

f. Failure to comply with the certification requirements of Section 123 ~~of these rules~~; or

g. Failure of the source to conform to operational requirements in orders, permits, or consent decrees at the time of the test.

158. -- ~~159~~160. (RESERVED)

~~**160. PROVISIONS GOVERNING SPECIFIC ACTIVITIES AND CONDITIONS.**~~
~~Sections 160 through 164 establish provisions governing specific activities and conditions. Test methods and procedures shall comply with Section 157.~~

161. TOXIC ~~SUBSTANCES~~AIR POLLUTANTS.
Any contaminant ~~which~~ that is by its nature toxic to human or animal life or vegetation ~~shall~~ must not be emitted in such quantities or concentrations as to alone, or in combination with other contaminants, injure or unreasonably affect human or animal life or vegetation.

~~**162. MODIFYING PHYSICAL CONDITIONS.**~~
~~When physical conditions such as tall adjacent buildings, valley and mountain terrain, etc., are such as to limit the normal dispersion of air pollutants, the Board may set more restrictive emission limitations on those sources affected by the unusual conditions when air quality standards would reasonably be expected to be exceeded.~~

~~**163. SOURCE DENSITY.**~~
~~Should areas develop where each individual source is meeting the requirements of this chapter, yet the ambient air quality standards are being exceeded or might reasonably be expected to be exceeded, the Board may set more restrictive emission limits than are contained in this chapter.~~
162. –163. (RESERVED)

164. POLYCHLORINATED BIPHENYLS (PCBS).

01. Prohibition on Burning. Burning any material containing greater than five (5) parts per million of polychlorinated biphenyls (PCBs) is prohibited, except for incineration for the purpose of disposal. Incineration for disposal ~~shall~~ must comply with the following provisions:

a. No person ~~shall~~ may commence construction or modification of a PCB incinerator without a permit issued according to Sections 200 through 225.

b. The Department ~~must~~ will provide opportunity for public comments prior to a final decision for a permit to construct or modify a new PCB incinerator.

c. A permit issued according to Sections 200 through 225 for construction or modification of a PCB incinerator ~~shall~~ will require, as a minimum, best available control technology and monitoring instrumentation.

~~**d.** No permit to operate, construct or modify a PCB incinerator shall be processed or issued prior to March 16, 1987, or such earlier date as shall be determined by the State Board of Environmental Quality.~~

02. Prohibition on Sales. No person ~~shall~~ may sell, distribute or provide any materials containing greater than five (5) parts per million PCBs for home or commercial heating equipment.

165. -- 174. (RESERVED)

175. PROCEDURES AND REQUIREMENTS FOR PERMITS ESTABLISHING A FACILITY EMISSIONS CAP.

~~The purpose of~~ Sections 176 through 181 ~~is to~~ establish uniform procedures to obtain a Facility Emissions Cap (FEC) for stationary sources or facilities (hereinafter referred to as facility or facilities). A permit establishing a FEC will be issued pursuant to Sections 200 through ~~228~~ 227 or Sections 400 through ~~410~~409.

176. FACILITY EMISSIONS CAP.

01. Optional Facility Emissions Cap. An owner or operator of a facility may request a FEC to establish an enforceable facility-wide emission limitation.

02. Applicability.

a. The owner or operator of any facility, which is not a major facility as defined in Sections 204 or 205, may apply to the Department for a permit to establish a FEC.

b. FECs are available for new and existing facilities that are not major as defined in Section 204 or 205 or existing facilities undergoing a modification that does not make the facility a major facility as defined in Section 204 or 205.

c. Facilities that become major facilities as defined in Section 204 or 205 are no longer eligible for a FEC under Section 176.

03. Definitions. For the purposes of Sections 175 through 181, the following terms ~~shall be~~are defined as below.

a. Baseline actual emissions. As defined in Section 007.

b. Design concentration. The ambient concentration used in establishing the FEC.

c. Facility emissions cap (FEC). A facility-wide emission limitation expressed in tons per year, for any criteria pollutant or hazardous air pollutant established in accordance with Sections 176 through 181. A FEC is calculated using baseline actual emissions plus an operational variability component and a growth component. A FEC, which is defined in tons per year on a twelve (12) month rolling basis, must be set below major facility thresholds as defined in Sections 204 and 205.

d. FEC pollutant. The pollutant for which a FEC is established.

e. Growth component. The level of emissions requested by the applicant and approved by the Department to allow for potential future business growth or facility changes that may increase emissions above baseline actual emissions plus the operational variability component.

f. Operational variability component. The level of emissions up to the significant emission rate (SER) minus one (1) ton per year but no more than the facility's potential to emit (PTE). If the proposed FEC pollutant does not have a SER listed in Section 006 or has a SER less than or equal to ten (10) tons per year, the operational variability component is the level of emissions requested by the applicant and approved by the Department. The operational variability component cannot be more than the facility's PTE.

177. APPLICATION PROCEDURES.

In addition to the information required pursuant to Sections 202 or 402, whichever is applicable, applications requesting a FEC must include the information required under Sections 176 through 181 and Subsections 177.01 through 177.03.

01. Estimates of Emissions. A proposed FEC for each pollutant requested by the facility, including the basis for calculating the FEC.

02. Estimates of Ambient Concentrations.

a. Estimates of ambient concentrations will be determined as described in Subsection 202.02.

b. Estimates of ambient concentrations may include projections of alternative future changes within the proposed FEC.

c. For a new, existing, or modified facility, a demonstration that for each FEC pollutant, the FEC will not cause or significantly contribute to a violation of any ambient air quality standard.

d. For renewal of terms and conditions establishing a FEC, it is presumed that the previous permitting analysis is satisfactory, unless the Department determines otherwise.

03. Monitoring and Recordkeeping. The application must include proposed means for the facility to determine facility emissions on a rolling twelve (12) month consecutive basis.

178. STANDARD CONTENTS OF PERMITS ESTABLISHING A FACILITY EMISSIONS CAP.
In addition to the elements required by Sections 203 and 211 or Sections 403 and 405, whichever is applicable, the Department ~~shall have~~has the authority to impose, implement and enforce the terms in Subsections 178.01 through 178.05 and conditions establishing a FEC.

01. Emission Limitations and Standards. All permits establishing use of a FEC ~~shall~~ will contain annual facility wide emissions limitations for each FEC pollutant.

02. Monitoring. All permits establishing a FEC ~~shall~~ will contain sufficient monitoring to ensure compliance with the FEC on a rolling twelve (12) month consecutive basis.

03. Recordkeeping. All permits establishing a FEC ~~shall~~ will include the following:

a. Sufficient recordkeeping to assure compliance with the FEC.

b. Retention of required monitoring records and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Supporting information includes, but is not limited to, calibration and maintenance records and original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the permit.

04. Reporting. All permits establishing a FEC ~~shall~~ will include the following:

a. Sufficient reporting to assure compliance with the permit establishing the FEC.

b. Submittal of an annual report each year on or before the anniversary date of permit issuance. All required reports must be certified in accordance with Section 123.

05. Duration. Each permit establishing a FEC ~~shall~~ will state that the terms and conditions establishing the FEC are effective for a fixed term of five (5) years.

179. PROCEDURES FOR ISSUING PERMITS ESTABLISHING A FACILITY EMISSIONS CAP.

01. General Procedures. Procedures for issuing permits establishing a FEC will follow Sections 209 or 404, whichever is applicable.

02. Renewal. The renewal of the terms and conditions establishing a FEC are subject to the same procedural requirements for issuing permits (Subsection 179.01) and Subsections 179.02.a. through 179.02.d.:

a. The permittee ~~shall~~ must submit a complete application to the Department for a renewal of the terms and conditions establishing the FEC at least six (6) months before, but no earlier than eighteen (18) months before, the expiration date of the existing permit. To ensure that the term of the permit does not expire before the terms and conditions are renewed, the permittee is encouraged to submit the application nine (9) months prior to expiration.

b. If a timely and complete application for a renewal of the terms and conditions establishing the FEC is submitted, but the Department fails to issue or deny the renewal permit before the end of the term of the previous

permit, then all the terms and conditions of the previous permit ~~shall~~ remain in effect until the renewal permit has been issued or denied.

c. Expiration of the terms and conditions establishing a FEC may be grounds to terminate the facility's right to operate pursuant to Sections 176 through 181, unless a timely and complete renewal application has been submitted.

d. On renewal, the Department may adjust a FEC with an unused growth component in accordance with the Idaho Environmental Protection and Health Act, Chapter 1, Title 39, Idaho Code, and these rules.

03. **Reopening the FEC**. The Department may reopen a FEC to:

a. Reduce the FEC to reflect newly applicable federal requirements' ~~(for example, NSPS) with~~ compliance dates after the issuance of the permit establishing the FEC.

b. Reduce the FEC consistent with any other requirement that is enforceable as a practical matter, and that the state may impose on the facility under the Idaho Environmental Protection and Health Act, Chapter 1, Title 39, Idaho Code, and these rules.

04. **FEC Termination**. The ~~Director~~Department may approve a revision of a permit establishing a FEC to terminate the FEC, provided the permittee complies with Subsections 209.04 or 404.04, as applicable, and Subsections 179.04.a. through 179.04.c.:

a. The permittee may request a revision of the permit establishing the FEC to terminate the FEC at any time prior to the expiration of the permit. The permittee is encouraged to submit an application for a permit to construct or Tier I operating permit, as applicable, six (6) months prior to the time the permittee wishes to terminate the FEC.

b. The FEC established in the permit ~~shall~~ remains in effect until the Department issues a new permit to construct or Tier I operating permit, as applicable.

c. Nothing in Section 179 prohibits a permittee from requesting a permit revision to terminate the FEC during the permit renewal process.

180. REVISIONS TO PERMITS ESTABLISHING A FACILITY EMISSIONS CAP.
Section 180 requires revisions to terms and conditions establishing a FEC. The permittee is exempt from Sections 200 through ~~228~~ 227 unless the permittee chooses to use those rules to process any change to the permit, except as provided in Subsection 180.02.

01. **Criteria**. A permit revision is required for the following:

a. A change to existing monitoring, reporting or recordkeeping requirements in the permit establishing the FEC;

b. A change to the FEC; or

c. A change to the facility that would impose new requirements not included in the permit establishing the FEC.

02. **Permit Revision Application Procedures**. A permittee may initiate a permit revision by submitting a permit revision application to the Department or by complying with other applicable sections (Sections 200 or 400). For revision of terms and conditions establishing the FEC, it is presumed that the previous permitting analysis is satisfactory unless the Department determines otherwise. A permit revision application ~~shall~~must:

a. Meet the standard application requirements of Section 177;

b. Describe the proposed permit revision;

c. Describe and quantify the change in emissions above the FEC permit limit; and

d. Identify new requirements resulting from the change.

03. **Permit Revisions**. The Department will process permit revisions pursuant to Section 209 or Section 404.

181. NOTICE AND RECORD-KEEPING OF ESTIMATES OF AMBIENT CONCENTRATIONS.
Section 181 authorizes facility changes that comply with the terms and conditions establishing the FEC, but that are not included in the estimate of ambient concentration analysis approved for the permit establishing the FEC. No permit revision ~~shall be~~is required for facility changes implemented in accordance with Section 181.

01. **Notice**. For facility changes that comply with the terms and conditions establishing the FEC~~,~~ but are not included in the estimate of ambient concentration analysis approved for the permit establishing the FEC, the permittee ~~shall~~ must review the estimate of ambient concentration analysis.

a. In the event that the facility change would result in a significant contribution above the design concentration determined by the estimate of ambient concentration analysis approved for the permit establishing the ~~FEC, but~~FEC but does not cause or significantly contribute to a violation to any ambient air quality standard, the permittee ~~shall~~ must provide notice to the Department in accordance with Subsection 181.01.b.

b. Notice procedures. The permittee may make a facility change under Section 181 if the permittee provides written notification to the Department so that the notification is received at least seven (7) days in advance of the proposed change or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed change. For each such change, the written notification ~~shall~~must:

i. Describe the proposed change;

ii. Describe and quantify expected emissions; and

iii. Provide the estimated ambient concentration analysis.

02. **Recordkeeping**. For facility changes that comply with the terms and conditions establishing the ~~FEC, but~~FEC but are not included in the estimate of ambient concentration analysis approved for the permit establishing the FEC, the permittee ~~shall~~ must review the estimate of ambient concentration analysis. In the event the facility change would not result in a significant contribution above the design concentration determined by the estimate of ambient concentration analysis approved for the permit establishing the FEC, the permittee ~~shall~~ must record and maintain documentation on-site of the review.

03. **Estimates of Ambient Concentrations**. Estimates of ambient concentrations ~~shall~~ must be determined during the term of this permit using the same model and model parameters as used with the estimate of ambient concentration analysis approved for the permit establishing the FEC. The permittee ~~shall~~ must include any changes to the facility that are not included in the originally approved estimate of ambient concentration analysis.

182. -- 199. (RESERVED)

200. PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT.
~~The purposes of~~ Sections 200 through ~~228~~ 227 ~~is to~~ establish uniform procedures and requirements for the issuance of "Permits to Construct." As used throughout Sections 200 through ~~228~~ 227 and 578 through 581, major facility ~~shall be~~ is defined as major stationary source in 40 CFR 52.21(b) and 40 CFR 51.165, incorporated by reference ~~into these rules at~~ in Section 107, and major modification ~~shall be~~ is defined as in 40 CFR 52.21(b) and 40 CFR 51.165, incorporated by reference ~~into these rules at~~ in Section 107. These CFR sections have been codified in the electronic CFR which is available at www.ecfr.gov.

201. PERMIT TO CONSTRUCT REQUIRED.
No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department ~~which~~ that satisfies the

requirements of Sections 200 through ~~228~~ 227 unless the source is exempted in any of Sections 220 through 223, or the owner or operator complies with Section 213 and obtains the required permit to construct, or the owner or operator complies with Sections 175 through 181, or the source operates in accordance with all of the applicable provisions of a permit by rule.

202. APPLICATION PROCEDURES.

Application for a permit to construct must be made using forms furnished by the Department, or by other means ~~prescribed~~ approved by the Department. The application ~~shall~~ must be certified by the responsible official in accordance with Section 123 and ~~shall~~ be accompanied by all information necessary to perform any analysis or make any determination required under Sections 200 through ~~228~~227.

01. Required Information. Depending upon the proposed size and location of the new or modified stationary source or facility, the application for a permit to construct ~~shall~~ must include all ~~of~~ the information required by one or more of the following provisions:

a. For any new or modified stationary source or facility:

i. Site information, plans, descriptions, specifications, and drawings showing the design of the stationary source, facility, or modification, the nature and amount of emissions (including secondary emissions), and the manner in which it will be operated and controlled.

ii. A schedule for construction of the stationary source, facility, or modification.

b. For any new major facility or major modification in a nonattainment area ~~which~~ that would be major for the nonattainment regulated air pollutant(s):

i. A description of the system of continuous emission control proposed for the new major facility or major modification, emission estimates, and other information as necessary to determine that the lowest achievable emission rate would be applied.

ii. A description of the emission offsets proposed for the new major facility or major modification, including information on the stationary sources, mobile sources, or facilities providing the offsets, emission estimates, and other information necessary to determine that a net air quality benefit would result.

iii. Certification that all other facilities in Idaho, owned or operated by (or under common ownership of) the proposed new major facility or major modification, are in compliance with all local, state or federal requirements or are on a schedule for compliance ~~with such~~.

iv. An analysis of alternative sites, sizes, production processes, and environmental control techniques ~~which~~ that demonstrates that the benefits of the proposed major facility or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

v. An analysis of the impairment to visibility of any federal Class I area, Class I area designated by the Department, or integral vista of any mandatory federal Class I area that the new major facility or major modification would impact (including the monitoring of visibility in any Class I area near the new major facility or major modification, if requested by the Department).

c. For any new major facility or major modification in an attainment or unclassifiable area for any regulated air pollutant.

i. A description of the system of continuous emission control proposed for the new major facility or major modification, emission estimates, and other information as necessary to determine that the best available control technology would be applied.

ii. An analysis of the effect on air quality by the new major facility or major modification, including meteorological and topographical data necessary to estimate such effects.

iii. An analysis of the effect on air quality projected for the area as a result of general commercial, residential, industrial, and other growth associated with the new major facility or major modification.

iv. A description of the nature, extent, and air quality effects of any or all general commercial, residential, industrial, and other growth ~~which~~ that has occurred since August 7, 1977, in the area the new major facility or major modification would affect.

v. An analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the new major facility or major modification and general commercial, residential, industrial, and other growth associated with establishment of the new major facility or major modification. The owner or operator need not provide an analysis of the impact on vegetation or soils having no significant commercial or recreational value.

vi. An analysis of the impairment to visibility of any federal Class I area, Class I area designated by the Department, or integral vista of any mandatory federal Class I area that the new major facility or major modification would affect.

vii. An analysis of the existing ambient air quality in the area that the new major facility or major modification would affect for each regulated air pollutant that a new major facility would emit in significant amounts or for which a major modification would result in a significant net emissions increase.

viii. Ambient analyses as specified in Subsections 202.01c.vii., 202.01c.ix., 202.01c.x., and 202.01c.xii., may not be required if the projected increases in ambient concentrations or existing ambient concentrations of a particular regulated air pollutant in any area that the new major facility or major modification would affect are less than the amounts listed under 40 CFR 52.21(i)(5)(i), or the regulated air pollutant is not listed therein.

ix. For any regulated air pollutant ~~which~~ that has an ambient air quality standard, the analysis ~~shall~~ must include continuous air monitoring data, gathered over the year preceding the submittal of the application, unless the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year, but not less than four (4) months, which is adequate for determining whether the emissions of that regulated air pollutant would cause or contribute to a violation of the ambient air quality standard or any prevention of significant deterioration (PSD) increment.

x. For any regulated air pollutant ~~which~~ that does not have an ambient air quality standard, the analysis ~~shall~~ must contain such air quality monitoring data that the Department determines is necessary to assess ambient air quality for that air pollutant in any area that the emissions of that air pollutant would affect.

xi. If requested by the Department, monitoring of visibility in any Class I area the proposed new major facility or major modification would affect.

xii. Operation of monitoring stations ~~shall~~ must meet the requirements of Appendix B to 40 CFR Part 58 or such other requirements as extensive as those set forth in Appendix B as may be approved by the Department.

02. Estimates of Ambient Concentrations. All estimates of ambient concentrations ~~shall~~ must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR 51, Appendix W (Guideline on Air Quality Models).

~~**a.**~~ Where an air quality model specified in the "Guideline on Air Quality Models," is inappropriate, the model may be modified or another model substituted, subject to written approval of the ~~Administrator of the U.S. Environmental Protection Agency~~EPA Administrator and public comment pursuant to Subsection 209.01.c.; provided that modifications and substitutions of models used for toxic air pollutants will be reviewed by the Department.

~~**b.** Methods like those outlined in the U.S. Environmental Protection Agency's "Interim Procedures for Evaluating Air Quality Models (Revised)" (September 1984) should be used to determine the comparability of air quality models.~~

03. Additional Information. Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 200 through 225 shall be furnished upon request~~.~~

203. PERMIT REQUIREMENTS FOR NEW AND MODIFIED STATIONARY SOURCES.
No permit to construct ~~shall~~ will be granted for a new or modified stationary source unless the applicant shows to the satisfaction of the Department all of the following:

01. Emission Standards. The stationary source or modification would comply with all applicable local, state or federal emission standards.

02. NAAQS. The stationary source or modification would not cause or significantly contribute to a violation of any ambient air quality standard.

03. Toxic Air Pollutants. Using the methods provided in Section 210, the emissions of toxic air pollutants from the stationary source or modification would not injure or unreasonably affect human or animal life or vegetation as required by Section 161. Compliance with all applicable toxic air pollutant carcinogenic increments and toxic air pollutant non-carcinogenic increments ~~will also~~ demonstrates preconstruction compliance with Section 161 with regards to the pollutants listed in Sections 585 and 586.

204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS.
New major facilities or major modifications proposed for location in a nonattainment area and which would be major for the nonattainment regulated air pollutant are considered nonattainment new source review (NSR) actions and are subject to the requirements in Section 204. Section 202 contains application requirements and Section 209 contains processing requirements for nonattainment NSR permitting actions. The intent of Section 204 is to incorporate the federal nonattainment NSR rule requirements.

01. Incorporated Federal Program Requirements. Requirements contained in the following subparts of 40 CFR 51.165 are incorporated by reference ~~into these rules at~~ in Section 107. Requirements contained in the following subparts of 40 CFR 52.21, are incorporated by reference at Section 107 of these rules. These CFR sections have been codified in the electronic CFR at www.ecfr.gov.

40 CFR Reference	40 CFR Reference Title
40 CFR 51.165(a)(1)	Definitions
40 CFR 51.165(a)(2)(ii) - 51.165(a)(3)	Applicability Provisions
40 CFR 51.165(a)(6)(i) - (v)	Applicability Provisions
40 CFR 52.21(aa)	Actual PALs

02. Additional Requirements. The applicant must demonstrate to the satisfaction of the Department the following:

a. LAER. Except as otherwise provided in Section 204, the new major facility or major modification would be operated at the lowest achievable emission rate (LAER) for the nonattainment regulated air pollutant, specifically:

i. A new major facility would meet the lowest achievable emission rate at each new emissions unit ~~which~~ that emits the nonattainment regulated air pollutant; and

ii. A major modification would meet the lowest achievable emission rate at each new or modified emissions unit ~~which~~ that has a net emissions increase of the nonattainment regulated air pollutant.

b. Required offsets. Allowable emissions from the new major facility or major modification are offset by reductions in actual emissions from stationary sources, facilities, and/or mobile sources in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the requirements for emission reduction credits (Section 460) and provide for a net air quality benefit ~~which~~ that satisfies the requirements of Section 208. If the offsets are provided by other stationary sources or facilities, a permit to construct ~~shall~~ will not be issued for the new major facility or major modification until the offsetting reductions are made enforceable through

the issuance of operating permits. The new major facility or major modification may not commence operation, and an operating permit for the new major facility or major modification ~~shall~~ will not be effective before the date the offsetting reductions are achieved.

c. Compliance status. All other sources in the State owned or operated by the applicant, or by any entity controlling, controlled by or under common control with such person, are in compliance with all applicable emission limitations and standards or subject to an enforceable compliance schedule.

d. Effect on visibility. The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory Class I Federal Area, by the new major facility or major modification, is consistent with making reasonable progress toward the national visibility goal referred to in 40 CFR 51.300(a). The Department may take into account the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the source. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR 51.304(a), may be exempted from Section 204 by the Department.

03. Nonmajor Requirements. If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 51.165 or 40 CFR 52.21 incorporated in Section 204, the nonmajor facility or stationary source permitting requirements of Sections 200 through ~~228~~ 227 apply, including the exemptions in Sections 220 through 223.

205. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS.

The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas in attainment or in areas that are unclassifiable for any criteria air pollutant. Section 202 contains application requirements and Section 209 contains processing requirements for PSD permit actions. The intent of Section 205 is to incorporate the federal PSD rule requirements.

01. Incorporated Federal Program Requirements. Requirements contained in the following subparts of 40 CFR 52.21 are incorporated by reference ~~into these rules at~~ in Section 107. These CFR sections have been codified in the electronic CFR which is available at www.ecfr.gov.

40 CFR Reference	40 CFR Reference Title
40 CFR 52.21(a)(2)	Applicability Procedures
40 CFR 52.21(b)	Definitions
40 CFR 52.21(i)	Review of Major Stationary Sources and Major Modifications - Source Applicability and Exempting
40 CFR 52.21(j)	Control Technology Review
40 CFR 52.21(k)	Source Impact Analysis
40 CFR 52.21(r)	Source Obligation
40 CFR 52.21(v)	Innovative Control Technology
40 CFR 52.21(w)	Permit Rescission
40 CFR 52.21(aa)	Actual PALS

02. Effect on Visibility. The applicant must demonstrate that the effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory Class I Federal Area, by the new

major facility or major modification, is consistent with making reasonable progress toward the national visibility goal referred to in 40 CFR 51.300(a). The Department may take into account the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the source. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR 51.304(a), may be exempted from this requirement by the Department.

03. Exception to Incorporation by Reference of 40 CFR 52.21. Every use of the word Administrator in 40 CFR 52.21 means the Department except for the following~~:~~ provisions, where the reference remains to the EPA Administrator: 40 CFR 52.21(b)(17), 52.21(b)(43), 52.21(b)(48)(ii)(c), 52.21(b)(50)(i) and 52.21(l)(2).

~~**a.** In 40 CFR 52.21(b)(17), the definition of federally enforceable, Administrator means the EPA Administrator .~~

~~**b.** In 40 CFR 52.21(l)(2), air quality models, Administrator means the EPA Administrator.~~

~~**c.** In 40 CFR 52.21(b)(43), permit program approved by the Administrator, Administrator means the EPA Administrator.~~

~~**d.** In 40 CFR 52.21(b)(48)(ii)(c), MACT standard that is proposed or promulgated by the Administrator, Administrator means the EPA Administrator.~~

~~**e.** In 40 CFR 52.21(b)(50)(i), regulated NSR pollutant as defined by Administrator, Administrator means the EPA Administrator.~~

04. Nonmajor Requirements. If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 52.21 incorporated in Section 205, the nonmajor facility or stationary source permitting requirements of Sections 200 through ~~228~~ 227 apply, including the exemptions in Sections 220 through 223.

206. OPTIONAL OFFSETS FOR PERMITS TO CONSTRUCT.
The owner or operator of any proposed new or modified stationary source, new major facility, or major modification, ~~which~~ that cannot meet the requirements of Subsections 202.01.c.vi., 203.02, 203.03, 204.02.d., 205.01 (40 CFR 52.21(k)), and 209.02.b.vi., may propose the use of an emission offset ~~in order~~ to meet those requirements and thereby obtain a permit to construct. Any proposed emission offset must satisfy the requirements for emission reduction credits, Section 460, and demonstrate, through appropriate dispersion modeling, that the offset will reduce ambient concentrations sufficiently to meet the requirements at all modeled receptors ~~which~~ that could not otherwise have met the requirements.

207. REQUIREMENTS FOR EMISSION REDUCTION CREDIT.
In order to be credited in a permit to construct, any emission reduction credit must satisfy the requirements of Section 460.

208. DEMONSTRATION OF NET AIR QUALITY BENEFIT.
The demonstration of net air quality benefit ~~shall~~must:

01. VOCs. For trades involving volatile organic compounds, show that total emissions are reduced for the air basin in which the stationary source or facility is located;

02. Other Regulated Air Pollutants. For trades involving any other regulated air pollutant, show through appropriate dispersion modeling that the trade will not cause an increase in ambient concentrations at any modeled receptor;

03. Mobile Sources. For trades involving mobile sources, show a reduction in the ambient impact of emissions upon air quality by obtaining sufficient emission reductions to, at a minimum, compensate for adverse ambient impact where the major facility or major modification would otherwise cause or significantly contribute to a violation of any national ambient air quality standard.

209. PROCEDURE FOR ISSUING PERMITS.

01. General Procedures. General procedures for permits to construct.

a. Within thirty (30) days after receipt of the application for a permit to construct, the Department ~~shall~~ will determine whether the application is complete or whether more information ~~must be submitted~~is needed and ~~shall~~ will notify the applicant of its findings in writing.

b. Within sixty (60) days after the application is determined to be complete the Department ~~shall~~will:

i. Upon written request of the applicant, provide a draft permit for applicant review. Agency action on the permit under this Section may be delayed if deemed necessary to respond to applicant comments.

ii. Notify the applicant in writing of the approval, ~~conditional approval,~~ or denial of the application if an opportunity for public comment is not required pursuant to Subsection 209.01.c. The Department ~~shall set forth~~will describe reasons for any denial; or

~~iii. Issue a proposed approval, proposed conditional approval, or proposed denial.~~

c. An opportunity for public comment will be provided on all applications requiring a permit to construct. Public comment ~~shall~~will be provided on an application for any new major facility or major modification, any new facility or modification ~~which~~ that would affect any Class I area, ~~any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516,~~ any application ~~which~~ that uses an interpollutant trade pursuant to Subsection 210.17, any application ~~which~~ that the ~~Director~~Department determines an opportunity for public comment ~~should be provided~~is needed, and any application upon which the applicant or public so requests.

i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, ~~shall~~ will be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located.

ii. The availability of such materials ~~shall~~ will be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located.

iii. A copy of such notice ~~shall~~ will be sent to the applicant and to appropriate federal, state and local agencies.

iv. There ~~shall~~ will be a thirty (30) day period after initial publication for comment on the Department's proposed action, such comment to be made in writing to the Department.

v. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication of the notice~~,~~ or notice of public hearing if one is requested under Subsections 209.02.b.iv. or 209.02.a.ii., unless the ~~Director~~Department deems that additional time is required to evaluate comments and information received, the Department ~~shall~~ will notify the applicant in writing of approval, ~~conditional approval,~~ or denial of the permit. The Department ~~shall set forth~~will describe the reasons for any denial.

vi. All comments and additional information received during the comment period, together with the Department's final determination, ~~shall~~ will be made available to the public at the same location as the preliminary determination.

d. A copy of each permit will be sent to ~~the U.S. Environmental Protection Agency~~EPA.

02. Additional Procedures for Specified Sources.

a. For any new major facility or major modification in an attainment or unclassifiable area for any regulated air pollutant.

i. The public notice issued pursuant to Subsection 209.01.c.ii. ~~shall~~ will indicate the degree of increment consumption that is expected from the new major facility or major modification; and

ii. The public notice issued pursuant to Subsection 209.01.c.ii. ~~shall~~ will indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effects of the new major facility or major modification, alternatives to it, the control technology required, and other appropriate considerations. All requests for public hearings during a comment period with an opportunity for a hearing must be requested in writing by interested persons within fourteen (14) days of the publication of the legal notice of the proposed permit to construct or within fourteen (14) days prior to the end of the comment period, whichever is later.

b. For any new major facility or major modification ~~which~~ that would affect a federal Class I area or an integral vista of a mandatory federal Class I area.

i. If the Department is notified of the intent to apply for a permit to construct, it ~~shall~~ will notify the appropriate Federal Land Manager within thirty (30) days;

ii. A copy of the permit application and all relevant information, including an analysis of the anticipated effects on visibility in any federal Class I area, ~~shall~~ will be sent to the Administrator of the U.S. Environmental Protection Agency and the Federal Land Manager within thirty (30) days of receipt of a complete application and at least sixty (60) days prior to any public hearing on the application;

iii. Notice of every action related to the consideration of the permit ~~shall~~ will be sent to the EPA Administrator ~~of the U.S. Environmental Protection Agency;~~

iv. The public notice issued pursuant to Subsection 209.01.c.ii. ~~shall~~ will indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effect of the new major facility or major modification, alternatives to it, the control technology required, and other appropriate considerations. All requests for public hearings during a comment period with an opportunity for a hearing must be requested in writing by interested persons within fourteen (14) days of the publication of the legal notice of the proposed permit to construct or within fourteen (14) days prior to the end of the comment period, whichever is later.

v. The notice of public hearing, if required, ~~shall~~ will explain any differences between the Department's preliminary determination and any visibility analysis performed by the Federal Land Manager and provided to the Department within thirty (30) days of the notification pursuant to Subsection 209.02.b.ii.

vi. Upon a sufficient showing by the Federal Land Manager that a proposed new major facility or major modification will have an adverse impact upon the air quality related values (including visibility) of any federal mandatory Class I area, the ~~Director~~Department may deny the application notwithstanding the fact that the concentrations of regulated air pollutants would not exceed the maximum allowable increases for a Class I area.

~~**03. Establishing a Good Engineering Stack Height**. The Department will notify the public of the availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon.~~

04. Revisions of Permits to Construct. The Director may approve a revision of any permit to construct provided the stationary source or facility continues to meet all applicable requirements of Sections 200 through ~~228~~227. Revised permits will be issued pursuant to procedures for issuing permits (Section 209), except that the requirements of Subsections 209.01.c., 209.02.a., and 209.02.b., ~~shall~~ only apply if the permit revision results in an increase in emissions authorized by the permit or if deemed appropriate by the ~~Director~~Department.

05. Permit to Construct Procedures for Tier I Sources. For Tier I sources that require a permit to construct, the owner or operator ~~shall~~ must either:

a. Submit only the information required by Sections 200 through ~~219~~ 214 for a permit to construct, in which case:

i. A permit to construct or denial will be issued in accordance with Subsections 209.01.a. and 209.01.b.

ii. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c.

iii. The owner or operator may operate the source after permit to construct issuance so long as it does not violate any terms or conditions of the existing Tier I operating permit and complies with Subsection 380.02.

iv. Unless a different time is ~~prescribed~~ specified by these rules, the applicable requirements contained in a permit to construct will be incorporated into the Tier I operating permit during renewal (Section 369). Where an existing Tier I permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation. Tier I sources required to meet the requirements under Section 112(g) of the Clean Air Act (Section 214), or to have a permit under the preconstruction review program approved into the applicable implementation plan under Part C (Section 205) or Part D (Section 204) of Title I of the Clean Air Act, ~~shall~~ must file a complete application to obtain a Tier I permit revision within twelve (12) months after commencing operation.

v. The application or minor or significant permit modification request ~~shall~~ will be processed in accordance with timelines: Section 361 and Subsections 367.02 through 367.05.

vi. The final Tier I operating permit action ~~shall~~ will incorporate the relevant terms and conditions from the permit to construct; or

b. Submit all information required by Sections 200 through ~~219~~ 214 for a permit to construct and Sections 300 through 386 for a Tier I operating permit, or Tier I operating permit modification, in which case:

i. Completeness of the application ~~shall~~ will be determined within thirty (30) days.

ii. The Department~~.~~ ~~shall~~will prepare a proposed permit to construct or denial in accordance with Sections 200 through ~~219~~ 214 and a draft Tier I operating permit or Tier I operating permit modification in accordance with Sections 300 through 386 within sixty (60) days.

iii. The Department ~~shall~~ will provide for public comment and affected state review in accordance with Sections 209, 364 and 365 on the proposed permit to construct or denial and draft Tier I operating permit or Tier I operating permit modification.

iv. Except as otherwise provided by these rules, the Department ~~shall~~ will prepare and issue to the owner or operator a final permit to construct or denial within fifteen (15) days of the close of the public comment period. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c.

v. The final permit to construct will be sent to EPA, along with the proposed Tier I operating permit or modification. The proposed Tier I operating permit or modification ~~shall~~ will be sent for review in accordance with Section 366.

vi. The Tier I operating permit, or Tier I operating permit modification, will be issued in accordance with Section 367. The owner or operator may operate the source after permit to construct issuance so long as it does not violate any terms or conditions of the existing Tier I operating permit and complies with Subsection 380.02; or

c. Submit all information required by Sections 200 through 219 for a permit to construct and Sections 300 through 381 for a Tier I operating permit, or Tier I operating permit modification, in which case:

i. Completeness of the application ~~shall~~ will be determined within thirty (30) days.

ii. The Department ~~shall~~ will prepare a draft permit to construct or denial in accordance with Sections 200 through 219 and that also meets the requirements of Sections 300 through 381 within sixty (60) days.

iii. The Department ~~shall~~ will provide for public comment and affected state review in accordance with Sections 209, 364, and 365 on the draft permit to construct or denial.

iv. The Department ~~shall~~will prepare and send a proposed permit to construct or denial to EPA for review in accordance with Section 366. EPA review of the proposed permit to construct or denial in accordance with Section 366 can occur concurrently with public comment and affected state review of the draft permit, as provided in Subsection 209.05.c.iii. above, except that if the draft permit or denial is revised in response to public comment or affected state review, the Department must send the revised proposed permit to construct or denial to EPA for review in accordance with Section 366.

v. Except as otherwise provided by these rules, the Department ~~shall~~ will prepare and issue to the owner or operator a final permit to construct or denial in accordance with Section 367. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c.

vi. The permittee may, at any time after issuance, request that the permit to construct requirements be incorporated into the Tier I operating permit through an administrative amendment in accordance with Section 381. The owner or operator may operate the source or modification upon submittal of the request for an administrative amendment.

06. Transfer of Permits to Construct.

a. Transfers by Revision. A permit to construct may be transferred to a new owner or operator in accordance with Subsection 209.04.

b. Automatic Transfers. Any permit to construct, with or without transfer prohibition language, may be automatically transferred if:

i. The current permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date;

ii. The notice provides written documentation signed by the current and proposed permittees containing a date for transfer of permit responsibility, designation of the proposed permittee's responsible official, and certification that the proposed permittee has reviewed and intends to operate in accordance with the permit terms and conditions; and

iii. The Department does not notify the current permittee and the proposed permittee within thirty (30) days of receipt of the notice of the Department's determination that the permit must be revised pursuant to Subsection 209.04. If the Department does not issue such notice, the transfer is effective on the date provided in the notice described in Subsection 209.06.b.ii.

210. DEMONSTRATION OF PRECONSTRUCTION COMPLIANCE WITH TOXIC STANDARDS.
In accordance with Subsection 203.03, the applicant ~~shall~~ must demonstrate preconstruction compliance with Section 161 to the satisfaction of the Department. The accuracy, completeness, execution and results of the demonstration are all subject to review and approval by the Department. For purposes of this section, Toxic Air Pollutant Reasonably Available Control Technology (T-RACT) is an emission standard based on the lowest emission of toxic air pollutants that a particular source is capable of meeting by the application of control technology that is reasonably available, as determined by the Department, considering technological and economic feasibility. If control technology is not feasible, the emission standard may be based on the application of a design, equipment, work practice or operational requirement, or combination thereof.

01. Identification of Toxic Air Pollutants. The applicant may use process knowledge, raw materials inputs, EPA and Department references and commonly available references approved by EPA or the Department to identify the toxic air pollutants emitted by the stationary source or modification.

02. Quantification of Emission Rates.

a. The applicant may use standard scientific and engineering principles and practices to estimate the emission rate of any toxic air pollutant at the point(s) of emission.

i. Screening engineering analyses use unrefined conservative data.

ii. Refined engineering analyses utilize refined and less conservative data including, but not limited to, emission factors requiring detailed input and actual emissions testing at a comparable emissions unit using EPA or Department approved methods.

b. The uncontrolled emissions rate of a toxic air pollutant from a source or modification is calculated using the maximum capacity of the source or modification under its physical and operational design without the effect of any physical or operational limitations.

i. Examples of physical and operational design include but are not limited to~~:~~ the amount of time equipment operates during batch operations and the quantity of raw materials utilized in a batch process.

ii. Examples of physical or operational limitations include but are not limited to~~:~~ shortened hours of operation, use of control equipment, and restrictions on production ~~which~~ that are less than design capacity.

c. The controlled emissions rate of a toxic air pollutant from a source or modification is calculated using the maximum capacity of the source or modification under its physical and operational design with the effect of any physical or operational limitation that has been specifically described in a written and certified submission to the Department.

d. The T-RACT emissions rate of a toxic air pollutant from a source or modification is calculated using the maximum capacity of the source or modification under its physical and operational design with the effect of:

i. Any physical or operational limitation other than control equipment that has been specifically described in a written and certified submission to the Department; and

ii. An emission standard that is T-RACT.

03. Quantification of Ambient Concentrations.

a. The applicant may use the modeling methods provided in Subsection 202.02 to estimate the ambient concentrations at specified receptor sites for any toxic air pollutant emitted from the point(s) of emission.

b. The point of compliance is the receptor site that is estimated to have the highest ambient concentration of the toxic air pollutant of all the receptor sites that are located either at or beyond the facility property boundary or at a point of public access; provided that, if the toxic air pollutant is listed in Section 586, the receptor site is not considered to be at a point of public access if the receptor site is located on or within a road, highway or other transportation corridor transecting the facility.

c. The uncontrolled ambient concentration of the source or modification is estimated by modeling the uncontrolled emission rate.

d. The controlled ambient concentration of the source or modification is estimated by modeling the controlled emission rate.

e. The approved net ambient concentration from a modification for a toxic air pollutant at each receptor is calculated by subtracting the estimated decreases in ambient concentrations for all sources at the facility contributing an approved creditable decrease at the receptor site from the estimated ambient concentration from the modification at the receptor.

f. The approved offset ambient concentration from a source or modification for a toxic air pollutant at each receptor is calculated by subtracting the estimated decreases in ambient concentrations for all sources contributing an approved offset at the receptor from the estimated ambient concentration for the source or modification at the receptor.

g. The T-RACT ambient concentration of the source or modification is estimated by using refined modeling and the T-RACT emission rate.

h. The approved interpollutant ambient concentration from a source or modification for a toxic air pollutant at each receptor is calculated as follows:

i. Step 1: Calculate the estimated decrease in ambient concentrations for each toxic air pollutant from each source contributing an approved interpollutant trade at the receptor by multiplying the approved interpollutant ratio by the overall decrease in the ambient concentration of the toxic air pollutant at the receptor site.

ii. Step 2: Calculate the total estimated decrease at the receptor by summing all of the individual estimated decreases calculated in Subsection 210.03.h.i. for that receptor.

iii. Step 3: Calculate the approved interpollutant ambient concentration by subtracting the total estimated decrease at the receptor from the estimated ambient concentration for the source or modification at the receptor.

04. Preconstruction Compliance Demonstration. The applicant may use any of the Department approved standard methods described in Subsections 210.05 through 210.08~~,~~ and may use any applicable specialized method described in Subsections 210.09 through 210.12 to demonstrate preconstruction compliance for each identified toxic air pollutant.

05. Uncontrolled Emissions.

a. Compare the source's or modification's uncontrolled emissions rate for the toxic air pollutant to the applicable screening emission level listed in Sections 585 or 586.

b. If the source's or modification's uncontrolled emission rate is less than or equal to the applicable screening emission level, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process.

06. Uncontrolled Ambient Concentration.

a. Compare the source's or modification's uncontrolled ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586.

b. If the source's or modification's uncontrolled ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process.

07. Controlled Emissions.

a. Compare the source's or modification's controlled emissions rate for the toxic air pollutant to the applicable screening emission level listed in Sections 585 or 586.

b. If the source's or modification's controlled emission rate is less than or equal to the applicable screening emission level, no further procedure for demonstrating preconstruction compliance is required for that toxic air pollutant as part of the application process.

08. Controlled Ambient Concentration.

a. Compare the source's or modification's controlled ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586.

b. If the source's or modification's controlled ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process.

c. The Department ~~shall~~ will include an emission limit for the toxic air pollutant in the permit to construct that is equal to or, if requested by the applicant, less than the emission rate that was used in the modeling.

09. Net Emissions.

a. As provided in Section 007 (definition of net emissions increase) and Sections 460 and 461, the owner or operator may net emissions to demonstrate preconstruction compliance.

b. Compare the modification's approved net emissions increase (expressed as an emission rate) for the toxic air pollutant to the applicable screening emission level listed in Sections 585 or 586.

c. If the modification's approved net emissions increase is less than or equal to the applicable screening emission level, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process.

d. The Department ~~shall~~ will include emission limits and other permit terms for the toxic air pollutant in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration.

10. Net Ambient Concentration.

a. As provided in Section 007 (definition of net emission increase) and Sections 460 and 461, the owner or operator may net ambient concentrations to demonstrate preconstruction compliance.

b. Compare the modification's approved net ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586.

c. If the modification's approved net ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process.

d. The Department ~~shall~~ will include emission limits and other permit terms for the toxic air pollutant in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration.

11. Toxic Air Pollutant Offset Ambient Concentration.

a. As provided in Sections 206 and 460, the owner or operator may use offsets to demonstrate preconstruction compliance.

b. Compare the source's or modification's approved offset ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586.

c. If the source's or modification's approved offset ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process.

d. The Department ~~shall~~ will include emission limits and other permit terms for the toxic air pollutant in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration.

12. T-RACT Ambient Concentration for Carcinogens.

a. As provided in Subsections 210.12 and 210.13, the owner or operator may use T-RACT to demonstrate preconstruction compliance for toxic air pollutants listed in Section 586.

~~i.~~ This method may be used in conjunction with netting (Subsection 210.09), and offsets (Subsection 210.11).

~~ii. This method is not to be used to demonstrate preconstruction compliance for toxic air pollutants~~

~~listed in Section 585.~~

b. Compare the source's or modification's approved T-RACT ambient concentration at the point of compliance for the toxic air pollutant to the amount of the toxic air pollutant that would contribute an ambient air cancer risk probability of less than one to one hundred thousand (1:100,000) (which amount is equivalent to ten (10) times the applicable acceptable ambient concentration listed in Section 586).

c. If the source's or modification's approved T-RACT ambient concentration at the point of compliance is less than or equal to the amount of the toxic air pollutant that would contribute an ambient air cancer risk probability of less than one to one hundred thousand (1:100,000), no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process.

d. The Department ~~shall~~ will include emission limits and other permit terms for the toxic air pollutant in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration.

13. T-RACT Determination Processing.

a. The applicant may submit all information necessary to the demonstration at the time the applicant submits the complete initial application, or the applicant may request the Department to review a complete initial application to determine if Subsection 210.12 may be applicable to the source or modification.

b. Notwithstanding Subsections 209.01.a. and 209.01.b., if the applicant requests the Department to review a complete initial application and Subsection 210.12 is determined to be applicable, the completeness determination for the initial application will be revoked until a supplemental application is submitted and determined complete. When the supplemental application is determined complete, the timeline for agency action ~~shall~~ will be reinitiated.

14. T-RACT Determination. T-RACT ~~shall~~ will be determined on a case-by-case basis by the Department as follows:

a. The applicant ~~shall~~ must submit information to the Department identifying and documenting which control technologies or other requirements the applicant believes to be T-RACT.

b. The Department ~~shall~~ will review the information submitted by the applicant and determine whether the applicant has proposed T-RACT.

c. The technological feasibility of a control technology or other requirements for a particular source ~~shall~~ will be determined considering several factors including, but not limited to:

i. Process and operating procedures, raw materials and physical plant layout.

ii. The environmental impacts caused by the control technology that cannot be mitigated, including, but not limited to, water pollution and the production of solid wastes.

iii. The energy requirements of the control technology.

d. The economic feasibility of a control technology or other requirement, including the costs of necessary mitigation measures, for a particular source ~~shall~~ will be determined considering several factors including, but not limited to:

i. Capital costs.

ii. Cost effectiveness, which is the annualized cost of the control technology divided by the amount of emission reduction.

iii. The difference in costs between the particular source and other similar sources, if any, that have implemented emissions reductions.

e. If the Department determines that the applicant has proposed T-RACT, the Department ~~shall~~ will determine which of the options, or combination of options, will result in the lowest emission of toxic air pollutants, develop the emission standards constituting T-RACT and incorporate the emission standards into the permit to construct.

f. If the Department determines that the applicant has not proposed T-RACT, the Department ~~shall~~ will disapprove the submittal. If the submittal is disapproved, the applicant may supplement its submittal or demonstrate preconstruction compliance through a different method provided in Section 210. If the applicant does not supplement its submittal or demonstrate preconstruction compliance through a different method provided in Section 210, the Department ~~shall~~ will deny the permit.

15. Short Term Source Factor. For short term sources, the applicant may utilize a ~~short term~~short-term adjustment factor of ten (10). For a carcinogen, multiply either the applicable acceptable ambient concentration (AACC) or the screening emission rate, but not both, by ten (10), to demonstrate preconstruction compliance. This method may be used for TAPs listed in Section 586 only and may be utilized in conjunction with standard methods for quantification of emission rates (Subsections 210.05 through 210.08).

16. Environmental Remediation Source.

a. For Remediation sources subject to or regulated by the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901-6992k) and the "Idaho Rules and Standards for Hazardous Waste," (IDAPA 58.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order, if the estimated ambient concentration at the point of impact is greater than the acceptable ambient impacts listed in Sections 585 and 586, Best Available Control Technology will~~shall~~ be applied and operated until the estimated uncontrolled emissions from the remediation source are below the acceptable ambient concentration.

b. For Remediation sources not subject to or regulated by the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901-6992k) and the "Idaho Rules and Standards for Hazardous Waste," (IDAPA 58.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order, ~~shall~~will, for the purposes of these rules, be considered the same as any other new or modified source of toxic air pollution.

c. For an environmental remediation source that functions to remediate or recover any release, spill, leak, discharge or disposal of any petroleum product or petroleum substance, the Department may waive the requirements of Section 513~~ of these rules~~.

17. Interpollutant Trading Ambient Concentration.

a. As provided in Subsections 209.01.c., 210.17 through 210.19, the owner or operator may use interpollutant trading to demonstrate preconstruction compliance. This method may be used in conjunction with netting (Subsection 210.10), and offsets (Subsection 210.11)

b. Compare the source's or modification's approved interpollutant ambient concentration at the point of compliance for the toxic air pollutant emitted by the source or modification to the applicable acceptable ambient concentration listed in Sections 585 or 586.

c. If the source's or modification's approved interpollutant ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration listed in Sections 585 or 586, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process.

d. The Department ~~shall~~ will include emission limits for all of the toxic air pollutants involved in the trade in the permit to construct. The Department will also include other permit terms in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration.

18. Interpollutant Trading Determination Processing.

a. The applicant may submit all information necessary to the demonstration at the time the applicant

submits the complete initial application, or the applicant may request the Department to review a complete initial application to determine if Subsection 210.17 may be applicable to the source or modification.

b. Notwithstanding Subsections 209.01.a. and 209.01.b., if the applicant requests the Department to review a complete initial application and Subsection 210.17 is determined to be applicable, the completeness determination for the initial application will be revoked until a supplemental application is submitted and determined complete. When the supplemental application is determined complete, the timeline for agency action ~~shall~~ will be reinitiated.

19. Interpollutant Determination.

a. The applicant may request an interpollutant trade if the Department determines that:

i. The facility complies with an emission standard at least as stringent as best available control technology (BACT); and

ii. The owner or operator has instituted all known and available methods of pollution prevention at the facility to reduce, avoid or eliminate toxic air pollution prior to its generation including, but not limited to, recycling, chemical substitution, and process modification provided that such pollution prevention methods are compatible with each other, and the product or service being produced; and

iii. The owner or operator has taken all available offsets; and

iv. The owner or operator has identified all geographical areas and populations that may be impacted by the proposed interpollutant trade.

b. Interpollutant trades ~~shall~~ will be approved or denied on a case-by-case basis by the Department. ~~Denials shall be within the discretion of the Department.~~ Approvals ~~shall~~ will be granted only if:

i. The Department of Health and Welfare's Division of Health approves the interpollutant trade; and

ii. The Department of Environmental Quality determines that the interpollutant trade will result in a overall benefit to the environment; and

iii. An EPA approved database or other EPA approved reference provides relative potency factors, or comparable factors, or other data that is sufficient to allow for adequate review and approval of the proposed trade ~~by the Department and the Department of Health and Welfare's Division of Health~~ is submitted for all of the toxic air pollutants being traded; and

iv. The reductions occur at the same facility where the proposed source or modification will be constructed; and

v. The interpollutant trade will not cause an increase in ~~sum of~~ the ambient concentrations of the carcinogenic toxic air pollutants involved in the particular interpollutant trade at any receptor site; and

vi. The total cancer risk with the interpollutant trade will be less than the total cancer risk without the interpollutant trade; and

vii. The total non-cancer health risk with the interpollutant trade will be less than the total non-cancer health risk without the interpollutant trade.

~~20~~17. ~~NSPS and NESHAP~~40 CFR Parts 60, 61 and 63 Sources. No demonstration of compliance with the toxic air pollutant provisions is required to obtain a permit to construct or to demonstrate permit to construct exemption criteria for a new source or for modification of an existing source if the toxic air pollutant is also a listed hazardous air pollutant from:

a. The equipment or activity covered by a ~~NSPS or NESHAP~~40 CFR Part 60, 61, or 63 rule; or

b. The source category of equipment or activity addressed by a ~~NSPS or NESHAP~~40 CFR Part 60, 61, or 63 rule even if the equipment or activity is not subject to compliance requirements under the federal rule.

~~**21. Permit Compliance Demonstration.** Additional procedures and requirements to demonstrate and ensure actual and continuing compliance may be required by the Department in the permit to construct.~~

~~**22. Interpretation and Implementation of Other Sections**. Except as specifically provided in other sections of these rules, the provisions of Section 210 are not to be utilized in the interpretation or implementation of any other section of these rules.~~

211. CONDITIONS FOR PERMITS TO CONSTRUCT.

01. Reasonable Conditions. The Department may impose any reasonable conditions upon an approval, including conditions requiring the stationary source or facility to be provided with:

a. Sampling ports of a size, number, and location as the Department may require;

b. Safe access to each port;

c. Instrumentation to monitor and record emissions data;

d. Instrumentation for ambient monitoring to determine the effect emissions from the stationary source or facility may have, or are having, on the air quality in any area affected by the stationary source or facility; and

e. Any other sampling and testing facilities as may be deemed reasonably necessary.

02. Cancellation. The Department may cancel a permit to construct if the construction is not begun within two (2) years from the date of issuance, or if during the construction, work is suspended for one (1) year.

03. Notification to The Department. Any owner or operator of a stationary source or facility subject to a permit to construct ~~shall~~ must furnish the Department written notifications as follows:

a. A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty (60) days or less than thirty (30) days prior to such date; and

b. A notification of the actual date of initial start-up of the stationary source or facility within fifteen (15) days after such date.

04. Performance Test. Within sixty (60) days after achieving the maximum production rate at which the stationary source or facility will be operated but not later than one hundred eighty (180) days after initial start-up of such stationary source or facility, the owner or operator of such stationary source or facility may be required to conduct a performance test in accordance with methods and under operating conditions approved by the Department and furnish the Department a written report of the results of such performance test.

a. Such test ~~shall~~ will be at the expense of the owner or operator.

b. The Department may monitor such test and may also conduct performance tests.

c. The owner or operator of a stationary source or facility ~~shall~~ must provide the Department fifteen (15) days prior notice of the performance test to afford the Department the opportunity to have an observer present.

212. ~~OBLIGATION TO COMPLY.~~

~~**01. Responsibility to Comply with All Requirements**. Receiving a permit to construct shall not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal statutes, rules and regulations.~~

02. **RELAXATION OF STANDARDS OR RESTRICTIONS**. At such time that a particular facility or modification becomes a major facility or major modification solely by virtue of a relaxation in any enforceable emission standard or restriction on the operating rate, hours of operation or on the type or amount of material combusted, stored or processed, which that was used to exempt the facility or modification from certain requirements for a permit to construct, the requirements for new major facilities or major modifications shall will apply to the facility or modification as though construction had not yet commenced.

213. PRE-PERMIT CONSTRUCTION.

This section describes how owners or operators may commence construction or modification of certain stationary sources before obtaining the required permit to construct.

01. Pre-Permit Construction Eligibility. Pre-permit construction approval is available for non-majornew sources and non-major modifications that are not considered major as defined in 40 CFR 52.21and for new sources or modifications proposed in accordance with Subsection 213.01.d. Pre-permit construction is not available for any new source or modification that: uses emissions netting to stay below major source levels; uses optional offsets pursuant to Section 206; or would have an adverse impact on the air quality related values of any Class I area. Owners or operators may ask the Department for the ability to commence construction or modification of qualifying sources under Section 213 before receiving the required permit to construct. To obtain the Department's pre-permit construction approval, the owner or operator shall must satisfy the following requirements:

a. The owner or operator shall aApply for a permit to construct in accordance with Subsections 202.01.a., 202.02, and 202.03 of this chapter.

b. The owner or operator shall cConsult with Department representatives prior to submitting a pre-permit construction approval application.

c. The owner or operator shall sSubmit a pre-permit construction approval application which that must contain, but not be limited to: a letter requesting the ability to construct before obtaining the required permit to construct, a copy of the notice referenced in Subsection 213.02; proof of eligibility; process description(s); equipment list(s); proposed emission limits and modeled ambient concentrations for all regulated air pollutants and toxic air pollutants, such that they demonstrate compliance with all applicable air quality rules and regulations. The models shall must be conducted in accordance with Subsection 202.02 and with written Department approved protocol and submitted with sufficient detail so that modeling can be duplicated by the Department.

d. Owners or operators seeking limitations on a source's potential to emit such that permitted emissions will be either below major source levels or below a significant increase must describe in detail in the pre-permit construction application the proposed restrictions and certify in accordance with Section 123 that they will comply with the restrictions, including any applicable monitoring and reporting requirements.

02. Permit to Construct Procedures for Pre-Permit Construction.

a. Within ten (10) days after the submittal of the pre-permit construction approval application, the owner or operator shall must hold an informational meeting in at least one (1) location in the region in which the stationary source or facility is to be located. The informational meeting shall must be made known by notice published at least ten (10) days before the meeting in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. A copy of such notice shall must be included in the application.

b. Within fifteen (15) days after the receipt of the pre-permit construction approval application, the Department shall will notify the owner or operator in writing of pre-permit construction approval or denial. The Department may deny the pre-permit construction approval application for any reason it deems valid.

c. Upon receipt of the pre-permit construction approval letter issued by the Department, the owner or operator may begin construction at their own risk as identified in Subsection 213.02.d. Upon issuance of the pre-permit construction approval letter, any and all potential to emit limitations addressed in the pre-permit construction application pursuant to Subsection 213.01.d. shall will become enforceable. The owner or operator shall must not operate those emissions units subject to permit to construct requirements in accordance with Section 200 unless and until issued a permit pursuant to Section 209.

d. If the pre-permit construction approval application is determined incomplete or the permit to

construct is denied, the Department ~~shall~~ will issue an incompleteness or denial letter pursuant to Section 209. If the Department denies the permit to construct, then the owner or operator ~~shall~~ will have violated Section 201 on the date it commenced construction as defined in Section 006. The owner or operator ~~shall~~ may not contest the final permit to construct decision based on the fact that they have already begun construction.

214. DEMONSTRATION OF PRECONSTRUCTION COMPLIANCE FOR NEW AND RECONSTRUCTED MAJOR SOURCES OF HAZARDOUS AIR POLLUTANTS.

~~**01. Permitting Authority**. For purposes of this section, Sections 112(g) and (j) of the Clean Air Act, and 40 CFR Part 63, the permitting authority shall be the Department.~~

~~**02. Definitions**. Unless specifically provided otherwise, the definitions for terms set forth in this section shall be the definitions set forth in Section 112 of the Clean Air Act and 40 CFR Part 63 as incorporated by reference into these rules at Section 107. For purposes of determining if a source is a major source of hazardous air pollutants, the definition of potential to emit at Section 006 of these rules shall apply.~~

~~03~~01. Compliance with Federal MACT. All owners or operators of major sources of hazardous air pollutants ~~which~~ that are subject to an applicable Maximum Available Control Technology (MACT) standard promulgated by EPA pursuant to Section 112 of the Clean Air Act and 40 CFR Part 63 ~~shall~~ must comply with the applicable MACT standard and such owners or operators are not subject to Subsections 214.04 and 214.05.

~~04~~02. Requirement to Obtain Preconstruction MACT Determination from the ~~Director~~Department. No owner or operator may construct or reconstruct a major source of hazardous air pollutants unless such owner or operator has obtained a MACT standard determination from the ~~Director~~Department. The ~~Director~~Department ~~shall~~ will make the MACT standard determination on a ~~case-by-case~~case-by-case basis and in accordance with Section 112(g)(2)(B) of the Clean Air Act and 40 CFR 63.40 through 63.44 as incorporated by reference ~~into these rules at~~ in Section 107.

~~05~~03. Development of MACT by the ~~Director~~Department After EPA Deadline. In the event that EPA fails to promulgate a MACT standard for a category or subcategory of major sources of hazardous air pollutants identified by the EPA under the Clean Air Act by the date established under Section 112(e) of the Clean Air Act, the owner or operator of any major source of hazardous air pollutants in such category or subcategory ~~shall~~ must submit an application to the ~~Director~~Department for a MACT standard determination. The ~~Director~~Department ~~shall~~ will make the MACT standard determination on a ~~case-by-case~~case-by-case basis and in accordance with Section 112(j) of the Clean Air Act and 40 CFR 63.50 through 63.56 as incorporated by reference ~~into these rules at~~ in Section 107.

215. MERCURY EMISSION STANDARD FOR NEW OR MODIFIED SOURCES.
No owner or operator may commence construction or modification of a stationary source or facility that results in an increase in annual potential emissions of mercury of twenty-five (25) pounds or more unless the owner or operator has obtained a permit to construct under Sections 200 through ~~228~~227 ~~of these rules~~. The permit to construct application ~~shall~~ must include an MBACT analysis for the new or modified source or sources for review and approval by the Department. A determination of applicability under Section 215 ~~shall~~ will be based upon the best available information. Fugitive emissions ~~shall~~ are not ~~be~~ included in a determination of applicability under Section 215.

01. Exemptions. New or modified stationary sources within a source category subject to 40 CFR Part 63 are exempt from the requirements of Section 215.

02. Applicability. Except as provided in Subsection 215.01, Section 215 applies to all new or modified sources ~~for which an application for a permit to construct was submitted to the Department on or after July 1, 2011~~.

216. -- 219. (RESERVED)

220. GENERAL EXEMPTION CRITERIA FOR PERMIT TO CONSTRUCT EXEMPTIONS.

01. General Exemption Criteria. Sections 220 through 223 may be used by owners or operators to exempt certain sources from the requirement to obtain a permit to construct. Nothing in these sections ~~shall~~ precludes an owner or operator from choosing to obtain a permit to construct. For purposes of Sections 220 through 223, the

term source means the equipment or activity being exempted. For purposes of Sections 220 through 223, fugitive emissions ~~shall~~ are not ~~be~~ considered in determining whether a source meets the applicable exemption criteria unless required by federal law. No permit to construct is required for a source that satisfies all of the following criteria, in addition to the criteria set forth at Sections 221 and 223 or 222 and 223 (as required):

a. The maximum capacity of a source to emit an air pollutant under its physical and operational design without consideration of limitations on emission such as air pollution control equipment, restrictions on hours of operation and restrictions on the type and amount of material combusted, stored or processed would not:

i. Equal or exceed one hundred (100) tons per year of any regulated air pollutant.

ii. Cause an increase in the emissions of a major facility that equals or exceeds the significant emissions rates set out in the definition of significant at Section 006.

b. ~~Combination.~~ The source is not part of a proposed new major facility or part of a proposed major modification.

02. Record Retention. Unless the source is subject to and the owner or operator complies with Section 385, the owner or operator of the source, except for those sources listed in Subsections 222.02.a. through 222.02.g., ~~shall~~ must maintain documentation on site ~~which shall identify~~ that identifies the exemption determined to apply to the source and verify that the source qualifies for the identified exemption. The records and documentation ~~shall~~ must be kept for a period of time not less than five (5) years from the date the exemption determination has been made or for the life of the source for which the exemption has been determined to apply, which ~~-~~ever is greater, or until such time as a permit to construct or an operating permit is issued ~~which~~ that covers the operation of the source. The owner or operator ~~shall~~ must submit the documentation to the Department upon request.

221. CATEGORY I EXEMPTION.
No permit to construct is required for a source that satisfies the criteria set forth in Section 220 and the following:

01. Below Regulatory Concern. The maximum capacity of a source to emit an air pollutant under its physical and operational design considering limitations on emissions such as air pollution control equipment, restrictions on hours of operation and restrictions on the type and amount of material combusted, stored or processed ~~shall~~ must be less than ten percent (10%) of the significant emission rates set out in the definition of significant at Section 006.

02. Radionuclides. The source is not required to obtain approval to construct in accordance with the applicable radionuclides standard in 40 CFR Part 61, Subpart H.

03. Toxic Air Pollutants. The source ~~shall comply~~ complies with Section 223.

04. Mercury. The source ~~shall have~~ has potential emissions that are less than twenty-five (25) pounds per year of mercury. Fugitive emissions ~~shall~~ are not to be included in the calculation of potential mercury emissions.

222. CATEGORY II EXEMPTION.
No permit to construct is required for the following sources.

01. Exempt Source. A source that satisfies the criteria set forth in Section 220 and ~~that~~ is specified below:

a. Laboratory equipment used exclusively for chemical and physical analyses, research or education, including, but not limited to, ventilating and exhaust systems for laboratory hoods. To qualify for this exemption, the source ~~shall~~ must:

i. Comply with Section 223.

ii. Not be required to obtain approval to construct in accordance with the applicable radionuclides standard in 40 CFR Part 61, Subpart H.

b. Environmental characterization activities including emplacement and operation of field instruments, drilling of sampling and monitoring wells, sampling activities, and environmental characterization activities.

c. Stationary internal combustion engines of less than or equal to six hundred (600) horsepower and ~~which~~ that are fueled by natural gas, propane gas, liquefied petroleum gas, distillate fuel oils, residual fuel oils, and diesel fuel; waste oil, gasoline, or refined gasoline ~~shall~~ may not be used. To qualify for this exemption, the source must be operated in accordance with the following:

i. One hundred (100) horsepower or less -- unlimited hours of operation.

ii. One hundred one (101) to two hundred (200) horsepower -- less than four hundred fifty (450) hours per month.

iii. Two hundred one (201) to four hundred (400) horsepower -- less than two hundred twenty-five (225) hours per month.

iv. Four hundred one (401) to six hundred (600) horsepower -- less than one hundred fifty (150) hours per month.

d. Stationary internal combustion engines used exclusively for emergency purposes ~~which~~ that are operated less than five hundred (500) hours per year and are fueled by natural gas, propane gas, liquefied petroleum gas, distillate fuel oils, residual fuel oils, and diesel fuel; waste oil, gasoline, or refined gasoline ~~shall~~ may not be used.

e. A pilot plant ~~that~~ is defined as a stationary source located at least one quarter (¼) mile from any sensitive receptor; functions to test processing, mechanical, or pollution control equipment's full-scale feasibility; and does not produce products for sale except in developmental quantities. It uses a slip stream of no more than ten percent (10%) from an existing process stream ~~not to exceed ten percent (10%) of that existing process stream~~ ~~and which~~ and satisfies the following:

i. The source ~~shall~~ must comply with Section 223. For carcinogen emissions, the owner or operator may utilize a ~~short-term~~short-term adjustment factor of ten (10) by multiplying either the acceptable ambient concentration or the screening emissions level, but not both, by ten (10)~~.~~;

ii. The source is not required to obtain approval to construct in accordance with the applicable radionuclides standard in 40 CFR Part 61, Subpart H~~.~~; and

iii. The exemption for a pilot plant ~~shall~~ terminates one (1) year after the commencement of operations and ~~shall~~ may not be renewed.

02. Other Exempt Sources. A source that satisfies the criteria set forth in Section 220 and that is specified below:

a. Air conditioning or ventilating equipment not designed to remove air pollutants generated by or released from equipment.

b. Air pollutant detectors or recorders, combustion controllers, or combustion shutoffs.

c. Fuel burning equipment for indirect heating and for heating and reheating furnaces using natural gas, propane gas, liquefied petroleum gas, or biogas (gas produced by the anaerobic decomposition of organic material through a controlled process) with hydrogen sulfide concentrations less than two hundred (200) ppmv exclusively with a capacity of less than fifty (50) million btu's per hour input.

d. Other fuel burning equipment for indirect heating with a capacity of less than one million (1,000,000) btu's per hour input.

e. Mobile internal combustion engines, marine installations and locomotives.

f. Agricultural activities and services.

g. Retail gasoline, natural gas, propane gas, liquefied petroleum gas, distillate fuel oils and diesel fuel sales.

h. Used Oil Fired Space Heaters which comply with all the following ~~requirements~~ criteria:

i. The used ~~oil fired~~oil-fired space heater burns only used oil that the owner or operator generates on site, that is derived from households, such as used oil generated by individuals maintaining their personal vehicles, or on-specification used oil that is derived from commercial generators provided that the generator, transporter and owner or operator burning the oil for energy recovery comply fully with IDAPA 58.01.05.015, "Rules and Standards for Hazardous Waste";

(1) For the purposes of Subsection 222.02.h., "used oil" refers to any oil that has been refined from crude oil or any synthetic oil that has been used and, as a result of such use, is contaminated by physical or chemical impurities.

(2) For the purposes of Subsection 222.02.h., "used oil fired space heater" refers to any furnace or apparatus and all appurtenances thereto, designed, constructed and used for combusting used oil for energy recovery to directly heat an enclosed space.

ii. Any used oil burned is not contaminated by added toxic substances such as solvents, antifreeze or other household and industrial chemicals;

iii. The used ~~oil fired~~oil-fired space heater is designed to have a maximum capacity of not more than one half (0.5) million BTU per hour;

iv. The combustion gases from the used ~~oil fired~~oil-fired space heater are vented to the ambient air through a stack equivalent to the type and design specified by the manufacturer of the heater and installed to minimize down wash and maximize dispersion; and

v. The used ~~oil fired~~oil-fired space heater is of modern commercial design and manufacture, except that a homemade used ~~oil fired~~oil-fired space heater may be used if, prior to the operation of the homemade unit, the owner or operator submits documentation to the Department demonstrating, to the satisfaction of the Department, that emissions from the homemade unit are no greater than those from modern commercially available units.

i. Multiple chamber crematory retorts used to cremate human or animal remains using natural gas exclusively with a maximum average charge capacity of two hundred (200) pounds of remains per hour and a minimum secondary combustion chamber temperature of one thousand five hundred (1500) degrees Fahrenheit while operating.

j. Petroleum environmental remediation source by vapor extraction with an operation life not to exceed five (5) years (except for landfills). The short-term adjustment factor in Subsection 210.15 cannot be used if the remediation is within five hundred (500) feet of a sensitive receptor. Forms are available at the DEQ website at http://www.deq.idaho.gov, to help assist sources in this exemption determination.

k. Dry cleaning facilities that are not major under, but subject to, 40 CFR Part 63, Subpart M.

223. EXEMPTION CRITERIA AND REPORTING REQUIREMENTS FOR TOXIC AIR POLLUTANT EMISSIONS.

No permit to construct for toxic air pollutants is required for a source that satisfies any of the exemption criteria below, the recordkeeping ~~requirements at~~ criteria in Subsection 220.02, and reporting ~~requirements as follows~~ criteria in Subsection 223.04:

01. Below Regulatory Concern (BRC) Exemption. The source qualifies for a BRC exemption if the uncontrolled emission rate (refer to Section 210) for all toxic air pollutants emitted by the source is less than or equal to ten percent (10%) of all applicable screening emission levels listed in Sections 585 and 586.

02. Level I Exemption. To obtain a Level I exemption, the source ~~shall~~must satisfy the following

criteria:

a. The uncontrolled emission rate (refer to Section 210) for all toxic air pollutants ~~shall~~ must be less than or equal to all applicable screening emission levels listed in Sections 585 and 586; or

b. The uncontrolled ambient concentration (refer to Section 210) for all toxic air pollutants at the point of compliance ~~shall~~ must be less than or equal to all applicable acceptable ambient concentrations listed in Sections 585 and 586.

03. Level II Exemption. To obtain a Level II exemption, the maximum capacity of a source to emit a toxic air pollutant under its physical and operational design considering limitations on emissions such as air pollution control equipment, restrictions on hours of operation and restrictions on the type and amount of material combusted, stored or processed at the point of compliance is less than or equal to ten percent (10%) of all applicable screening emission levels listed in Sections 585 and 586.

04. ~~Annual Report for~~ Toxic Air Pollutant Exemption Report. The owner or operator of a source claiming a Level I or II exemption ~~shall~~ must submit a certified report, on or before May 1 for the previous calendar year, to the Department for each Level I or II exemption determination. The owner or operator is not required to annually submit a certified report for a Level I or II exemption determination previously claimed and reported. The report ~~shall be labeled "Toxic Air Pollutant Exemption Report" and shall~~ must state the date construction has or will commence and ~~shall~~ must include copies of all exemption determinations completed by the owner or operator for each Level I and II exemption.

224. PERMIT TO CONSTRUCT APPLICATION FEE.
All applicants for a permit to construct ~~shall~~ 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:

01. Exemption Applicability Determinations. Exemption applicability determinations set forth in Sections 220 through 223;

02. Typographical Errors. Changes to correct typographical errors; or

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.

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, ~~shall~~ must be paid to the Department by the person receiving the permit. The applicable processing fee category ~~shall be~~ 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 ~~shall~~ 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

226. PAYMENT OF FEES FOR PERMITS TO CONSTRUCT.

01. Fee Submittal. The permit to construct application fee ~~shall~~ must be submitted with the application. The permit to construct processing fee ~~shall be~~is payable upon receipt of an assessment sent to the person receiving a permit by the Department. ~~The permit to construct application and processing fees shall be sent to:~~

~~Air Quality Permit to Construct Fees~~
~~Fiscal Office,~~
~~Idaho Department of Environmental Quality~~
~~1410 N. Hilton, Boise, ID 83706-1255~~ Information for making payments is available at http://www.deq.idaho.gov.

02. Delinquency. No application for a permit to construct ~~shall~~ will be processed by the Department unless accompanied by a permit to construct application fee. No permit to construct ~~shall~~ will be issued by the Department until the Department has received the permit to construct processing fee.

227. RECEIPT AND USAGE OF FEES.
Permit to construct application and processing fee receipts ~~shall~~ will be deposited by the Department into a stationary source permit account. Monies from this account ~~shall~~ will be used solely toward technical, legal and administrative support of the Department's permit to Construct and Tier II permit programs and ~~shall~~ 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~~. The permit to construct application fee payable under Section 227 ~~shall~~will be retained by the Department regardless of whether a permit to construct is issued by the Department in response to an application.~~ The Department will review the fee schedule at least every two (2) years.~~

~~**228. APPEALS.**~~
~~A person may be able to file an appeal within thirty-five (35) days of the date the person receives an assessment from the Department under Section 225, in accordance with IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality."~~

~~229~~228. -- 299. (RESERVED)

300. PROCEDURES AND REQUIREMENTS FOR TIER I OPERATING PERMITS.
~~The purposes of~~ Sections 300 through ~~399~~ 397 ~~are to~~ establish requirements and procedures for the issuance of Tier I operating permits. Unless specifically identified in this Chapter, definitions for the Tier 1 operating permit program are located in 40 CFR Part 70, incorporated by reference in Section 107.

301. REQUIREMENT TO OBTAIN TIER I OPERATING PERMIT.

01. Prohibition. No owner or operator ~~shall~~ may operate~~, or allow or tolerate the operation of,~~ any Tier I source without an effective Tier I operating permit.

02. Exceptions.

~~a.~~ No Tier I operating permit is required if the owner or operator is in compliance with Sections 311 through 315 and the Department has not taken final action on the application.

~~b. Tier I sources not located at major facilities do not require a Tier I operating permit until:~~

~~i. December 31, 1997 for Phase II sulfur dioxide sources;~~

~~ii. January 1, 1999 for Phase II nitrogen oxides sources;~~

~~iii. January 1, 2000 for solid waste incineration units required to obtain a permit pursuant to 42 U.S.C. Section 7429(e); and~~

~~iv. The source becomes a Tier I source under Section 006 of this chapter.~~

~~c. No Tier I operating permit is required for the following Tier I sources:~~

~~i. All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA; and~~

~~ii. All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61.145.~~

302. OPTIONAL TIER I OPERATING PERMIT.
Any facility listed in Section 301 not required to obtain a Tier I operating permit may opt to apply for a Tier I operating permit.

303. -- 310. (RESERVED)

311. STANDARD PERMIT APPLICATIONS.
~~The purpose of~~ Sections 311 through 315 ~~is to~~ establish standard Tier I operating permit application procedures.

312. DUTY TO APPLY.
For each Tier I source, the owner or operator ~~shall~~ must submit a timely and complete permit application in accordance with Sections 311 through 315.

313. TIMELY APPLICATION.

01. ~~Original~~ New Tier I Operating Permits~~.~~

~~a. For Tier I sources existing on May 1, 1994, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit by no later than June 1, 1996, or within twelve (12) months of EPA approval of the Tier I operating program, whichever is earlier, unless:~~

~~i. The Department provides written notification of an earlier date to the owner or operator.~~

~~ii. The Tier I source is identified in Subsections 301.02.b. or 301.02.c.~~

~~b.~~ For sources that become Tier I sources ~~after May 1, 1994, that are~~ located at a facility not previously authorized by a Tier I operating permit, the owner or operator of the Tier I source ~~shall~~ must submit to the Department a complete application for ~~an original~~ a Tier I operating permit within twelve (12) months after becoming a Tier I source or commencing operation, unless~~:~~

~~i. T~~the Department provides written notification of an earlier date to the owner or operator.

~~ii. The Tier I source is identified in Subsections 301.02.b. or 301.02.c.~~

~~c. For initial phase II acid rain sources identified in Subsections 301.02.b.i. or 301.02.b.ii., the owner or operator of the initial Phase II acid rain source shall submit to the Department a complete application for an original Tier I operating permit by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.~~

~~**d.** For Tier I sources identified in Subsection 301.02.b.iii.:~~

~~i. Existing on July 1, 1998, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit by no later than January 1, 1999, unless the Department provides written notification of an earlier date to the owner or operator.~~

~~ii. That become Tier I sources after July 1, 1998, located at a facility not previously authorized by a Tier I operating permit, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit within twelve (12) months after becoming a Tier I source or commencing operation, unless the Department provides written notification of an earlier date to the owner or operator.~~

~~**02. Earlier Dates During Initial Period.** Except as otherwise provided in these rules, during the initial period which begins May 1, 1994 and ends three (3) years after EPA approval of the Tier I operating program, the Department may designate Tier I sources for processing as follows:~~

~~**a.** The Department may develop a general estimate of the total work load and benefits associated with the Tier I operating permit applications that are predicted to be submitted during the initial period including, but not limited to, original permit applications and significant permit modification applications.~~

~~**b.** Considering the complexity of the applications, air quality benefits of permitting and requests for early actions from owners and operators, the Department may divide the applications into three (3) groups each representing approximately one-third (1/3) of the total work load and benefits.~~

~~**c.** The Department may prioritize the three (3) groups and the Tier I sources within each group for processing, establish early application deadlines and notify the owners or operators of the Tier I sources in the group in writing of a required submittal date earlier than the general deadlines provided in Subsection 313.01.~~

~~03~~02. **Renewals of Tier I Operating Permits**. The owner or operator of the Tier I source ~~shall~~ must submit a complete application to the Department for a renewal of the Tier I operating permit at least six (6) months before, but no earlier than eighteen (18) months before, the expiration date of the existing Tier I operating permit. To ensure that the term of the operating permit does not expire before the permit is renewed, the owner or operator is encouraged to submit the application nine (9) months prior to expiration.

~~04~~03. **Changes to Tier I Operating Permits**. Sections 380 through 386 provide the requirements and procedures for changes at Tier I sources and to Tier I operating permits.

314. REQUIRED STANDARD APPLICATION FORM AND REQUIRED INFORMATION.

01. General Requirements.

a. Applications ~~shall~~ must be submitted on a form or forms provided by the Department or by other means ~~prescribed~~ specified by these rules or the Department. The application ~~shall~~ must be certified by the responsible official in accordance with Section 123.

i. If the Tier I source is regulated under 42 U.S.C. Sections 7651 through 7651o, the owner or operator ~~shall~~ must also submit nationally ~~-~~standardized acid rain forms provided by EPA.

b. All information ~~shall~~ must be in sufficient detail so that the Department may efficiently and effectively determine the applicability of requirements and make all other necessary evaluations and determinations.

02. General Information for the Facility.

a. Provide identifying information, including the name, address and telephone number of:

i. The owner;

ii. The operator;

iii. The facility where the Tier I source is located;

iv. The registered agent of the owner, if any;

v. The registered agent of the operator, if any;

vi. The responsible official, if other than the owner or operator; and

vii. The contact person.

b. Provide a general description of the processes used and products produced by the facility where the Tier I source is located, including any associated with each requested alternative operating scenario and trading scenario. The description ~~shall~~ must include narrative and applicable SIC codes.

c. Provide a general description of each process line affecting a Tier I source.

03. Specific Information for Each Emissions Unit. The owner or operator ~~shall~~ must provide, in an itemized format, all of the information identified in Subsections 314.04 through 314.11 for each emissions unit, unless the emissions unit is an insignificant activity.

04. Emissions.

a. Identify and describe all emissions of pollutants for which the source is major and all emissions of regulated air pollutants from each emissions unit. Fugitive emissions ~~shall~~ must be included in the application in the same manner as stack emissions, regardless of whether the source category is included in the list of sources contained in the definition of major facility (Section 008).

b. Emissions rates ~~shall~~ must be quantified in tons per year (tpy) ~~or for radionuclides the effective dose equivalent (EDE) in millirem per year~~ and in such additional terms as are necessary to determine compliance consistent with the applicable test method.

c. Identify and describe all points of emissions in sufficient detail to establish the basis for fees and applicability of requirements of the Clean Air Act.

d. To the extent it is needed to determine or regulate emissions, identify and quantify all fuels, fuel use, raw materials, production rates, and operating schedules.

e. Identify and describe all air pollution control equipment and compliance monitoring devices or activities.

f. Identify and describe all limitations on source operation or any work practice standards affecting emissions.

g. Provide the calculations on which the information provided under Subsections 314.04.a. through 314.04.e. is based.

05. Applicable Requirements.

a. Cite and describe all applicable requirements affecting the emissions unit; and

b. Describe or reference all methods required by each applicable requirement for determining the compliance status of the emissions unit with the applicable requirement, including any applicable monitoring, recordkeeping and reporting requirements or test methods.

06. Other Requirements. Other specific information that may be necessary to determine the applicability of, implement or enforce any requirement of the Act, these rules, 42 U.S.C. Sections 7401 through 7671q or federal regulations.

07. Proposed Determinations of Nonapplicability. Identify requirements for which the applicant seeks a determination of nonapplicability and provide an explanation of why the requirement is not applicable to the Tier I source.

08. Alternative Operating Scenarios.

a. Identify all requested alternative operating scenarios.

b. Provide a detailed description of all requested alternative operating scenarios. Include all the information required by Section 314 that is relevant to the alternative operating scenario.

09. Compliance Certifications.

a. Provide a compliance certification regarding the compliance status of each emissions unit at the time the application is submitted to the Department that:

i. Identifies all applicable requirements affecting each emissions unit.

ii. Certifies the compliance status of each emissions unit with each of the applicable requirements.

iii. Provides a detailed description of the method(s) used for determining the compliance status of each emissions unit with each applicable requirement, including a description of any monitoring, recordkeeping, reporting and test methods that were used. Also provide a detailed description of the method(s) required for determining compliance.

iv. Certifies the compliance status of the emissions unit with any applicable enhanced monitoring requirements.

v. Certifies the compliance status of the emissions unit with any applicable enhanced compliance certification requirements.

vi. Provides all other information necessary to determining the compliance status of the emissions unit.

b. Provide a schedule for submission of compliance certifications during the term of the Tier I operating permit. The schedule ~~shall~~ must require compliance certifications to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department.

10. Compliance Plans.

a. Provide a compliance description as follows:

i. For each applicable requirement with which the emissions unit is in compliance, state that the emissions unit will continue to comply with the applicable requirement.

ii. For each applicable requirement that will become effective during the term of the Tier I operating permit that does not contain a more detailed schedule, state that the emissions unit will meet the applicable requirement on a timely basis.

iii. For each applicable requirement that will become effective during the term of the Tier I operating permit that contains a more detailed schedule, state that the emissions unit will comply with the applicable requirement on the schedule provided in the applicable requirement.

iv. For each applicable requirement with which the emission unit is not in compliance, state that the emissions unit will be in compliance with the applicable requirement by the time the Tier I operating permit is issued or provide a compliance schedule in accordance with Subsection 314.10.b.

b. All compliance schedules ~~shall~~must:

i. Include a schedule of remedial measures leading to compliance, including an enforceable sequence of actions and specific dates for achieving milestones and achieving compliance.

ii. Incorporate the terms and conditions of any applicable consent order, judicial order, judicial consent decree, administrative order, settlement agreement or judgment.

iii. Be supplemental to, and ~~shall~~ not sanction noncompliance with, the applicable requirements on which it is based.

c. Provide a schedule for submission to the Department of periodic progress reports no less frequently than every six (6) months or at a more frequent period if one (1) is specified in the underlying applicable requirement or by the Department.

11. Trading Scenarios.

a. Identify all requested trading scenarios~~, including alternative emissions limits (bubbles)~~ authorized by Section 440.

b. Provide a detailed description of all requested trading scenarios. Include all the information required by Section 314 that is relevant to the trading scenario and all the information required by Section 440, if applicable. Emissions trades must comply with all applicable requirements.

c. Provide proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. Emissions trades involving emissions units for which the emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trade ~~shall~~ will not be approved.

12. Additional Information. Provide ~~all~~ additional information that the Department determines ~~is~~ necessary ~~for the Department~~ to ~~efficiently and effectively~~ perform its functions efficiently and effectively. Such functions include, but are not limited to, determining the applicability of requirements for all regulated air pollutants, determining compliance with applicable requirements, developing or defining Tier I operating permit terms and conditions, defining all approved alternative operating scenarios, evaluating excess emissions procedures or making all necessary evaluations and determinations.

315. DUTY TO SUPPLEMENT OR CORRECT APPLICATION.

01. Failure to Submit. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application ~~shall~~must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

02. Necessary Additional Information. If, while processing an application that has been determined or deemed to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, the Department may request such information in writing and set a deadline for a response. The applicant ~~shall~~ must submit the requested information on or before the deadline set by the Department.

03. Additional Information After Completeness. The applicant ~~shall~~ must promptly provide additional information as necessary to address any requirements that become applicable to the Tier I source after the date a complete application was filed but prior to release of a proposed action.

316. EFFECT OF INACCURATE INFORMATION IN APPLICATIONS OR FAILURE TO SUBMIT RELEVANT INFORMATION.

Notwithstanding the shield provisions of Section 325, the owner or operator ~~shall be~~ is subject to enforcement action for operation of the Tier I source without a Tier I operating permit if the owner or operator submitted an incomplete or inaccurate application or the Tier I source is later determined not to qualify for coverage under the conditions and terms of the Tier I operating permit.

317. INSIGNIFICANT ACTIVITIES.

01. **Applicability Criteria**. This Section contains the criteria for identifying insignificant activities for the purposes of the Tier I operating permit program. Notwithstanding any other provision of this rule, no emission unit or activity subject to an applicable requirement ~~shall qualify~~ qualifies as an insignificant emission unit or activity. Applicants may not exclude from Tier I operating permit applications information that is needed to determine whether the facility is major or whether the facility is in compliance with applicable requirements.

a. Presumptively insignificant emission units.

i. Except as provided above, the activities listed in this section may be omitted from the permit application.

(1) Blacksmith forges.

(2) Mobile transport tanks on vehicles except for those containing asphalt and not including loading and unloading operations.

(3) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

(4) Storage tanks, reservoirs and pumping and handling equipment of any size, limited to soaps, lubricants, lubricating oil, treater oil, hydraulic fluid, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter.

(5) Pressurized storage of oxygen, nitrogen, carbon dioxide, air, or inert gases.

(6) Storage of solid material, dust-free handling.

(7) Boiler water treatment operations, not including cooling towers.

(8) Vents from continuous emission monitors and other analyzers.

(9) Vents from rooms, buildings and enclosures that contain permitted emissions units or activities from which local ventilation, controls, and separate exhaust are provided.

(10) Internal combustion engines for propelling or powering a vehicle.

(11) Recreational fireplaces including the use of barbecues, campfires and ceremonial fires.

(12) Brazing, soldering, and welding equipment and cutting torches for use in cutting metal wherein components of the metal do not generate hazardous air pollutants or hazardous air pollutant precursors.

(13) Atmospheric generators used in connection with metal heat treating processes using non-hazardous air pollutant metals as the primary raw material.

(14) Non-hazardous air pollutant metal finishing or cleaning using tumblers.

(15) Drop hammers or hydraulic presses for forging or metalworking.

(16) Electrolytic deposition, used to deposit brass, bronze, copper, iron, tin, zinc, precious and other metals not listed as the parents of hazardous air pollutants.

(17) Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit volatile organic compound or hazardous air pollutant.

(18) Process water filtration systems.

(19) Portable electrical generators that can be moved by hand from one (1) location to another. Moved by hand means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.

(20) Plastic and resin curing equipment, excluding FRP and provided these activities are not related to the source's primary business activity.

(21) Extrusion equipment, metals, minerals, plastics, grain or wood used without solvents containing hazardous air pollutant.

(22) Presses and vacuum forming, for curing rubber and plastic products or for laminating plastics without solvents containing hazardous air pollutants present.

(23) Roller mills and calendars for use with rubber and plastics without solvents containing hazardous air pollutants.

(24) Conveying and storage of plastic pellets.

(25) Plastic compression, injection, and transfer molding and extrusion, rotocasting, pultrusion, blowmolding, excluding acrylics, PVC, polystyrene and related copolymers and the use of plasticizer. Only oxygen, carbon dioxide, nitrogen, air or inert gas allowed as blowing agent.

(26) Plastic pipe welding.

(27) Wax application in either a molten state or aqueous suspension.

(28) Plant maintenance and upkeep including routine housekeeping, janitorial activities, cleaning and preservation of equipment, preparation for and painting of structures or equipment, retarring roofs, applying insulation to buildings in accordance with applicable environmental and health and safety requirements and lawn, landscaping and groundskeeping activities. Provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification.

(29) Agricultural activities on a facility's property that are not subject to registration or new source review by the permitting authority.

(30) Maintenance of paved streets and parking lots including paving, stripping, salting, sanding, cleaning and sweeping of streets and paved surfaces. Provided these activities are not related to the source's primary business activity, do not otherwise trigger a permit modification, and fugitive emissions are reasonably controlled as required in Section 808.

(31) Ultraviolet curing processes.

(32) Hot melt adhesive application with no volatile organic compounds or hazardous air pollutants in the adhesive formula.

(33) Laundering, dryers, extractors, tumblers for fabrics, using water solutions of bleach and/or detergents except for boilers.

(34) Steam cleaning operations.

(35) Steam sterilizers.

(36) Food service activities including cafeterias, kitchen facilities and barbecues located at a source for providing food service on premises.

(37) Portable drums and totes.

(38) Fluorescent light tube and aerosol can crushing in units designed to reduce emissions from these activities.

(39) Flares used to indicate danger to the public.

(40) General vehicle maintenance including vehicle exhaust from repair facilities provided these activities are not related to the source's primary business activity and do not have applicable requirements under title VI of the Clean Air Act.

(41) Comfort air conditioning or ~~air cooling~~air-cooling systems, not used to remove air contaminants from specific equipment.

(42) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves, and storage tanks subject to size and service limitations expressed elsewhere in this section.

(43) Natural and forced air vents for bathroom/toilet facilities.

(44) Office activities.

(45) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used exclusively to withdraw materials for laboratory analyses and testing.

(46) Fire suppression systems and similar safety equipment and equipment used to train firefighters including fire drill pits.

(47) Materials and equipment used by, and activity related to operation of infirmary; infirmary is not the source's business activity except equipment ~~affected by the~~ subject to 40 CFR Part 61 for radionuclides ~~NESHAP~~.

(48) Satellite Accumulation Areas (SAAs) and Temporary Accumulation Areas (TAAs) managed in compliance with RCRA.

(49) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, shot blasting, sintering, or polishing: Ceramics, glass, leather, metals, plastics, rubber, concrete, paper stock, or wood provided that these activities are not conducted as part of a manufacturing process.

(50) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment subject to other exemption limitation, e.g., internal and external combustion equipment.

(51) Slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

(52) Ozonation equipment.

(53) Temporary construction activities at a facility provided that the installation or modification of emissions units must comply with all applicable federal, state, and local rules and regulations.

(54) Batch loading and unloading of solid phase catalysts.

(55) Pulse capacitors.

(56) Gas cabinets using only gases that are not regulated air pollutants.

(57) CO2 lasers, used only on metals and other materials ~~which~~ that do not emit hazardous air pollutants in the process.

(58) Structural changes not having air contaminant emissions.

(59) Equipment used to mix, package, store and handle soaps, lubricants, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(60) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, e.g., blueprint activity, photocopiers, mimeograph, telefax, photographic developing, and microfiche

provided these activities are not related to the source's primary business activity.

(61) Pharmaceutical and cosmetics packaging equipment.

(62) Paper trimmers/binders provided these activities are not related to the source's primary business activity.

(63) Bench-scale laboratory equipment and laboratory equipment used exclusively for physical or chemical analysis, including associated vacuum producing devices but excluding research and development facilities.

(64) Repair and maintenance shop activities not related to the source's primary business activity.

(65) Handling equipment and associated activities for glass and aluminum which is destined for recycling, provided these activities are not related to the source's primary business activity.

(66) Hydraulic and hydrostatic testing equipment.

(67) Batteries and battery charging stations, except at battery manufacturing plants.

(68) Porcelain and vitreous enameling equipment.

(69) Solid waste containers.

(70) Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

(71) Shock chambers.

(72) Wire strippers.

(73) Humidity chambers.

(74) Solar simulators.

(75) Environmental chambers not using hazardous air pollutant gases.

(76) Totally enclosed conveyors not including transfer points.

(77) Steam vents and safety relief valves.

(78) Air compressors, pneumatically operated equipment, systems, and hand tools.

(79) Steam leaks.

(80) Boiler blow-down tank.

(81) Salt cake mix tanks at pulp mills.

(82) Digester chip feeders at pulp mills.

(83) Weak liquor and filter tanks at pulp mills.

(84) Process water and white water storage tanks at pulp mills.

(85) Demineralizer water tanks, demineralization, demineralizer vents, and oxygen scavenging (deaeration) of water.

(86) Clean condensate tanks.

(87) Alum tanks.

(88) Broke beaters, repulpers, pulp and repulping tanks, stock chests and pulp handling.

(89) Lime and mud filtrate tanks.

(90) Hydrogen peroxide tanks.

(91) Lime mud washer.

(92) Lime mud filter.

(93) Hydro and liquor clarifiers or filters and storage tanks and associated pumping, piping, and handling.

(94) Lime grits washers, filters, and handing.

(95) Lime silos and feed bins.

(96) Paper forming.

(97) Starch cooking.

(98) Pulp stock cleaning and screening.

(99) Paper winders or other paper converting equipment.

(100) Sludge dewatering and wet sludge handling.

(101) Screw press vents.

(102) Pond dredging.

(103) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation.

(104) Non-PCB oil filled circuit breakers, oil filled transformers and other equipment that is analogous to, but not considered to be, a tank.

(105) Lab-scale electric or steam-heated drying ovens and autoclaves.

(106) Sewer manholes, junction boxes, sumps and lift stations associated with ~~waste water~~wastewater treatment systems.

(107) Water cooling towers processing exclusively noncontact cooling water.

(108) Paper coating and sizing.

(109) Process ~~waste water~~wastewater and ponds.

(110) Outdoor firearms practice ranges.

b. Insignificant activities on the basis of size or production rate.

i. ~~This section contains lists of units or activities that are insignificant on the basis of size or production rate.~~ Units and activities listed in this section must be listed in the permit application. The following units and activities are determined to be insignificant based on their size or production rate:

(1) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than two hundred sixty (260) gallon capacity thirty five cubic feet (35cft), heated only to the minimum extend to avoid solidification if necessary.

(2) Operation, loading and unloading of storage tanks, not greater than one thousand one hundred (1,100) gallon capacity, with lids or other appropriate closure, not for use with hazardous air pollutants, maximum (max.) vp five-hundred fifty (550) mm Hg.

(3) Operation, loading and unloading of volatile organic compound storage tanks, ten thousand (10,000) gallons capacity or less, with lids or other appropriate closure, vp not greater than eighty (80) mm Hg at twenty-one (21) degrees C. Operation, loading and unloading of gasoline storage tanks, ten thousand (10,000) gallons capacity or less, with lids or other appropriate closure.

(4) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas (LPG), storage tanks, vessel capacity under forty thousand (40,000) gallons.

(5) Combustion source, less than five million (5,000,000) Btu/hr, exclusively using natural gas, butane, propane, and/or LPG.

(6) Combustion source, less than five hundred thousand (500,000) Btu/hr, using any commercial fuel containing less than four-tenths percent (.4%) by weight sulfur for coal or less than one percent (1%) by weight sulfur for other fuels.

(7) Combustion source, of less than one million (1,000,000) Btu/hr, if using kerosene, No. 1 or No. 2 fuel oil.

(8) Combustion source, not greater than five hundred thousand (500,000) Btu/hr, if burning waste wood, wood waste or waste paper.

(9) Welding using not more than one (1) ton per day of welding rod.

(10) Foundry sand molds, unheated and using binders with less than twenty-five hundredths percent (.25%) free phenol by sand weight.

(11) "Parylene" coaters using less than five hundred (500) gallons of coating per year.

(12) Printing and silkscreening, using less than two (2) gallon/day of any combination of the following: Inks, coatings, adhesives, fountain solutions, thinners, retarders, or nonaqueous cleaning solutions.

(13) Water cooling towers and ponds, not using chromium-based corrosion inhibitors, not used with barometric jets or condensers, not greater than ten thousand (10,000) gpm, not in direct contact with gaseous or liquid process streams containing regulated air pollutants.

(14) Combustion turbines, of less than five hundred (500) HP.

(15) Batch solvent distillation, not greater than fifty-five (55) gallons batch capacity.

(16) Municipal and industrial water chlorination facilities of not greater than twenty million (20,000,000) gallons per day capacity. The exemption does not apply to ~~waste water~~wastewater treatment.

(17) Surface coating, using less than two (2) gallons per day.

(18) Space heaters and hot water heaters using natural gas, propane or kerosene and generating less than five million (5,000,000) Btu/hr.

(19) Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids excluding:

(a) Ninety-nine percent (99%) or greater H2SO4 or H3PO4.

(b) Seventy percent (70%) or greater HNO3.

(c) Thirty percent (30%) or greater HC1.

(d) More than one (1) liquid phase where the top phase is more than one percent (1%) volatile organic compounds.

(20) Equipment used exclusively to pump, load, unload, or store high boiling point organic material, material with initial boiling point (IBP) not less than one hundred fifty (150) degrees C or vapor pressure (vp) not more than five (5) mm Hg at twenty-one (21) degrees C with lids or other appropriate closure.

(21) Smokehouses under twenty (20) square feet.

(22) Milling and grinding activities, using paste-form compounds with less than one percent (1%) volatile organic compounds.

(23) Rolling, forging, drawing, stamping, shearing, or spinning hot or cold metals.

(24) Dip-coating operations, using materials with less than one percent (1%) volatile organic compounds.

(25) Surface coating, aqueous solution or suspension containing less than one percent (1%) volatile organic compounds.

(26) Cleaning and stripping activities and equipment, using solutions having less than one percent (1%) volatile organic compounds by weight. On metallic substrates, acid solutions are not considered for listing as insignificant.

(27) Storage and handling of ~~water based~~water-based lubricants for metal working where the organic content of the lubricant is less than ten percent (10%).

(28) Municipal and industrial ~~waste water~~wastewater chlorination facilities of not greater than one million (1,000,000) gallons per day capacity.

(29) Domestic sewage treatment ponds with average flowrates less than four hundred (400) gpm or treating waste from less than three thousand (3000) people from non-residential sources.

(30) An emission unit or activity with potential emissions less than or equal to the significant emission rate as defined in Section 006 and actual emissions less than or equal to ten percent (10%) of the levels contained in Section 006 of the definition of significant and no more than one (1) ton per year of any hazardous air pollutant.

318. -- ~~320~~321. (RESERVED)

~~**321. TIER I OPERATING PERMIT CONTENT.**~~
~~The purpose of Sections 321 through 336 is to mandate and authorize the contents of Tier I operating permits.~~

322. STANDARD CONTENTS OF TIER I OPERATING PERMITS.
All Tier I operating permits ~~shall~~ must contain and the Department ~~shall have~~has the authority to impose, implement and enforce, the following elements for all permitted operating scenarios and emissions trading scenarios. Fugitive emissions ~~shall~~ must be included in the Tier I operating permit in the same manner as stack emissions. All Tier 1 operating permits ~~will~~ must:

01. Emission Limitations and Standards. ~~All Tier I operating permits shall c~~Contain emission limitations and standards, including, but not limited to, those operational requirements and limitations that assure compliance with the applicable requirements identified in the application, or determined by the Department to be applicable to the source~~.~~;

02. Authority for and Form of Terms and Conditions. ~~All Tier I operating permits shall s~~Specify

and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.;

03. Terms or Conditions for Applicable Requirements. All Tier I operating permits shall cContain at least one (1) permit term or condition for every applicable requirement specifically identified in the application or determined by the Department to be applicable to the source.;

04. Alternative Operating Scenarios. All Tier I operating permits shall cContain terms and conditions to ensure compliance with all applicable requirements for each alternative operating scenario that was requested by the applicant and approved by the Department, including, but not limited to, a requirement that the owner or operator of the source, contemporaneously with making a change from one (1) operating scenario to another, record the change in an operating scenario log located and retained at the permitted facility.;

05. Trading Scenarios.

a. All Tier I operating permits shall cContain terms and conditions for each trading scenario that was requested by the applicant and approved by the Department including, but not limited to, terms and conditions thatwhich ensure that any emission trade is quantifiable, accountable, enforceable and based on replicable procedures.

b. The Tier I operating permit shall sState that no permit revision shall beis required under approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.; and

c. The Tier I operating permit shall, aAt a minimum, include a requirement that the owner or operator of the source, contemporaneously with making a change from one (1) trading scenario to another, record the change in a trading scenario log located and retained at the permitted facility and provide notice to the Department in accordance with Section 383.;

06. Monitoring. All Tier I operating permits shall cContain the following with respect to monitoring:

a. Sufficient monitoring to ensure compliance with all of the terms and conditions of the Tier I operating permit;

b. All emissions monitoring and analysis procedures or test methods required under the applicable requirements;

c. If the applicable requirement does not require specific periodic testing or monitoring, terms and conditions requiring periodic monitoring, recordkeeping, or both, that is sufficient to yield reliable data for the relevant time periods that are representative of the emissions unit's compliance with the Tier I operating permit, as reported pursuant to Subsection 322.08, and ensuring the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement; and

d. Requirements that the Department determines are necessary, concerning the use, maintenance and installation of monitoring equipment or methods.;

07. Recordkeeping. All Tier I operating permits shall iIncorporate by reference all applicable requirements regarding recordkeeping requirements and require all of the following:

a. Sufficient recordkeeping to assure compliance with all of the terms and conditions of the Tier I operating permit.;

b. Recording of monitoring information including but not limited to the following:

i. The date, place (as defined in the Tier I operating permit) and time of sampling or measurements;

ii. The date(s) analyses were performed;

iii. The company or entity that performed the analyses;

iv. The analytical techniques or methods used;

v. The results of such analyses; and

vi. The operating conditions existing at the time of sampling or measurement~~.~~; and

c. Retention of all monitoring records and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Supporting information includes but is not limited to all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the Tier I operating permit~~.~~;

08. Reporting. ~~All Tier I operating permits shall i~~Incorporate by reference all applicable ~~requirements regarding~~ reporting requirements and require ~~all of~~ the following:

a. Sufficient reporting to assure compliance with all of the terms and conditions of the Tier I operating permit~~.~~;

b. Prompt reporting of deviations from permit requirements including, but not limited to, those attributable to excess emissions. If the deviation is an excess emission, the report must ~~shall~~ be submitted in accordance with the requirements of Sections 130 through 136. For all other deviations, the report ~~shall~~ must be submitted in accordance with Subsection 322.08.c. unless the permit specifies another time frame. The reports ~~shall~~ must describe the probable cause of such deviations and any corrective actions or preventative measures taken~~.~~; and

c. Submittal of reports for any required monitoring at least every six (6) months. All instances of deviations from Tier I operating permit requirements, which include monitoring, recordkeeping, and reporting, must be clearly identified in such reports. All required reports must be certified in accordance with Section 123~~.~~;

09. Testing. ~~All Tier I operating permits shall~~ Ccontain terms and conditions requiring sufficient testing to assure compliance with all of the terms and conditions of the Tier I operating permit~~.~~;

10. Compliance Schedule and Progress Reports. ~~All Tier I operating permits shall c~~Contain terms and conditions regarding the compliance plan submitted in the application in accordance with Subsection 314.10 including ~~all of the following~~:

a. For each applicable requirement for which the source is not in compliance at the time of the permit issuance, terms and conditions consistent with the compliance schedule submitted by the applicant including all of the following:

i. A schedule of remedial measures leading to compliance including an enforceable sequence of actions and specific dates for achieving the milestones and achieving compliance~~.~~;

ii. A requirement that the permittee submit periodic progress reports to the Department no less frequently than every six (6) months or at a more frequent period if one is specified in the underlying applicable requirement or by the Department~~.~~;

iii. A requirement that any progress report ~~shall~~ must include a statement of when the milestones and compliance were or will be achieved, an explanation of why any dates in the compliance schedule submitted by the applicant or in the terms or conditions of the Tier I operating permit were not or will not be met and a detailed description of any preventative or corrective measures undertaken by the permittee~~.~~;

iv. All terms and conditions of any applicable consent order, judicial order, judicial consent decree, administrative order, settlement agreement or judgment~~.~~; and

v. A statement that the terms and conditions regarding the compliance schedule are supplemental to, and do not sanction noncompliance with, the underlying applicable requirement~~.~~;

b. For each applicable requirement that will become effective during the term of the Tier I operating permit and that requires a detailed compliance schedule, the permit ~~shall~~ must include such compliance schedule~~.~~; and

c. For each applicable requirement that will become effective during the term of the Tier I operating permit that does not require a detailed compliance schedule, the permit ~~shall~~ must include a statement that the permittee ~~shall~~ must meet, on a timely basis, all such applicable requirements~~.~~;

11. Periodic Compliance Certifications. ~~Each Tier I operating permit shall r~~Require submittal of compliance certifications during the term of the permit for each emissions unit to the Department and the EPA as follows:

a. Compliance certifications for all emissions units ~~shall~~ must be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department~~.~~;

b. The compliance certification for each emissions unit ~~shall~~ must address all ~~of~~ the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit including emissions limitations, standards and work practices~~.~~;

c. The compliance certification ~~shall~~ must be in an itemized format providing~~ the following information~~:

i. The identification of each term or condition of the Tier I operating permit that is the basis of the certification;

ii. The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means ~~shall~~ must include, at a minimum, the methods and means required under Subsections 322.06, 322.07, and 322.08;

iii. The status of compliance with the terms and conditions of the Tier I operating permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification ~~shall~~ must be based on the method or means designated in Subsection 322.11.c.ii. above,~~. The certification shall~~ identify each deviation and take it into account in the compliance certification,~~. The certification shall~~ and also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and

iv. Such information as the Department may require to determine the compliance status of the emissions unit~~.~~; and

d. All original compliance certifications ~~shall~~ must be submitted to the Department and a copy of all compliance certifications ~~shall be~~ submitted to the EPA;

12. Permit Conditions Regarding Acid Rain Allowances. Include all requirements for acid rain allowances.

a. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds.

b. No limit ~~shall be~~ is placed on the number of allowances held by the source and no permit revisions ~~shall be~~ are required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

c. The source may not~~, however,~~ use allowances as a defense to noncompliance with any other applicable requirement.

d. Any such allowance ~~shall~~ must be accounted for according to the procedures established in 40 CFR Part 72 and 40 CFR Part 73~~.~~;

13. Permit Duration. ~~Each Tier I operating permit shall s~~State that it is effective for a fixed term of five (5) years;~~ except that during the first four (4) years after EPA approval of the Tier I operating permit program, the permit may be issued with an initial term of three (3) years to five (5) years unless the Tier I source is also a Phase II source.~~

14. Other Specific Requirements. ~~A~~Include any terms or conditions determined by the Department to be necessary for approval of the Tier I operating permit~~.~~; and

15. General Requirements. ~~Each Tier I operating permit shall c~~Contain provisions stating~~ the following~~:

a. The permittee ~~shall~~ must comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit revocation, termination, revocation and reissuance, or revision; or for denial of a permit renewal application~~.~~;

b. It ~~shall~~ is not ~~be~~ a defense in an enforcement action that it would have been necessary to halt or reduce any activity in order to maintain compliance with the terms and conditions of this permit~~.~~;

c. This permit may be revised, revoked, reopened and reissued, or terminated for cause~~.~~;

d. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition~~.~~;

e. This permit does not convey any property rights of any sort, or any exclusive privilege~~.~~;

f. The permittee ~~shall~~ must furnish all information requested by the Department, within a reasonable time, that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing or terminating the permit or to determine compliance with the permit~~.~~;

g. Upon request, the permittee ~~shall~~must furnish to the Department copies of records required to be kept by this permit~~.~~;

h. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit ~~shall will~~ is not ~~be~~ affected thereby~~.~~;

i. The permittee ~~shall~~ must comply with Sections 380 through 386 as applicable~~.~~;

j. Unless specifically identified as a "State Only" provision, all terms and conditions in the ~~this~~ permit, including any terms and conditions designed to limit a source's potential to emit, are enforceable:

i. By the Department in accordance with State law; and

ii. By the United States or any other person in accordance with Federal law~~.~~;

k. Provisions specifically identified as a "State Only" provision are enforceable only in accordance with State law. "State Only" provisions are those that are not required under the Federal Clean Air Act or under any of its applicable requirements or those provisions adopted by the State prior to federal approval~~.~~;

l. Upon presentation of credentials, the permittee ~~shall~~ must allow the Department or an authorized representative of the Department to do the following:

i. Enter upon the permittee's premises where a Tier I source is located or emissions-related activity is conducted, or where records are kept under the conditions of this permit;

ii. Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;

iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and

iv. Sample or monitor at reasonable times substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements~~.~~;

m. Nothing in this permit ~~shall~~ alters or affects the following:

i. Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers;

ii. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

iii. The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651g(a); and

iv. The owner or operator's duty to provide information~~.~~;

n. The owner or operator of a Tier I source ~~shall~~ must pay registration fees to the Department in accordance with Sections 387 through ~~399~~397, which are hereby incorporated by reference~~.~~;

o. All documents submitted to the Department ~~shall~~ must be certified in accordance with Section 123 ~~and comply with Section 124.~~;

p. If a timely and complete application for a Tier I operating permit renewal is submitted, but the Department fails to issue or deny the renewal permit before the end of the term of the previous permit, then all the terms and conditions of the previous permit including any permit shield that may have been granted pursuant to Section 325 ~~shall will~~ remains in effect until the renewal permit has been issued or denied~~.~~; and

q. The permittee ~~shall~~ must promptly report deviations from permit requirements including, but not limited to, those attributable to excess emissions. If the deviation is an excess emission, the report ~~shall~~ must be submitted in accordance with the requirements of Sections 130 through 136. For all other deviations, the report ~~shall~~ must be submitted in accordance with Subsection 322.08.c. unless the permit specifies another time frame. The reports ~~shall~~ must describe the probable cause of such deviations and any corrective actions or preventative measures taken.

323. -- 324. (RESERVED)

325. ADDITIONAL CONTENTS OF TIER I OPERATING PERMITS -- PERMIT SHIELD.
Each Tier I operating permit ~~shall~~ will include provisions stating:

01. General Permit Shield. Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, ~~shall~~ will be deemed compliance with all of the following:

a. Applicable requirements as of the date of permit issuance that are specifically identified in the Tier I operating permit and have a corresponding term or condition in the Tier I operating permit.

b. Non-applicable requirements. For a requirement to be a non-applicable requirement, all of the following criteria must be met:

i. The permittee must have provided the information required by Subsection 314.08.b. in the application.

ii. The requirement must be specifically identified in the Tier I operating permit as a non-applicable requirement.

iii. The requirement must have been determined by the Department, in writing and in acting on the permit application or revision, to not be applicable to the Tier I source.

iv. Tier I operating permit must include the Department's determination or a concise summary thereof.

02. **Limitation on Permit Shield**. Permit revisions and other actions authorized by Sections 300 through 386 may eliminate, modify or suspend the permit shield.

326. -- 331. **(RESERVED)**

332. EMERGENCY AS AN AFFIRMATIVE DEFENSE REGARDING EXCESS EMISSIONS.

01. **General**. An emergency, defined as any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation and that causes the Tier I source to exceed a technology-based emission limitation under the Tier I operating permit due to unavoidable increases in emissions attributable to the emergency ~~as defined in Section 008~~, constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitation if the conditions of Subsection 332.02 are met. An emergency will not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

02. **Demonstration of Emergency**. The affirmative defense of emergency ~~shall~~ must be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency, the permittee took all reasonable steps, as determined by the Department, to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. The permittee submitted written notice of the emergency to the Department within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. Compliance with this section satisfies the written reporting requirements under Section 135 and Subsection 322.15.q.

03. **Burden of Proof**. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

04. **Applicability**. Section 332 is in addition to any emergency or upset provision contained in any applicable requirement.

333. -- 334. **(RESERVED)**

335. GENERAL TIER I OPERATING PERMITS AND AUTHORIZATIONS TO OPERATE.

01. **Issuance of General Tier I Operating Permits**. The Department may, after notice and opportunity for public participation provided in accordance with Section 364, issue a general Tier I operating permit covering numerous similar sources.

02. **Contents of General Tier I Operating Permits**. Each general Tier I operating permit will:

a. ~~Shall i~~Include all terms and conditions identified in Sections 322 and 325.

b. ~~Shall i~~Include specific criteria by which sources may qualify for coverage under the general Tier I operating permit; and

c. May provide for applications ~~which~~ that deviate from the requirements of Sections 311 through 315, provided that such applications meet all other requirements of 42 U.S.C. 7661 through 7661f and include all information necessary to determine qualification for, and to ensure compliance with, the general Tier I operating

permit.

03. Applications for Authorizations to Operate. The owner or operator of a Tier I source may apply for an authorization to operate under the terms and conditions of a general Tier I operating permit by:

a. Stating in the application submitted pursuant to Sections 311 through 315 that the owner or operator has determined that the Tier I source qualifies for coverage under a specifically identified general Tier I operating permit and that the owner or operator requests that operations of the Tier I source be authorized under a specifically identified general Tier I operating permit; or

b. Complying with the specific application requirements, if any, provided in the general Tier I operating permit.

04. Procedures for Issuing Authorizations to Operate. Without repeating the public participation procedures required under Section 364, the Department ~~shall~~ will issue an authorization to operate a Tier I source under a specifically identified general Tier I operating permit if the Department determines that the Tier I source qualifies for coverage.

05. Review of Authorizations to Operate. The issuance of an authorization to operate ~~shall be~~ is a final agency action for purposes of administrative and judicial review of the authorization. The general Tier I operating permit ~~shall~~ is not ~~be~~ subject to administrative or judicial review upon the issuance of an authorization to operate.

06. Phase II Sources. General Tier I operating permits ~~shall~~ are not ~~be~~ authorized for Phase II sources under the acid rain program unless otherwise provided in 40 CFR Part 72.

336. TIER I OPERATING PERMITS FOR TIER I PORTABLE SOURCES.

01. ~~Issuance of Tier I Operating Permits for~~ Portable Tier I Source~~s~~ Permit Issuance.

a. The Department may issue a single Tier I operating permit authorizing emissions from similar operations of a portable Tier I source by the owner or operator at multiple temporary locations.

b. The operation must be temporary and involve at least one (1) change of location for the portable Tier I source during the term of the Tier I operating permit.

02. Phase II Sources. No Phase II source ~~shall~~ may be permitted as a portable Tier I source.

03. ~~Contents of Tier I Operating Permits for~~ Portable Tier I Source~~s~~ Permit Content. Tier I operating permits for portable Tier I sources ~~shall~~ will include the following:

a. Terms and conditions that will ensure compliance with all applicable requirements at all authorized locations;

b. Requirements that the owner or operator notify the Department at least ten (10) days in advance of each change in location in accordance with Section 500; and

c. All terms and conditions identified in Sections 322, ~~and~~ 325 ~~through~~, and 332.

337. -- 359. (RESERVED)

360. STANDARD PROCESSING OF TIER I OPERATING PERMIT APPLICATIONS.
~~The purposes of~~ Sections 360 through 369 ~~is to~~ establish standard procedures and requirements for processing Tier I operating permits.

361. COMPLETENESS OF APPLICATIONS.

01. Criteria ~~for Completeness~~. Except as otherwise provided by these rules, the application must

comply with Section 314 including that the information must be in sufficient detail.

02. Timelines for Completeness Determinations of Completeness. The Department shall will send written notice to the applicant of whether the application is complete within sixty (60) days of receiving the application and, .Iif the Department fails to send the written notice to the applicant within sixty (60) days of receipt, the application shallwill be deemed complete.

03. Effects of Completeness Determination.

a. The submittal of a complete application activates the application shield provided by Subsection 361.02.

b. The submittal of a complete Tier I operating permit application shall does not affect the permit to construct requirements of Sections 200 through 225 or 42 U.S.C. Sections 7401 through 7515.

c. The timelines for final agency action provided in Subsections 367.02 and 367.03 begin on the date of the completeness determination.

362. TECHNICAL MEMORANDUMSSTATEMENT OF BASIS FOR TIER I OPERATING PERMITS.

01. Memorandum Statement of Basis for Draft Permit. As part of its review of the Tier I operating permit application, the Department shall will prepare a technical memorandumstatement of basis that sets forth the legal and factual basis for the draft Tier I operating permit terms and conditions (including references to the applicable statutory or regulatory provisions) or the draft denial.

02. Revised Memorandum Statement of Basis for Proposed Permit. If the Department revises its analysis, its conclusions or the terms or conditions of the Tier I operating permit in response to public comment, the Department may revise the technical memorandumstatement of basis for the proposed permit or the proposed denial.

03. Release of MemorandumStatement of Basis. The technical memorandum(s)statement of basis shall will be made available to the public in accordance with Section 364 and sent to the EPA with the proposed Tier I operating permit or proposed denial.

363. PREPARATION OF DRAFT PERMIT OR DRAFT DENIAL.
Except as otherwise provided in these rules, the Department shall will prepare a draft permit or draft denial as promptly as practicable or one hundred twenty (120) days before the deadline for final action, whichever is earlier.

364. PUBLIC NOTICES, COMMENTS AND HEARINGS.

01. Generally. Except as otherwise provided in these rules, all Tier I operating permit proceedings shall will provide for public notice and public comment, including offering an opportunity for a hearing, on a draft permit or on a draft denial.

02. Public Comment Package. A public comment package including the draft permit or draft denial, the technical memorandum and the application willshall be prepared and distributed to appropriate public locations, the applicant and affected States.

03. Giving Notice. Notice shall will be given: by publication in a newspaper of general circulation in the area where the Tier I source is located or in a State publication designed to give general public notice; by mailing the notice to persons on a mailing list developed by the Department, including those who request in writing to be on the list; by mailing the notice to all affected States; and by other means if necessary to ensure adequate notice to the affected public.

04. Content of the Notice. The notice shall will identify the affected facility; provide the name and address of the permittee; provide the name and address of the Department processing the application; identify the draft permit action; identify the emissions change if the permit action is a permit revision or reopening; provide the locations where the public may locate a copy of the public comment package; provide the name, address, email address, and telephone number of a person from whom interested persons may obtain additional information that is relevant to the

permit decision by filing a written public documents request and paying any costs; provide a brief description of the comment procedures, including the deadline for comments and the name and address of the person to whom written comments must be delivered; and state the time and place of any hearing that has been scheduled or provide information regarding how a person may request a hearing.

05. Public Comment Procedures.

a. The Department ~~shall~~ will provide at least thirty (30) days for public comment.

~~**b.** The Department may designate the person to receive written comments.~~

~~**c**~~**b.** The Department ~~shall~~ will give notice of any public hearing at least thirty (30) days in advance of the hearing.

~~**d**~~**c.** The public hearing, if any, ~~shall be~~ is an informal meeting, conducted by a hearing officer designated by the Department and transcribed. Written comments or supporting documents may be submitted during the hearing.

~~**e**~~**d.** The public comments and additional information received during the comment period ~~will~~~~shall be~~are available to the public upon the filing of a written public documents request and the payment of any costs.

365. PREPARATION OF PROPOSED PERMIT OR PROPOSED DENIAL.

01. Timeline. Except as otherwise provided by these rules, the Department ~~shall~~will prepare a proposed permit or proposed denial within thirty (30) days after the close of the public comment period, unless the Department determines that additional time is required to evaluate comments and information received.

02. Availability. The proposed permit or proposed denial ~~shall~~will be available to the public upon the filing a written public documents request and the payment of any costs.

03. Notice to Affected States. If the Department refuses to accept all recommendations that an affected State submitted during the public comment period, the Department ~~shall~~ will send a copy of the notice sent to EPA in accordance with Subsection 366.01.d. to the affected State that submitted the recommendation.

366. EPA REVIEW PROCEDURES.

01. Submittal of Proposal to EPA. Except as otherwise provided in these rules and unless EPA waives its opportunity to review a proposed permit, the Department will transmit the following to EPA:

a. The proposed permit or proposed denial.

b. The ~~technical memorandum~~statement of basis, as revised if appropriate.

c. The application including all supplements and corrections submitted by the applicant, unless the applicant has submitted the information under a claim of confidentiality or unless the Department has entered an agreement with EPA to submit only a summary form and relevant portions of the permit application.

d. Notice of any refusal by the Department to accept all recommendations for the proposal that any affected State submitted during the public comment period. The notice ~~shall~~ will include the Department's reasons for not accepting any such recommendation. The Department is not required to accept recommendations that are not based on applicable requirements.

02. Opportunity for EPA Objection.

a. EPA may submit to the Department a written objection to the proposal within forty-five (45) days of receipt of the transmittal identified in Subsection 366.01.

b. The written objection ~~shall~~ must state the EPA's reasons for the objection and provide the terms and

conditions that the Tier I operating permit must include to respond to the objection or state that the permit must be denied.

c. EPA ~~shall~~ must provide a copy of the written objection to the applicant.

03. Response to EPA Objections. Within ninety (90) days of receiving a written objection from EPA, the Department ~~shall~~ will prepare a revised proposal and submit it to EPA in accordance with Subsection 366.01. If EPA determines that the revised proposal is objectionable, the Department will review the permit action taken by EPA and take a comparable final permit action in accordance with Section 367.

04. Public Petitions to EPA.

a. If the EPA does not object in writing under Subsection 366.02, any person may petition the EPA within sixty (60) days after the expiration of the EPA's forty-five (45) day review period to make such objection.

b. Any such petition ~~shall~~ must be based only on objections to the draft permit or draft denial that were raised with specificity during the public comment period provided for in Section 364 unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

c. If the EPA objects to the proposal in accordance with Subsection 366.02 as a result of a petition filed under Subsections 366.04.a. and 366.04.b., the Department ~~shall~~ will:

i. Not issue a permit action until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a Tier I operating permit or its requirements pending EPA's review of the petition and Department review of the objection if the Tier I operating permit was issued by the Department after the end of the forty-five (45) day review period and prior to an EPA objection initiated by a petition.

ii. Process the objection in accordance with Subsection 366.03.

367. ACTION ON APPLICATION.

01. Issuance Conditions. Except as otherwise provided by these rules, a Tier I operating permit, or any portion thereof, may be issued only if all of the following conditions have been met:

a. The owner or operator has submitted a complete application in accordance with Section 361.

b. The public has been provided notice and opportunities for comment and a hearing in accordance with Section 364.

c. Affected States have been provided notice in accordance with Section 364 and Subsection 365.03.

d. The terms and conditions of the Tier I operating permit comply with Sections 321 through 336 including providing for compliance with all applicable requirements.

e. The EPA has been provided with the proposal and an opportunity to object and the Department has responded as required by Section 366.

~~**02. Deadlines for Final Actions During Initial Period**. Except as otherwise provided in these rules, during the initial period beginning May 1, 1994 and ending three (3) years after EPA approval of the Tier I operating program, the Department will prioritize all of the applications predicted to be submitted during the initial period considering the groups established in accordance with Subsection 313.02, if any. The prioritization will result in the Department taking final action on one-third (1/3) of all such permit applications during each of the one (1) year periods following EPA approval of the program.~~

~~**03. Deadlines for Final Actions After Initial Period**. Except as otherwise provided in these rules,~~

~~during the period beginning three (3) years after EPA approval of the Tier I operating program, the Department shall take final action on complete applications within eighteen (18) months.~~

~~**04. Deadline for Tier I Operating Permits with Early Reductions**. The Department shall take final action on any complete Tier I operating permit application containing an early reduction demonstration under 42 U.S.C. Section 7412 (i)(5) within nine (9) months of receipt of the complete application.~~

~~**05. Deadline for Tier I Operating Permits for Phase II Sources**. The permitting of phase II sources shall occur in accordance with the deadlines in 42 U.S.C. Section 7651 through 7651o.~~

~~06~~02. **Copy to EPA**. The Department ~~shall~~ will send a copy of the final Tier I operating permit to EPA.

~~07~~03. **Original to Permittee**. The Department ~~shall~~ will send the original Tier I operating permit to the permittee.

368. EXPIRATION OF PRECEDING PERMITS.

If a timely and complete Tier I permit application is received by the Department and is not acted upon in a timely manner as prescribed by these rules, the permit to construct, Tier I operating permit or Tier II operating permit, if any, that has been previously issued to the owner or operator of the Tier I source by the Department or EPA ~~shall~~ will continues in full force until the Department has completed action of the permit application. No Tier I operating permit will be considered to have expired due solely to the Department's inaction on a timely Tier I operating permit application.

369. TIER I OPERATING PERMIT RENEWAL.

01. Renewal Procedures. Tier I operating permits being renewed are subject to the same procedural requirements, including those for public participation, including affected State review, and EPA review, that apply to initial Tier I operating permit issuance.

02. Expiration and Renewal Application Shield. Tier I operating permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted.

370. -- 379. (RESERVED)

380. CHANGES TO TIER I OPERATING PERMITS.

01. Applicability. Sections 380 through ~~399~~397 establish procedures and requirements for permit revisions and changes requiring notice. These provisions do not alter the requirements for permits to construct set forth at Sections 200 through ~~228~~227.

02. Changes Requiring Permit Revisions. Sections 381 through 383 establish procedures and requirements for Tier I operating permit revisions. A permit revision is required for changes that are not addressed or prohibited by the Tier I operating permit if such changes are subject to any requirements under Title IV of the Clean Air Act or are modifications under any provision of Title I of the Clean Air Act.

03. Changes Requiring Notice. Sections 384 and 385 establish procedures and requirements for providing notice by the permittee to the Department and EPA of certain emission trades and changes that contravene a permit term (Section 384), or certain changes that are not addressed or prohibited by the permit (Section 385).

04. Reopening. Section 386 establishes procedures for reopening the permit for cause by the Department, EPA, or the permittee.

05. Acid Rain. Changes regulated under Title IV of the Clean Air Act, 42 U.S.C. Sections 7651 through 7651o, ~~shall be~~are governed by regulations promulgated under Title IV of the Act.

381. ADMINISTRATIVE PERMIT AMENDMENTS.

01. Criteria. An administrative permit amendment is a permit revision that:

a. Corrects typographical errors;

b. Identifies a change in the name, address, or phone number of any person identified in the Tier I operating permit, or provides a similar minor administrative change at the Tier I source;

c. Requires more frequent monitoring or reporting by the permittee;

d. Allows for a change in ownership or operational control of a Tier I source where the Department determines that no other change in the Tier I operating permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department;

e. Incorporates into the Tier I operating permit the requirements from a permit to construct that was issued by the Department in accordance with Subsection 209.05.c.; or

f. Is any other type of change that EPA and the Department have determined as part of the Part 70 program to be similar to those in Subsections 381.01.a. through 381.01.d.

02. Administrative Permit Amendment Application Procedures.

a. If initiated by the permittee, the permittee ~~shall~~ must submit a request to the Department~~. The request shall~~ that:

i. States at the beginning of the request that it is a "REQUEST FOR ADMINISTRATIVE PERMIT AMENDMENT."

ii. Describes the proposed administrative permit amendment including any permit to construct to be incorporated;

iii. States the date on which the proposed administrative amendment will occur at the facility;

iv. Identif~~y~~ies any Tier I operating permit term or condition that is no longer applicable as a result of the change; and

v. Identif~~y~~ies any applicable requirement that would apply to the Tier I source as a result of the change.

b. If initiated by the Department, the Department ~~shall~~ will notify the permittee that the Department is initiating an administrative permit amendment and provide a brief summary of the proposed administrative permit amendment including all of the information required by Subsection 381.02.a.i. through 381.02.a.v.

c. The Department ~~shall~~will, within sixty (60) days of the receipt of a request for an administrative permit amendment, take final action on the request and may incorporate such changes without providing notice to the public or affected States provided that the Department designates any such administrative permit amendment as having been made pursuant to Section 381. The Department ~~shall~~ will submit a copy of the revised permit, or an addendum, to the EPA and send the original to the permittee.

03. Implementation Procedures.

a. The permittee may implement the changes addressed in the request for an administrative permit amendment under Subsections 381.01.a. through 381.01.f. immediately upon submittal of the request.

b. If the permittee obtains a permit to construct under Subsection 209.05.c., then so long as the change does not violate any terms or conditions of the existing Tier I operating permit, the permittee may operate the source described in the permit to construct immediately upon submittal of the request for an administrative permit amendment.

04. **Permit Shield**. Upon final action by the Department, the permit shield described in Section 325 ~~shall~~ ~~will~~ extends only to administrative permit amendments identified in Subsection 381.01.e.

382. SIGNIFICANT PERMIT MODIFICATION.

01. **Criteria**. Significant modification procedures ~~shall be~~ are used for applications requesting permit revisions that do not qualify as minor permit modifications or as administrative amendments. Nothing herein ~~shall~~ will be construed to preclude the permittee from making changes consistent with this chapter that would render existing permit compliance terms and conditions irrelevant. A significant permit modification is a permit revision for changes that:

a. Violate an existing Tier I permit term or condition derived from an applicable requirement;

b. Involve significant changes to existing monitoring, reporting or recordkeeping requirements in the permit. Every significant change in existing monitoring terms or conditions (except more frequent monitoring or reporting under Subsection 381.01.c.) and every relaxation of reporting or recordkeeping terms or conditions ~~shall be~~ is considered significant;

c. Require or change a case-by-case determination of an emission limitation or other standard; a source-specific determination for temporary sources of ambient impacts; or a visibility or increment analysis;

d. Seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include, but are not limited to, an enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Clean Air Act or an alternative emissions limit for an early reduction of hazardous air pollutants that was approved pursuant to regulations promulgated under 42 U.S.C. Section 7412(i)(5) of the Clean Air Act;

e. Constitute a modification under any provision of Title I of the Clean Air Act; or

f. Could be processed as an administrative amendment or as a minor modification, except the permittee has requested the change be processed as a significant modification, including incorporating the requirements of a permit to construct that was issued by the Department in accordance with Subsection 209.05.a.

02. **Significant Permit Modification Application Procedures**. A permittee may initiate a significant permit modification by submitting a complete significant permit modification application to the Department. The application ~~shall~~must:

a. Request the use of significant permit modification procedures and state at the beginning of the request that it is a "REQUEST FOR SIGNIFICANT PERMIT MODIFICATION";

b. Meet the standard application requirements of Sections 314 and 315;

c. Provide a summary sheet;

i. Describing the proposed significant permit modification;

ii. Describing and quantifying any change in emissions resulting from the significant permit modification including, but not limited to, an identification of any new regulated air pollutant(s) that will be emitted;

iii. Identifying any Tier I operating permit term or condition that will no longer be applicable as a result of the significant permit modification; and

iv. Identifying new applicable requirement resulting from the change.

d. Significant permit modifications ~~shall~~ will be issued in accordance with all procedural requirements as they apply to Tier I operating permit issuance and renewal, including those for applications (Sections 314 and 315), public participation (Section 364), review by affected States (Sections 364 and 365), and review by EPA (Section

366).

e. The Department will process the majority of significant permit modifications within nine (9) months of receiving a complete application. The Department ~~shall~~ will determine which significant permit modification applications will be processed within nine (9) months.

03. Implementation Procedures. The permittee ~~shall~~ must comply with Sections 200 through 223 as applicable, including Subsection 209.05 governing permit to construct procedures for Tier I sources.

04. Permit Shield. Upon final action by the Department, the permit shield described in Section 325 ~~shall~~ will extend to significant permit modifications.

383. MINOR PERMIT MODIFICATION.

01. Criteria.

a. Minor permit modification procedures may be used for permit modifications involving economic incentives, marketable permits, emissions trading, and other similar approaches explicitly provided for in the SIP or applicable requirements promulgated by EPA. A permittee may not use minor modification procedures for changes described in Subsections 382.01.a. through 382.01.e.

b. Any other permit modification that is not required to be processed as a significant permit modification under Section 382.

c. Groups of a permittee's applications eligible for processing as minor permit modifications may be processed under minor permit modification procedures if collectively, the changes proposed in the minor modification applications do not exceed the lesser of:

i. Ten percent (10%) of the emissions allowed by the existing Tier I operating permit for the emissions unit for which the change is requested;

ii. Twenty percent (20%) of the major facility criteria in Section 008; or

iii. Five (5) tons per year.

02. Minor Permit Modification Application Procedures. A permittee may initiate a minor permit modification by submitting a complete standard application described in Section 314 to the Department. The application ~~shall~~must:

a. Request the use of minor permit modification procedures and state at the beginning of the request that it is a "REQUEST FOR MINOR PERMIT MODIFICATION," designate either "INDIVIDUAL" or "GROUP" processing, and provide a summary sheet;

i. Describing the proposed minor permit modification;

ii. Stating the date on which the proposed minor permit modification will occur at the facility;

iii. Describing and quantifying any change in emissions resulting from the minor permit modification including, but not limited to, an identification of any new regulated air pollutant(s) that will be emitted;

iv. Identifying any Tier I operating permit term or condition that will no longer be applicable as a result of the minor permit modification;

v. Identifying any new applicable requirement that is applicable to the Tier I source as a result of the minor permit modification;

vi. Certifying by a responsible official under Section 123 that the proposed permit modification meets

the criteria for a minor permit modification and, if applicable, the use of group processing procedures; and

vii. Listing the permittee's other pending applications awaiting group processing and a determination of whether the requested modification, aggregated with the other applications, equals or exceeds the thresholds under Subsection 383.01.c. above~~.~~;

b. Include completed forms for the Department to use to notify the EPA and affected States as required under Sections 364 and 366~~.~~; and

c. Include the applicant's suggested draft Tier I permit with the minor permit modification.

03. EPA and Affected State Notification Procedures.

a. Within five (5) working days of receipt of a complete minor permit modification application, the Department ~~shall~~ will notify EPA and the affected States of the requested permit modification and forward the forms completed by the applicant and other required information, if any, to the EPA and affected States. Affected States and EPA review ~~shall~~ will occur simultaneously.

b. On a quarterly basis or within five (5) working days of receiving an application demonstrating that the aggregate of a permittee's pending applications equals or exceeds the threshold level established in Subsection 383.01.c. above, whichever is earlier, the Department shall notify EPA and the affected States of the requested permit modification and forward the forms completed by the applicant and other required information, if any, to the EPA and affected States. Affected States and EPA review shall occur simultaneously.

~~c~~**b.** The Department ~~shall~~ will promptly notify EPA and any affected States in writing including its reasons for not accepting any such recommendation if the Department refuses to accept all the timely recommendations submitted by affected States.

~~d~~**c.** ~~Timetable for Issuance.~~ The Department may not issue a final permit modification until after EPA's forty-five (45) day review period or until EPA has notified the Department that EPA will not object to issuance of the permit modification, whichever is first; although the Department can approve the permit modification prior to that time.

~~e~~**d.** Within ninety (90) days of the Department's receipt of a complete minor permit modification application or within fifteen (15) days after the end EPA's forty-five (45) day review period, whichever is later, the Department ~~shall~~ will take one (1) of the following actions:

i. Issue the minor permit modification as proposed;

ii. Deny the minor permit modification application;

iii. Determine that the requested minor permit modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

iv. Revise the proposed minor permit modification, transmit the revised proposal to the EPA in accordance with Section 366, and notify the permittee.

f. Within one hundred and eighty (180) days of the Department's receipt of a complete application for modifications eligible for group processing or within fifteen (15) days after the end of EPA's forty-five (45) day review period, whichever is later, the Department ~~shall~~ will take one (1) of the actions specified in Subsections 383.03.e.i., 383.03.e.ii., 383.03.e.iii., or 383.03.e.iv.

04. Implementation Procedures.

a. The permittee may make the change proposed in its minor permit modification immediately upon submittal of a complete application to the Department before final action by the Department.

b. After the source makes the allowed change and until the Department takes any of the actions specified in Subsections 383.03.e.i., 383.03.e.ii., or 383.03.e.iii., the permittee must comply with both the applicable

requirements governing the change and the proposed terms and conditions.

c. During this time period, the permittee need not comply with the existing permit terms and conditions it seeks to modify; provided that, if the source fails to comply with the applicable requirements governing the change and the proposed revisions, the existing permit terms and conditions it seeks to modify may be enforced against it.

05. **Permit Shield**. The permit shield described in Section 325 ~~shall~~ does not apply to any minor permit modification.

384. SECTION 502(B)(10) CHANGES AND CERTAIN EMISSION TRADES.

01. **Criteria**. This section authorizes emission changes within a permitted facility without requiring a permit revision, if the changes are not modifications under any provision of the Title I of the Clean Air Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or total emissions).

a. Changes authorized are changes that:

i. Are Section 502(b)(10) changes;

ii. Are changes involving trades of increases and decreases of emissions within the permitted facility where the State Implementation Plan provides for such emissions trades without requiring a permit revision. SIP trades are allowed in compliance with this Section even if the Tier I operating permit does not already provide for such emission trading; or

iii. Are changes made under the terms and conditions of the Tier I permit that authorize the trading of emissions increases and decreases within the permitted facility for the purpose of complying with a federally ~~-~~ enforceable emissions cap that is established by the Department in the Tier I operating permit independent of otherwise applicable requirements.

b. Changes constituting a modification under Title I of the Clean Air Act or subject to a requirement under Title IV of the Clean Air Act are not authorized by this Section.

02. **Notice Procedures**. The permittee may make a change under this Section if the permittee provides written notification to the Department and EPA so that the notification is received at least seven (7) days in advance of the proposed change; or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed change. The permittee, the Department, and EPA ~~shall~~ will attach the notification to their copy of the Tier I operating permit.

a. For each such change, the written notification ~~shall~~must:

i. State at the beginning of the notification "NOTIFICATION OF SECTION 502(b)(10) CHANGE" or "NOTIFICATION OF EMISSION TRADE";

ii. Describe the proposed change;

iii. Provide the date on which the proposed change will occur;

iv. Describe and quantify any expected change in emissions including identification of any new regulated air pollutant(s) that will be emitted;

v. Identify any permit term or condition that is no longer applicable as a result of the change;

vi. Specifically identify and describe the emergency, if any; and

vii. Identify any new applicable requirement that would apply to the Tier I source as a result of the change.

b. For changes described in Subsection 384.01.a.ii., the written notification ~~shall~~ must also include:

i. Identification of the provisions in the SIP that provide for the emissions trade;

ii. All of the information required by the provision in the SIP authorizing the emissions trade;

iii. Specific identification of the provisions in the SIP with which the permittee will comply; and

iv. The pollutants subject to the trade.

c. For changes described in Subsection 384.01.a.iii., the written notification ~~shall~~ must also describe how the change will comply with the terms and conditions of the permit.

03. **Permit Shield**. The permit shield described in Section 325 ~~shall~~ only extends to changes made in accordance with Subsection 384.01.a.iii.

385. OFF-PERMIT CHANGES AND NOTICE.

01. **Criteria**. This section authorizes changes that are neither addressed nor prohibited by the Tier I operating permit to be made without a permit revision if each such change meets all applicable requirements and does not violate any existing permit terms or conditions. Changes constituting a modification under Title I of the Clean Air Act, or subject to a requirement under Title IV of the Clean Air Act are not off-permit changes.

02. **Notice Procedure**. Sources must provide written notice to the Department and EPA of each such change except changes that qualify as insignificant under Section 317, within seven (7) days of making the off-permit change.

a. The written notification provided to the Department and EPA ~~shall~~must:

i. State at the beginning of the notification "NOTIFICATION OF OFF-PERMIT CHANGE";

ii. Describe the off-permit change;

iii. State the date on which the off-permit change will occur or has occurred;

iv. Describe and quantify any change in emissions resulting from the off-permit change including, but not limited to, an identification of any new regulated air pollutant(s) that will be emitted; and

v. Identify any new applicable requirement that is applicable to the Tier I source as a result of the off-permit change.

b. The permittee ~~shall~~ must keep a record at the facility describing all off-permit changes made at the Tier I source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and identifying the emissions resulting from those changes.

03. **Permit Shield Applicability**. The permit shield described in Section 325 ~~shall~~ does not apply to any off-permit change.

386. REOPENING FOR CAUSE.

The Department ~~shall~~ will reopen a Tier I permit if cause exists.

01. **Criteria**. Cause for reopening exists under any of the following circumstances:

a. Additional applicable requirements become applicable to a major Tier I source with a remaining permit term of three (3) or more years; provided that no such reopening is required if the original effective date of the

applicable requirement is later than the date on which the Tier I operating permit is due to expire and the original Tier I operating permit or any of its terms and conditions has not been extended pursuant to Section 368; provided further that the permittee must comply with the additional applicable requirement no later than the effective date;

b. Whenever additional applicable requirements become applicable to an affected source, as defined for the purposes of the acid rain program;

c. The Department or EPA determines that the Tier I operating permit contains a material mistake or inaccurate statements were used or considered in establishing the emissions standards or other terms or conditions of the Tier I operating permit; or

d. The Department or EPA determines that the Tier I operating permit does not ensure compliance with the applicable requirements.

02. Procedures for Reopenings.

a. The Department ~~shall~~ will follow the same procedures for reopening as they apply to initial permit issuance and ~~shall~~ will affect only those parts of the permit for which cause to reopen exists. Reopenings ~~shall~~ will be made as expeditiously as practicable in accordance with Sections 360 through 379.

b. The Department ~~shall~~ will notify the permittee in writing of reopening and provide a brief summary of the reason for the reopening at least thirty (30) days prior to the reopening.

c. The EPA may initiate reopenings for circumstances listed in Subsections 386.01.a. through 386.01.d. by providing written notification to the Department and the permittee.

i. The Department ~~shall~~ will within ninety (90) days after receipt of notification from EPA, forward to EPA a proposed determination of termination, revocation, revision, or revocation and reissuance, as appropriate. The Administrator may extend the ninety (90) day period for an additional ninety (90) days if EPA finds that a new or revised permit application is necessary or that the Department must require the permittee to submit additional information.

ii. The EPA will review the proposed determination from the Department within ninety (90) days of receipt.

iii. The Department ~~shall~~ will have ninety (90) days from receipt of an EPA objection to resolve any EPA objection and to terminate, modify, or revoke and reissue the permit.

iv. If the Department fails to submit a proposed determination or fails to resolve any EPA objection, the EPA may terminate, modify, revoke and reissue the permit after taking the following actions:

(1) Providing at least thirty (30) days' notice to the permittee in writing of the reason for such action, and

(2) Providing the permittee an opportunity for comment on the EPA's proposed action and an opportunity for a hearing.

387. ~~REGISTRATION AND~~ TIER I REGISTRATION FEE~~S~~.

~~The purpose of~~ Sections 387 through 397 ~~is to~~ set ~~forth~~ the ~~requirements~~ procedures for the annual registration ~~of~~ and fee assessment for Tier I sources, ~~and the annual assessment and payment of fees to support the Tier I permitting program.~~

~~388. Applicability.~~

~~**01. Applicability**. Sections 387 through 397 shall apply to all major facilities, as defined in Section 008,~~ including facilities that obtained air quality permits that limited potential emissions below ~~major facility~~Tier I source levels during the previous year. ~~Facilities, sources and emissions exempt under Section 301 are not required to register or pay fees.~~

~~**02. Deferred Sources**. Certain sources may qualify for and request deferral from the Tier 1 operating permit program under Subsection 301.02.b.iv. and thereby not pay Tier I fees. On or before such time as those deferred sources are required to submit a Tier 1 operating permit application, the Department shall reconsider Sections 387 through 397 to determine whether an alternative basis upon which those sources shall register and be assessed and pay fees should be developed.~~

~~389. Registration Information.~~

Any person owning or operating a ~~facility or~~Tier I source during the previous calendar year ~~or any portion of the previous calendar year for which Sections 387 through 397 apply shall,~~must by April 1 of each year, register with the Department and submit the following information ~~(submittal forms are located at the DEQ website~~ described at http://www.deq.idaho.gov~~)~~:

01. Facility Information. The name, address, telephone number and location of the facility;

02. Owner/Operator Information. The name, address and telephone numbers of the owners and operators;

03. Facility Emission Units. The number and type of emission units present at the facility or the Tier I permit number for the facility; and

04. Pollutant Registration. The actual emissions from the previous calendar year for oxides of sulfur (SOx), oxides of nitrogen (NOx), particulate matter (PM_{10}), and volatile organic compounds (VOC) calculated using methods to include, but not limited to, continuous emissions monitoring (CEMS), certified source tests, material balances (mass-balance), state/industry emission factors, or AP-42 emission factors applied to throughput, actual operating hours, production rates, in-place control equipment, or the types of materials processed, stored, or combusted.

~~**05. Radionuclide Registration**. The amount of radionuclides from facilities regulated under 40 CFR Part 61, Subpart H, for which the registrant wishes to be registered to emit from each source in curies per year except that no amount in excess of or less than an existing permit, consent order, or judicial order will be allowed.~~

388. – 389. (RESERVED)

390. ~~REGISTRATION~~ TIER I ANNUAL FEE.

~~This registration fee structure shall be reviewed at least every two (2) years to assure the funds meet the presumptive minimum as defined by EPA. The annual registration fee as determined in Section 390 shall be paid as provided in Section 393.~~

~~**01. Tier I Annual Fee**. The~~A Tier I annual fee ~~schedule shall be as follows~~includes the following three components:

~~**a**~~**01. Fixed Annual Fee.** A fixed annual fee for Tier I ~~major~~ sources emitting regulated air pollutants listed in Subsection ~~389~~387.04 as follows:

~~i. Seven thousand (7,000) tons per year and above shall pay seventy-one thousand five hundred dollars ($71,500);~~

~~ii. Four thousand five hundred (4,500) tons per year and above shall pay forty-two thousand nine hundred dollars ($42,900);~~

~~iii. Three thousand (3,000) tons per year and above shall pay twenty-eight thousand six hundred dollars ($28,600);~~

~~iv. One thousand (1,000) tons per year and above shall pay twenty-two thousand seven hundred fifty dollars ($22,750);~~

~~v. Five hundred (500) tons per year and above shall pay eleven thousand fifty dollars ($11,050);~~

vi. Two hundred (200) tons per year and above shall pay seven thousand one hundred fifty dollars ($7,150); and

vii. Less than two hundred (200) tons per year shall pay three thousand five hundred seventy-five dollars ($3,575); plus

Emissions (tons/year)	Fixed Annual Fee
4500 and above	$ 70,785
3000 – 4499	$ 47,190
1000 – 2999	$ 37,540
500 – 999	$ 18,235
200 – 499	$ 11,800
0 – 199	$ 5,900

b02. Fee Based on Presumptive Minimum. A per ton annual fee of thirty-nine dollars and forty-eight cents ($39.48) per ton for fee based on the 40 CFR Part 70 presumptive minimum (https://www.epa.gov/title-v-operating-permits/permit-fees) is calculated by multiplying the presumptive minimum fee in effect on April 1 of each year by the sum of all regulated air pollutant emissions listed in Subsection 389387.04, as follows but not to exceed the following maximum values:

i. Greater than or equal to four thousand five hundred (4,500) tons per year not to exceed one hundred forty-three thousand dollars ($143,000);

ii. Greater than or equal to three thousand (3,000) but less than four thousand five hundred (4,500) tons per year not to exceed seventy-one thousand five hundred dollars ($71,500);

iii. Greater than or equal to one thousand (1,000) but less than three thousand (3,000) tons per year not to exceed thirty-five thousand one hundred dollars ($35,100);

iv. Greater than or equal to five hundred (500) but less than one thousand (1,000) tons per year not to exceed twenty-five thousand twenty-five dollars ($25,025);

v. Greater than or equal to two hundred (200) but less than five hundred (500) tons per year not to exceed ten thousand seven hundred twenty-five dollars ($10,725); and

vi. Less than two hundred (200) tons per year not to exceed three thousand five hundred seventy-five dollars ($3,575).

Emissions (tons/year)	Maximum Fee
4500 and above	$ 181,000
3000 – 4499	$ 91,000
1000 – 2999	$ 44,400
500 – 999	$ 31,500
200 – 499	$ 13,500

0 – 199	$ 4,550

~~02~~03. Fee-for-Service. ~~The fee for service shall be as follows: Sources requesting Section 300 permit modifications or renewals, or receiving program maintenance services, including but not limited to site visits, response to public inquiries, modeling, responses to site questions and opacity readings by~~ A fee for service that the Department ~~shall be~~will assess~~ed~~ ~~a fee for~~based on actual time expended and expenses incurred by the Department in the previous calendar year for 40 CFR Part 70 program activities in an amount not to exceed ~~twenty~~ forty five thousand dollars ($~~20~~45,000) per ~~facility per~~ year ~~as a fee for service. Service shall be conducted by qualified Department staff or contractors~~.

~~**03. Radionuclide Registration Fee**.~~

~~**a.** A registration fee of five dollars per curie per year ($5/curie/year) shall be paid by facilities regulated under 40 CFR Part 61, Subpart H.~~

~~**b.** The registration fee may be paid as provided in Section 397.~~

391. ~~REQUEST FOR INFORMATION.~~ (RESERVED)
~~Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 387 through 397 shall be furnished on request.~~

392. REGISTRATION FEE ASSESSMENT.
All applicable facilities ~~to which Sections 387 through 397 apply shall~~must pay to the Department an annual registration fee ~~as required by Section 390. The Department shall determine the fee~~ based on the information supplied by the registrant ~~and the Department's analysis of information available~~using the methods described in Section 390. ~~In the event of a failure of a~~If the facility fails to submit ~~pertinent~~ registration information, the Department ~~may~~ will calculate the fee and ~~shall~~ assess ~~the facility~~both the fee and the costs of calculating the fee. No later than May 15 of each year, ~~or within fifteen (15) days following the adjournment of the regular session of the Idaho State Legislature, whichever is later,~~ the Department ~~shall~~ will send to each registrant~~, to which Sections 387 through 397 apply, by certified mail,~~ an assessment of the annual fee ~~payable by the registrant~~.

393. PAYMENT OF TIER I REGISTRATION FEE.

~~**01. Fee Payment Date**.~~ The ~~registration~~ fee ~~shall~~ must be paid to and received by the Department no later than July 1 of each year~~, or within forty-five (45) days following the receipt of the registration fee assessment in Section 392, whichever is later~~. ~~Checks should be made payable to "Department of Environmental Quality."~~Information for making payments is available at http://www.deq.idaho.gov.

~~**02. Fee Payments Mailing Address**. All fee payments should be sent to:~~

~~Air Quality Tier I Registration Fees~~
~~Idaho Department of Environmental Quality~~
~~1410 N. Hilton, Boise, Idaho 83706-1255~~

394. EFFECT OF DELINQUENCY ON APPLICATIONS.
No permit to construct or operate~~, other than those issued at the discretion of the Director, shall~~ will be ~~accepted for processing,~~ processed~~, or issued~~ by the Department for any facility or ~~to any~~ person having Tier I operating permit fees delinquent in full or in part.

395. ~~APPEALS.~~ 396. (RESERVED)
~~Persons may file an appeal within thirty-five (35) days of the date the person received an assessment issued under Section 392. The appeal shall be filed in accordance with IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records."~~

~~**396. EXEMPTIONS.**~~

~~**01. Registration Fees**. The following facilities or sources are exempt from paying registration fees under Sections 387 through 397:~~

~~**a.** Facilities and sources specified by the Department, after public notice, as exempt from the payment of registration fees; and~~

~~**b.** Country grain elevators.~~

~~**02. Registering and Paying Fees**. The following facilities or sources are exempt from registering and paying registration fees under Sections 387 through 397:~~

~~**a.** Facilities and sources specified by the Department, after public notice, as exempt from registration and the payment of registration fees;~~

~~**b.** Confined animal feeding operations; and~~

~~**c.** Insignificant activities identified in Subsection 317.01.~~

~~**03. Paying Fees**. The following emissions are exempt from registering and paying registration fees under Sections 387 through 397:~~

~~**a.** Fugitive emissions from wood products.~~

~~**b.** Fugitive dust emissions, except facilities listed in Subsections 008.10.c.i. and 008.10.c.ii. Facilities listed in that section shall not be required to pay fees for fugitive dust emission in excess of one hundred (100) tons.~~

397. LUMP SUM PAYMENTS OF REGISTRATION FEES.

01. Agreement. The Department may~~, in its discretion,~~ enter an agreement with any person for the lump sum payment of all, or any addition to, the registration fees ~~required by~~in Section 390.

02. Minimum Amount. The minimum amount for any lump sum agreement ~~shall be~~is three hundred thousand dollars ($300,000).

03. Payment Waiver. Upon the execution and full performance of the agreement by the person, the Department ~~shall~~ will waive the payment requirements of Section 390. All other provisions of Sections 387 through 397 ~~shall~~ remain applicable to the person.

398. -- 399. (RESERVED)

400. PROCEDURES AND REQUIREMENTS FOR TIER II OPERATING PERMITS.
~~The purpose of~~ Sections 400 through ~~410~~ 409 ~~is to~~ establish uniform procedures for the issuance of "Tier II Operating Permits."

401. TIER II OPERATING PERMIT.

01. Optional Tier II Operating Permits. The owner or operator of any stationary source or facility ~~which is~~ not subject to (or wishes to accept limitations on the facility's potential to emit so as to not be subject to) Sections 300 through 399 may apply to the Department for an operating permit to:

~~**a.** Authorize the use of alternative emission limits (bubbles) pursuant to Section 440;~~

~~**b**~~**a.** Authorize the use of an emission offset pursuant to Sections 204.02.b. or 206;

~~**c**~~**b.** Authorize the use of a potential to emit limitation, an emission reduction or netting transaction to exempt a facility or modification from certain requirements for a permit to construct;

~~d~~c. Authorize the use of a potential to emit limitation to exempt the facility from Tier I permitting requirements~~.~~; and

~~e~~d. Bank an emission reduction credit pursuant to Section 461~~;~~.

02. Required Tier II Operating Permits.

a. A Tier II operating permit is required for any stationary source or facility ~~which~~ that~~:~~

~~i. Is not subject to Sections 300 through 399 with a permit to construct which establishes any emission standard different from those in these rules.~~

~~ii. H~~has annual actual mercury emissions in excess of sixty-two (62) pounds. Fugitive emissions ~~shall~~ are not ~~be~~ included in a determination of the actual mercury emissions. The owner or operator of the stationary source or facility ~~shall~~ must submit a Tier II permit application for review and approval by the Department, no later than twelve (12) months after becoming subject to Subsection 401.02.a.~~ii.~~, that includes an MBACT analysis for all sources that emit mercury. A determination of applicability under Subsection 401.02 ~~shall~~ will be based upon best available information. An MBACT analysis for review and approval by the Department ~~shall~~ must be included in a Tier II renewal application for any mercury emitting source not otherwise subject to MBACT.

b. Stationary sources within a source category subject to 40 CFR Part 63 are exempt from the requirements of Subsection 401.02.a.~~ii.~~

03. Tier II Operating Permits Required by the Department. The ~~Director~~Department may require or revise a Tier II operating permit for any stationary source or facility whenever the Department determines that:

a. Emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment; or

b. Specific emission standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule.

~~**04. Multiple Tier II Operating Permits**. Subject to approval by EPA, the Director may issue one (1) or more Tier II operating permits to a facility which allow any specific stationary source or emissions unit within that facility a future compliance date of up to three (3) years beyond the compliance date of any provision of these rules, provided the Director has reasonable cause to believe such a future compliance date is warranted.~~

~~05~~04. **Tier II Operating Permits Establishing a Facility Emissions Cap**. The owner or operator of any stationary source or facility may request a Tier II operating permit establishing a Facility Emissions Cap (FEC) pursuant to Sections 175 through 181.

402. APPLICATION PROCEDURES.

Application for a Tier II operating permit must be made using forms furnished by the Department, or by other means ~~prescribed~~ approved by the Department. The application ~~shall~~ must be certified by the responsible official and ~~shall~~ be accompanied by all information necessary to perform any analysis or make any determination required under Sections 400 through 410.

01. Required Information. Site information, plans, description, specifications, and drawings showing the design of the stationary source, facility, or modification, the nature and amount of emissions (including secondary emissions), and the manner in which it will be operated and controlled.

02. Additional Specific Information.

a. For emission reduction credits, a description of the emission reduction credits proposed for use, including descriptions of the stationary sources or facilities providing the reductions, a description of the system of continuous emission control ~~which~~ that provides the emission reduction credits, emission estimates, and other information necessary to determine that the emission reductions satisfy the requirements for emission reduction credits (Section 460)~~; and~~.

b. For ~~alternative emission limits (bubbles) or~~ emission offsets, information on the air quality impacts of the traded emissions as necessary to determine the change in ambient air quality that would occur.

~~c~~**b.** For restrictions on potential to emit, a description of the proposed potential to emit limitations including the proposed monitoring and recordkeeping requirements that will be used to verify compliance with the limitations.

03. Estimates of Ambient Concentrations. All estimates of ambient concentrations ~~shall~~ must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR Part 51 Appendix W (Guideline on Air Quality Models).

~~**a.** Where an air quality model specified in the "Guideline on Air Quality Models" is inappropriate, the model may be modified or another model substituted, subject to written approval of the Administrator of the U.S. Environmental Protection Agency EPA Administrator and public comment pursuant to Subsection 404.01.c.~~

~~**b.** Methods like those outlined in the U.S. Environmental Protection Agency's "Interim Procedures for Evaluating Air Quality Models (revised)" (1984) should be used to determine the comparability of air quality models.~~

04. Additional Information. Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 400 through ~~410~~ 409 shall be furnished upon request.

403. PERMIT REQUIREMENTS FOR TIER II SOURCES.

No Tier II operating permit ~~shall~~ will be granted unless the applicant shows to the satisfaction of the Department that:

01. Emission Standards. The stationary source would comply with all applicable local, state or federal emission standards.

02. NAAQS. The stationary source would not cause or significantly contribute to a violation of any ambient air quality standard.

404. PROCEDURE FOR ISSUING PERMITS.

01. General Procedures. General procedures for Tier II operating permits.

a. Within thirty (30) days after receipt of the application for a Tier II operating permit, the Department ~~shall~~ will determine whether the application is complete or whether more information must be submitted and ~~shall~~will notify the applicant of its findings in writing.

b. Within sixty (60) days after the application is determined to be complete the Department ~~shall~~will:

i. Notify the applicant in writing of the approval ~~, conditional approval,~~ or denial of the application if an opportunity for public comment is not required pursuant to Subsection 404.01.c. The Department ~~shall~~ will set forth reasons for any denial; or

ii. Issue a proposed approval~~, proposed conditional approval,~~ or proposed denial.

c. An opportunity for public comment will~~shall~~ be provided on an application for any Tier II operating permit pursuant to Subsection 401.01~~, any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516~~ and any other application ~~which~~ that the ~~Director~~ Department determines an opportunity for public comment should be provided.

~~i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, shall be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located.~~

ii. The availability of such materials shallwill be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located.

iii. A copy of such notice shall will be sent to the applicant and to appropriate federal, state and local agencies.

ivii. There shall will be a thirty (30) day period after initial publication for comment on the Department's proposed action, such comment to be made in writing to the Department.

iv. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication of the notice, unless the DirectorDepartment deems that additional time is required to evaluate comments and information received, the Department shall will notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department shall will set forth the reasons for any denial.

vi. All comments and additional information received during the comment period, together with the Department's final determination, shall will be made available to the public at the same location as the preliminary determination.

d. A copy of each proposed and final permit will be sent to the U.S. Environmental Protection AgencyEPA.

02. Specific Procedures. Procedures for Tier II operating permits required by the Department under Subsection 401.03.

a. The DirectorDepartment shall will send a notification to the proposed permittee by registered mail of his intention to issue a Tier II operating permit for the facility concerned. The notification shall will contain a copy of the proposed permit in draft form stating the proposed emission standards and any required action, with corresponding dates, which that must be taken by the proposed permittee in order to achieve or maintain compliance with the proposed Tier II operating permit.

b. The application and the Department's proposed Tier II operating permit shall will be made available to the public in at least one (1) location in the region in which the facility is located. The availability of such materials shall will be made known by notice published in a newspaper of general circulation in the county(ies) in which the facility is located. A copy of such notice shall will be sent to the applicant. There shall will be a thirty (30) day period after publication for comment on the Department's proposed Tier II operating permit. Such comment shall must be made in writing to the Department.

c. A public hearing will be scheduled to consider the standards and limitations contained in the proposed Tier II operating permit if the proposed permittee files a request therefor with the Department within ten (10) days of receipt of the notification, or if the DirectorDepartment determines that there is good cause to hold a hearing.

d. After consideration of comments and any additional information submitted during the comment period or at any public hearing, the DirectorDepartment shall will render a final decision upon the proposed Tier II operating permit within thirty (30) days of the close of the comment period or hearing. At this time the DirectorDepartment may adopt the entire Tier II operating permit as originally proposed or any part or modification thereof.

e. All comments and additional information received during the comment period, together with the Department's final permit, shall will be made available to the public at the same location as the proposed Tier II operating permit.

03. Availability of Fluid Models and Field Studies. The Department will notify the public of the availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon.

04. Permit Revision or Renewal. The DirectorDepartment may approve a revision of any Tier II operating permit or renewal of any Tier II operating permit provided the stationary source or facility continues to meet

all applicable requirements of Sections 400 through ~~410~~409. Revised permits will be issued pursuant to procedures for issuing permits (Section 404), except that the requirements of Subsection 404.01.c. ~~shall~~ only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the ~~Director~~Department. Renewed Tier II operating permits will be issued pursuant to procedures for issuing permits (Section 404), except that the requirements of Subsections 404.01.c., and 404.02.b. through 404.02.e. ~~shall~~ only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the ~~Director~~Department. The expiration of a permit will not affect the operation of a stationary source or a facility during the administrative procedure period associated with the permit renewal process. The permittee ~~shall~~ must submit a complete application to the Department for a renewal of the terms and conditions establishing the Tier II operating permit at least six (6) months before, but no earlier than eighteen (18) months before, the expiration date of the existing permit. To ensure that the term of the permit does not expire before the terms and conditions are renewed, the permittee is encouraged to submit the application nine (9) months prior to expiration.

05. Transfer of Tier II Permit.

a. Transfers by Revision. A Tier II permit may be transferred to a new owner or operator in accordance with Subsection 404.04.

b. Automatic Transfers. Any Tier II permit, with or without transfer prohibition language, may be automatically transferred if:

i. The current permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date;

ii. The notice provides written documentation signed by the current and proposed permittees containing a date for transfer of permit responsibility, designation of the proposed permittee's responsible official, and certification that the proposed permittee has reviewed and intends to operate in accordance with the permit terms and conditions; and

iii. The Department does not notify the current permittee and the proposed permittee within thirty (30) days of receipt of the notice of the Department's determination that the permit must be revised pursuant to Subsection 404.04. If the Department does not issue such notice, the transfer is effective on the date provided in the notice described in Subsection 404.05.b.ii.

405. CONDITIONS FOR TIER II OPERATING PERMITS.

01. Reasonable Conditions. The Department may impose any reasonable conditions upon an approval, including conditions requiring the stationary source or facility to be provided with:

a. Sampling ports of a size, number, and location as the Department may require;

b. Safe access to each port;

c. Instrumentation to monitor and record emissions data;

d. Instrumentation for ambient monitoring to determine the effect emissions from the stationary source or facility may have, or are having, on the air quality in any area affected by the stationary source or facility; and

e. Any other sampling and testing facilities as may be deemed reasonably necessary.

02. Performance Tests. Any performance tests required by the permit ~~shall~~ must be performed in accordance with methods and under operating conditions approved by the Department. The owner or operator ~~shall~~ must furnish to the Department a written report of the results of such performance test.

a. Such test ~~shall be~~is at the expense of the owner or operator.

b. The Department may monitor such test and may also conduct performance tests.

c. The owner or operator of a stationary source or facility ~~shall~~ must provide the Department fifteen (15) days prior notice of the performance test to afford the Department the opportunity to have an observer present.

03. Permit Term. Tier II operating permits ~~shall~~ will be issued for a period not to exceed five (5) years. This five (5) year operating permit restriction does not apply to the provisions contained in Section 461.02 ~~(banked emission reduction credits).~~.

~~**04. Single Tier II Operating Permit**. When a facility includes more than one (1) stationary source or emissions unit, a single Tier II operating permit may be issued including all stationary sources and emissions units located at that facility. Such Tier II operating permit shall separately identify each stationary source and emissions unit to which the Tier II operating permit applies. When a single stationary source or facility is subject to permit modification, suspension or revocation, such action by the Director shall only affect that individual stationary source or emissions unit without thereby affecting any other stationary source or emissions unit subject to that Tier II operating permit.~~

~~**406. OBLIGATION TO COMPLY.**~~
~~Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal rules and regulations.~~
406. (RESERVED)

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, ~~shall~~ must be paid to the Department by the person receiving a Tier II permit or permit renewal. The fee calculation ~~shall~~ will not include fugitive emissions.

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

02. Tier II Operating Permit Processing Fee Not Required. ~~So long as~~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:

a. A permit to construct issued within the last five (5) years is rolled into a Tier II permit;

b. A change to correct typographical errors is requested;

c. A change in the name or ownership of the holder of a Tier II operating permit is requested; or

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.

408. PAYMENT OF TIER II OPERATING PERMIT PROCESSING FEE.

01. Fee Submittal. The Tier II operating permit processing fee ~~shall be~~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. ~~The Tier II operating permit fee should be sent to:~~

~~Air Quality Tier II Fees~~
~~Fiscal Office~~
~~Idaho Department of Environmental Quality~~
~~1410 N. Hilton, Boise, ID 83706-1255~~ Information for making payments is available at http://www.deq.idaho.gov.

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.

409. RECEIPT AND USAGE OF FEES.
Tier II operating permit processing fee and delinquency interest receipts ~~shall~~ will be deposited by the Department into a stationary source permit account. Monies from this account ~~shall be~~are used solely toward technical, legal and administrative support of the Department's Permit to Construct and Tier II permit programs and ~~shall~~ 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. ~~The Department will review the Tier II fee schedule at least every two (2) years.~~

~~**410. APPEALS.**~~
~~A person may be able to file an appeal within thirty-five (35) days of the date the person receives an assessment under Section 407, in accordance with IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality."~~

~~411~~410. -- ~~439~~459. (RESERVED)

~~**440. REQUIREMENTS FOR ALTERNATIVE EMISSION LIMITS (BUBBLES).**~~
~~The owner or operator of any facility may apply to the Department for a Tier I or Tier II operating permit (or a revision thereto) to authorize an alternative emission limit for any stationary source or emissions unit within the facility. The Department may issue or revise a Tier II operating permit or issue a significant modification to a Tier I operating permit which authorizes an alternative emission limit provided that all of the following are met:~~

~~**01. Actual Emissions**. There is no increase in actual emissions of the applicable air pollutant at the facility.~~

~~**02. Emission Reductions**. All emission reductions satisfy the requirements for emission reduction credits (Section 460).~~

~~**03. Trade Requirements**. All trades involve the same air pollutant and demonstrate ambient equivalence as specified in Subsection 441.02.~~

~~**04. Applicable Requirement Prohibition**. No applicable Section of 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63, best available control technology requirement, lowest achievable emission rate requirement, or visual emission standard is exceeded.~~

~~**05. Actual HAP/TAP Emissions**. The actual emissions of any hazardous air pollutant or any toxic air pollutant are not increased.~~

~~**06. Fugitive Dust Trades**. Where the trade involves fugitive dust, the owner or operator shall undertake an adequate post-approval monitoring program to evaluate the ambient results of the controls. If the monitoring data indicate that the air quality effects are not equivalent, then:~~

~~**a.** Further reductions must be proposed by the owner or operator; and/or~~

~~**b.** The applicable emission standards in the operating permit will be adjusted by the Department;~~

~~**07. Compliance Schedule Extension**. Any compliance schedule extension for a facility in a nonattainment area is consistent with reasonable further progress.~~

~~**08. EPA Approval**. Approval of the U.S. Environmental Protection Agency, and where necessary the appropriate court, has been obtained for any individual stationary source or facility which is the subject of a federal enforcement action or outstanding enforcement order.~~

~~**441. DEMONSTRATION OF AMBIENT EQUIVALENCE.**~~
~~The demonstration of ambient equivalence shall:~~

~~**01. VOC Trades**. For trades involving volatile organic compounds, show that total emissions are not increased for the air basin in which the stationary source or facility is located.~~

~~**02. Other Trades**. For trades involving any other air pollutant, show through appropriate dispersion modeling that the trade will not cause a significant contribution at any modeled receptor.~~

~~**442. -- 459. (RESERVED)**~~

460. REQUIREMENTS FOR EMISSION REDUCTION CREDIT.
In order to be credited in a permit to construct, Tier I operating permit or Tier II operating permit any emission reduction must satisfy the following:

01. Allowable Emissions. The proposed level of allowable emissions must be less than the actual emissions of the stationary source(s) or emission unit(s) providing the emission reduction credit. No emission reduction(s) can be credited for actual emissions ~~which~~ that exceed the allowable emissions of the stationary source(s) or emission unit(s).

02. Timing of Emission Reduction. In an attainment or unclassifiable area, any emission reduction ~~which~~ that occurs prior to the minor source baseline date must have been banked with the Department prior to the minor source baseline date in order to be credited; in a nonattainment area the emission reduction must occur after the base year of any control strategy for the particular air pollutant.

03. Emission Rate Calculation. The emission rate before and after the reduction must be calculated using the same method and averaging time and the characteristics necessary to evaluate any future use of the emission reduction credit must be described.

04. Permit Issuance. A permit to construct, Tier I operating permit or Tier II operating permit ~~shall~~ will be issued ~~which~~ to establish~~es~~ a new emission standard for the facility, or restrict~~s~~ the operating rate, hours of operation, or the type or amount of material combusted, stored or processed for the stationary source(s) or emission unit(s) providing the emission reductions.

05. Imposed Reductions. Emission reductions imposed by local, state or federal regulations or permits ~~shall~~ will not be allowed for emission reduction credits.

06. Mobile Sources. The proposed level of allowable emissions must be less than the actual emissions of the mobile sources or stationary sources providing the emission reduction credit. Mobile source emission reduction credits ~~shall~~ will be made state or federally enforceable by SIP revision. The form of the SIP revision may be a state or local regulation, operating permit condition, consent or enforcement order, or any mechanism available to the state that is enforceable.

461. REQUIREMENTS FOR BANKING EMISSION REDUCTION CREDITS (ERC'S).

01. Application to Bank an ERC. The owner or operator of any facility may apply to the Department

for a Tier I or Tier II operating permit (or a revision thereto) to bank an emission reduction credit. An application to bank an emission reduction credit must be received by the Department no later than one (1) year after the reduction occurs. The Department may issue or revise such a Tier I or Tier II operating permit and a "Certificate of Ownership" for an emission reduction credit, provided that all emission reductions satisfy the requirements ~~for emission reduction credits (~~of Section 460~~)~~.

02. Banking Period. Emission reduction credits may be banked with the Department. The banked emission reduction credits may be used for offsets, netting in accordance with the definition of net emissions increase at Section 007, ~~or alternative emission limits (bubbles),~~ or sold to other facilities. The use of banked emission reduction credits must satisfy the applicable requirements of the program in which they are proposed for use, including approval of a permit to construct or a Tier I or Tier II operating permit.

03. Certificate of Ownership. Upon issuing or revising a Tier I or Tier II operating permit for an emission reduction credit, the Department will issue a "Certificate of Ownership" ~~which~~ that will identify the owner of the credits, quantify the credited emission reduction and describe the characteristics of the emissions ~~which~~that were reduced and emissions unit(s) ~~which~~ that previously emitted them.

04. Adjustment by Department. If at any time the Department, or the owner or operator of a facility ~~which~~ that has produced an emission reduction credit, finds that the actual reduction in emissions differs from that in the certificate of ownership, the Department will adjust the amount of banked emission reduction credits to reflect the actual emission reduction and issue a revised certificate of ownership.

05. Proportional Discounts. If at any time the Department finds that additional emission reductions are necessary to attain and maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment, banked emission reduction credits at facilities in the affected area may be proportionally discounted by an amount ~~which~~ that will not exceed the percentage of emission reduction required for that area.

06. Transfer of Ownership. Whenever the holder of a certificate of ownership for banked emission reduction credits, sells or otherwise transfers ownership of all or part of the banked credits, the holder ~~shall~~ must submit the certificate of ownership to the Department. The Department will issue a revised certificate(s) of ownership ~~which~~ that reflects the old and new holder(s) and amount(s) of banked emission reduction credits.

07. Public Registry. The Department will maintain a public registry of all banked emissions reduction credits, indicating the current holder of each certificate of ownership and the amount and type of credited emissions.

462. -- 499. (RESERVED)

500. REGISTRATION PROCEDURES AND REQUIREMENTS FOR PORTABLE EQUIPMENT.

~~**01. Registration Requirements**.~~ All existing portable equipment ~~shall~~must be registered ~~within ninety (90) days after the original effective date of this Section 500 and~~ at least ten (10) days prior to relocating, using forms provided by the Department, except that no registration is required for mobile internal combustion engines, marine installations and locomotives.

~~**02. Compliance with Rules and Regulations**. Possessing a "Certificate of Registration" does not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal rules and regulations.~~

501. -- 509. (RESERVED)

510. STACK HEIGHTS AND DISPERSION TECHNIQUES.
~~The purpose of~~ Sections 510 through ~~516~~ 514 ~~is to~~ establish criteria for good engineering practice for stack heights and dispersion techniques and .

~~**511. APPLICABILITY.**~~
~~The provisions of Sections 510 through 516 shall~~ apply to existing, new, and modified stationary sources and facilities. ~~The provisions of~~ Sections 510 through ~~516~~ 514 do not apply to stack heights in existence, or dispersion techniques implemented, on or before December 31, 1970, except where regulated or toxic air pollutant(s) are being emitted from

such stacks or using such dispersion techniques by sources ~~which~~ that were constructed, or reconstructed, or for which major modifications were carried out, after December 31, 1970. Definitions for Section 510 through 514 are found in 40 CFR 51.100 incorporated by reference in Section 107.

~~**512. DEFINITIONS.**~~

~~For the purpose of Sections 500 through 516:~~

~~**01. Dispersion Technique**. Any technique which attempts to affect the concentration of a regulated or toxic air pollutant in the ambient air by:~~

~~**a.** Using that portion of a stack which exceeds good engineering practice stack height;~~

~~**b.** Varying the rate of emission of a regulated or toxic air pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or~~

~~**c.** Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one (1) stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; smoke management in agricultural or silvicultural prescribed burning programs; episodic restrictions on residential woodburning and open burning; techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed five thousand (5,000) tons per year; or the merging of exhaust gas streams where:~~

~~i. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;~~

~~ii. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a regulated or toxic air pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the regulated or toxic air pollutant affected by such change in operation; or~~

~~iii. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source.~~

~~**02. Excessive Concentration**. For the purpose of determining good engineering practice stack height in a fluid modeling evaluation or field study as provided for in Subsection 512.03.c. "Excessive Concentration" means:~~

~~**a.** For sources seeking credit for stack height exceeding that established under Subsection 512.03.b., a maximum ground level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such effects, and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program, an excessive concentration alternatively means a maximum ground level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under Subsection 512.02.a., shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Department, an alternative emission rate shall be established in consultation with the source owner or operator.~~

b. For sources seeking credit after October 1, 1983, for increases in existing stack heights up to the heights established under Subsection 512.03.b., either:

i. A maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects as provided in Subsection 512.02.a., except that the emission rate specified by any applicable SIP or, in the absence of such a limit, the actual emission rate shall be used; or

ii. The actual presence of a local nuisance caused by the existing stack as determined by the authority administering the Department.

c. For sources seeking credit after January 12, 1979, for a stack height determined under Subsection 512.03.b., where the Department requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in Subsection 512.03.b., a maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects that is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

03. Good Engineering Practice (GEP) Stack Height. The greater of:

a. Sixty-five (65) meters, measured from the ground-level elevation at the base of the stack;

b. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required,

$H = 2.5S$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation. For all other stacks provided that the Department may require the use of a field study or fluid model to verify GEP stack height for the source,

$H = S + 1.5L$

where:

i. H = good engineering practice stack height measured from the ground-level elevation at the base of the stack.

ii. S = height of nearby structure(s) measured from the ground-level elevation at the base of the stack.

iii. L = lesser dimension, height or projected width, of nearby structure(s).

c. The height demonstrated by a fluid model or a field study approved by the Department which ensures that the emissions from a stack do not result in excessive concentrations of any regulated or toxic air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain features.

04. Nearby Structures or Terrain Features. "Nearby" as applied to a specific structure or terrain feature under the definition of "good engineering practice stack height"; and

a. For purposes of applying the formulae provided under Subsection 512.03.b., means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile (0.8 km); and

b. For conducting demonstrations under Subsection 512.03.c., means not greater than one-half (0.5) mile (0.8 km), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if such feature achieves a height one-half (0.5) mile (0.8 km) from the stack that is at least forty percent (40%) of the GEP stack height determined by the formulae provided in Subsection 512.03.b., or twenty-six (26) meters, whichever is greater, as measured from the

~~ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.~~

~~**05. Stack in Existence**. The owner or operator had:~~

~~**a.** Begun, or caused to begin, a continuous program of physical on-site construction of the stack; or~~

~~**b.** Entered into binding agreements or contractual obligations which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.~~

51~~3~~1. REQUIREMENTS.
The required degree of emission control of any regulated or toxic air pollutant ~~shall~~ must not be affected by the amount of any stack height that exceeds good engineering practice (GEP) or by any other dispersion technique.

51~~4~~2. OPPORTUNITY FOR PUBLIC HEARING.
Whenever a new or revised emission limitation is to be based on a good engineering practice stack height that exceeds the height allowed by the GEP stack height formulae ~~in Subsections 512.03.a. and 512.03.b.~~, the Department will notify the public of the availability of the demonstration study submitted ~~under Subsection 512.03.c.,~~ and will provide an opportunity for public hearing on the demonstration study.

51~~5~~3. APPROVAL OF FIELD STUDIES AND FLUID MODELS.
Any field study or fluid model used to demonstrate GEP stack height ~~under Subsection 512.03.b. or 512.03.c.,~~ and any determination of "excessive concentration" ~~under Subsection 512.02~~ must be approved by the EPA prior to an emission limit being established. The construction of any new stack~~,~~ or any increase to the height of any existing stack ~~to the height~~ determined by the GEP stack height formulae ~~in Subsection 512.03.b.,~~ without completing a fluid model and a field study, must be approved by the EPA.

51~~6~~4. NO RESTRICTION ON ACTUAL STACK HEIGHT.
~~The provisions of~~ Sections 510 through ~~516~~ 514 do not restrict, in any manner, the actual stack height of any stationary source or facility.

515. –516. (RESERVED)

Note: Sections 517 through 527 remain in effect until the repeal of Idaho Code § 39-116B on July 1, 2023 (see Senate Bill No. 1254).

517. MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM.

01. Purpose. The purpose of Sections 517 through 527 is to set forth the minimum standards for a motor vehicle inspection and maintenance program, established pursuant to Section 39-116B, Idaho Code, for registered motor vehicles as defined in Section 49-123, Idaho Code. This program is designed to follow the basic inspection and maintenance program defined in 40 CFR 51.352.

02. Applicability. Sections 517 through 527 apply only to the counties of Ada and Canyon and the cities of Boise, Eagle, Garden City, Meridian, Kuna, Star, Caldwell, Greenleaf, Melba, Middleton, Nampa, Notus, Parma, and Wilder.

03. Options.

a. Section 39-116B, Idaho Code, provides the counties and cities listed in Subsection 517.02 with the following implementation options. The counties and cities may:

i. Enter into a joint exercise of powers agreement with the Director to implement a motor vehicle inspection and maintenance program; or

ii. Obtain Department approval to implement an alternative motor vehicle emissions control strategy

that will result in emissions reductions equivalent to that of a motor vehicle inspection and maintenance program.

b. If neither of the options listed in Subsection 517.03.a. are selected, the Department shall implement the motor vehicle inspection and maintenance program.

04. **Governing Authority**. For the purpose of Sections 517 through 527, governing authority means the governing entity responsible for the development and implementation of the motor vehicle inspection and maintenance program. The governing entity may be the counties and cities listed in Subsection 517.02 or the Department. The governing authority shall adopt Sections 517 through 527 of these rules.

05. **Exemptions**. Sections 517 through 527 do not apply to the following:

a. Electric or hybrid motor vehicles;

b. Motor vehicles with a model year less than five (5) years old;

c. Motor vehicles with a model year older than 1981;

d. Classic automobiles as defined by Section 49-406A, Idaho Code;

e. Motor vehicles with a maximum vehicle gross weight of less than fifteen hundred (1500) pounds;

f. Motor vehicles registered as motor homes as defined by Section 49-114, Idaho Code;

g. Motorized farm equipment; and

h. Registered motor vehicles engaged solely in the business of agriculture.

518. REQUIREMENTS FOR LICENSING AUTHORIZED INSPECTION STATIONS OR RETEST STATIONS.

01. **General**.

a. No person or enterprise shall in any manner represent any place as an inspection station or retest station unless such station is operated under a valid license issued by the governing authority.

b. No license for any inspection station or retest station may be assigned, transferred or used by other than the original applicant for that specific station.

02. **Applications for License**. Applications for license as an inspection station or retest station shall be made on the forms provided by the governing authority. No license shall be issued unless the governing authority finds that the facilities, tools and equipment of the applicant comply with the requirements set forth in Subsections 518.03 or 518.04.

03. **Requirements for Licensed Inspection Stations**. In order to qualify for issuance and continuance of an inspection station license, an establishment must meet the following requirements:

a. Must have a permanent location;

b. Must ensure that at least one employee, who has been issued an emissions technician license by the governing authority, is on duty at all times of station operation;

c. Must demonstrate the ability to perform the emissions test and comply with reporting and recordkeeping requirements established by the governing authority;

d. Must obtain and maintain in force appropriate business liability insurance; and

e. Must have the tools, equipment and supplies, as required by the governing authority, available for

performance of the emissions test.

04. Requirements for Licensed Retest Stations. In order to qualify for issuance and continuance of a retest station license, an establishment must meet the requirements listed in Subsection 518.03.

05. Approval Procedure.

a. Applications received by the governing authority will be reviewed for completeness and an inspection of the facility will be performed. An inspection report will be prepared for the governing authority's review.

b. Stations which meet the requirements of Subsections 518.01 through 518.04 will be granted an inspection station license or retest station license and issued a station sign. The station sign and license shall be posted in a conspicuous place, readily visible to the public. The station sign and license shall remain the property of the governing authority.

06. Revocation of Inspection Station or Retest Station License. The governing authority has the authority to issue warnings and suspend or revoke a station license upon a showing that emission tests are not being performed in accordance with these rules and any other specifications or procedures enacted by the governing authority.

519. REQUIREMENTS FOR LICENSING AUTHORIZED EMISSIONS TECHNICIANS.

01. Applications for License. Application for a license as an emissions technician shall be filed with the governing authority. Applications for the emissions technician license shall be completed on forms provided by the governing authority.

02. Requirements for Issuance of an Emissions Technician License. An applicant must demonstrate the knowledge and skill necessary to perform an emissions test of motor vehicle engines. The governing authority shall require the minimum standards set forth in 40 CFR 51.367, incorporated by reference into these rules at Section 107.

03. Revocation of Emissions Technician License. The governing authority has the authority to issue warnings and suspend or revoke an emissions technician license upon a showing that emission tests are not being performed in accordance with these rules or any other specifications or procedures enacted by the governing authority.

520. INSPECTION FREQUENCY.
The inspection shall occur no more than once every two (2) years. If the owner of the motor vehicle obtains a waiver pursuant to Section 526, the motor vehicle must be inspected the following year.

521. TEST PROCEDURE REQUIREMENTS.
The governing authority shall require the minimum standards set forth in 40 CFR 51.357(a), incorporated by reference into these rules at Section 107.

522. TEST STANDARDS.
The governing authority shall require the minimum standards set forth in 40 CFR 51.357(b), incorporated by reference into these rules at Section 107.

523. TEST EQUIPMENT.
The governing authority shall require the minimum standards set forth in 40 CFR 51.358, incorporated by reference into these rules at Section 107.

524. INSPECTION FEE.
The fee for a motor vehicle inspection, as established in Section 39-116B(2)(g), Idaho Code, shall not exceed twenty dollars ($20) per vehicle. This fee is necessary to carry out the provisions of Sections 517 through 527 and to fund an air quality public awareness and outreach program.

525. PUBLIC OUTREACH.
The governing authority shall issue a pamphlet for distribution to owners of motor vehicles. The pamphlet shall include, but not be limited to, the reasons for and the methods of the inspection. The governing authority may also

establish and operate an informational hotline, website, or any other means of outreach that is deemed to be efficient and effective by the governing authority.

526. WAIVERS.

The governing authority shall require the minimum standards set forth in 40 CFR 51.360(a), incorporated by reference into these rules at Section 107. If the owner of the motor vehicle obtains a waiver, the motor vehicle must be inspected the following year.

01. Financial Hardship. If repairs required under Section 526 pose a financial hardship on the owner of the motor vehicle, the governing authority shall have the authority to issue a waiver without requiring expenditure of the amounts listed in 40 CFR 51.360(a). Such determination of hardship shall be made on a case-by-case basis by the governing authority.

02. Public Service Vehicles Operating Less than 1,000 Miles Per Year. For public service vehicles owned by a governmental entity and operated less than one thousand (1,000) miles per year, the governing authority shall have the authority to issue a waiver without requiring expenditure of the amounts listed in 40 CFR 51.360(a).

527. EXTENSIONS.

The governing authority shall have the authority to grant extensions for vehicles or vehicle owners temporarily located outside of a testing area that cannot easily be returned to an area for testing. The extension shall not exceed one (1) year. For active-duty military personnel and their families stationed outside the applicable testing area specified in Subsection 517.02, a time extension not to exceed the testing period is available. Military extensions shall be renewed with current military orders.

The deletion of Sections 517 through 527 is not effective until the repeal of Idaho Code § 39-116B on July 1, 2023 (see Senate Bill No. 1254).

~~**517. MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM.**~~

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~~**03. Options**.~~

~~**a.** Section 39-116B, Idaho Code, provides the counties and cities listed in Subsection 517.02 with the following implementation options. The counties and cities may:~~

~~i. Enter into a joint exercise of powers agreement with the Director to implement a motor vehicle inspection and maintenance program; or~~

~~ii. Obtain Department approval to implement an alternative motor vehicle emissions control strategy that will result in emissions reductions equivalent to that of a motor vehicle inspection and maintenance program.~~

~~**b.** If neither of the options listed in Subsection 517.03.a. are selected, the Department shall implement the motor vehicle inspection and maintenance program.~~

~~**04. Governing Authority**. For the purpose of Sections 517 through 527, governing authority means the governing entity responsible for the development and implementation of the motor vehicle inspection and maintenance program. The governing entity may be the counties and cities listed in Subsection 517.02 or the Department. The governing authority shall adopt Sections 517 through 527 of these rules.~~

~~**05. Exemptions**. Sections 517 through 527 do not apply to the following:~~

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518. REQUIREMENTS FOR LICENSING AUTHORIZED INSPECTION STATIONS OR RETEST STATIONS.

01. General.

a. No person or enterprise shall in any manner represent any place as an inspection station or retest station unless such station is operated under a valid license issued by the governing authority.

b. No license for any inspection station or retest station may be assigned, transferred or used by other than the original applicant for that specific station.

02. Applications for License. Applications for license as an inspection station or retest station shall be made on the forms provided by the governing authority. No license shall be issued unless the governing authority finds that the facilities, tools and equipment of the applicant comply with the requirements set forth in Subsections 518.03 or 518.04.

03. Requirements for Licensed Inspection Stations. In order to qualify for issuance and continuance of an inspection station license, an establishment must meet the following requirements:

a. Must have a permanent location;

b. Must ensure that at least one employee, who has been issued an emissions technician license by the governing authority, is on duty at all times of station operation;

c. Must demonstrate the ability to perform the emissions test and comply with reporting and recordkeeping requirements established by the governing authority;

d. Must obtain and maintain in force appropriate business liability insurance; and

e. Must have the tools, equipment and supplies, as required by the governing authority, available for performance of the emissions test.

04. Requirements for Licensed Retest Stations. In order to qualify for issuance and continuance of a retest station license, an establishment must meet the requirements listed in Subsection 518.03.

05. Approval Procedure.

a. Applications received by the governing authority will be reviewed for completeness and an inspection of the facility will be performed. An inspection report will be prepared for the governing authority's review.

b. Stations which meet the requirements of Subsections 518.01 through 518.04 will be granted an

inspection station license or retest station license and issued a station sign. The station sign and license shall be posted in a conspicuous place, readily visible to the public. The station sign and license shall remain the property of the governing authority.

06. Revocation of Inspection Station or Retest Station License. The governing authority has the authority to issue warnings and suspend or revoke a station license upon a showing that emission tests are not being performed in accordance with these rules and any other specifications or procedures enacted by the governing authority.

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520. INSPECTION FREQUENCY.
The inspection shall occur no more than once every two (2) years. If the owner of the motor vehicle obtains a waiver pursuant to Section 526, the motor vehicle must be inspected the following year.

521. TEST PROCEDURE REQUIREMENTS.
The governing authority shall require the minimum standards set forth in 40 CFR 51.357(a), incorporated by reference into these rules at Section 107.

522. TEST STANDARDS.
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The governing authority shall require the minimum standards set forth in 40 CFR 51.358, incorporated by reference into these rules at Section 107.

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The fee for a motor vehicle inspection, as established in Section 39-116B(2)(g), Idaho Code, shall not exceed twenty dollars ($20) per vehicle. This fee is necessary to carry out the provisions of Sections 517 through 527 and to fund an air quality public awareness and outreach program.

525. PUBLIC OUTREACH.
The governing authority shall issue a pamphlet for distribution to owners of motor vehicles. The pamphlet shall include, but not be limited to, the reasons for and the methods of the inspection. The governing authority may also establish and operate an informational hotline, website, or any other means of outreach that is deemed to be efficient and effective by the governing authority.

526. WAIVERS.
The governing authority shall require the minimum standards set forth in 40 CFR 51.360(a), incorporated by reference into these rules at Section 107. If the owner of the motor vehicle obtains a waiver, the motor vehicle must be inspected the following year.

01. Financial Hardship. If repairs required under Section 526 pose a financial hardship on the owner of the motor vehicle, the governing authority shall have the authority to issue a waiver without requiring expenditure of the amounts listed in 40 CFR 51.360(a). Such determination of hardship shall be made on a case-by-case basis by

the governing authority.

02. Public Service Vehicles Operating Less than 1,000 Miles Per Year. For public service vehicles owned by a governmental entity and operated less than one thousand (1,000) miles per year, the governing authority shall have the authority to issue a waiver without requiring expenditure of the amounts listed in 40 CFR 51.360(a).

527. EXTENSIONS.
The governing authority shall have the authority to grant extensions for vehicles or vehicle owners temporarily located outside of a testing area that cannot easily be returned to an area for testing. The extension shall not exceed one (1) year. For active-duty military personnel and their families stationed outside the applicable testing area specified in Subsection 517.02, a time extension not to exceed the testing period is available. Military extensions shall be renewed with current military orders.

528. -- 549. (RESERVED)

550. AIR POLLUTION EMERGENCY RULE QUALITY EPISODES.
The purpose of Sections 550 through 562 is to define criteria requirements for an air pollution emergency, to formulate a plan for preventing or alleviating such an emergency, and to specify rules for carrying out the plan. The procedures for implementing Sections 550 through 562 are delineated in Chapter VI of the SIP. air quality episodes.

551. Episode Criteria.
The purpose of Sections 551 through 556 is to establish criteria for stages of atmospheric stagnation and/or degraded air quality.

552. Stages.
The Department has defined four (4) stages of atmospheric stagnation and/or degraded air quality.

01. Stage 1 -- Air Pollution Forecast and Caution. An internal watch by the Department shall be actuated by a National Weather Service report that an Atmospheric Stagnation Advisory has been issued, or the equivalent local forecast of stagnant atmospheric conditions.

02. Stage 2 -- Alert. This is the first stage at which air pollution control actions by industrial sources are to begin.

03. Stage 3 -- Warning. The warning stage indicates that air quality is further degraded and that control actions are necessary to maintain or improve air quality.

04. Stage 4 -- Emergency. The emergency stage indicates that air quality has degraded to a level that will substantially endanger the public health and that the most stringent control actions are necessary.

553. EFFECT OF STAGES.
Once an episode stage is reached or the Department determines that reaching a particular stage is imminent, emergency action corresponding to that stage will remain in effect until air quality measurements indicate that another stage (either lower or higher) has been attained or the Department determines that reaching another stage (either lower or higher) is imminent. At such time, actions corresponding to the next stage will go into effect. This procedure will continue until the episode is terminated. The air quality criteria used to define each of the episode stages for carbon monoxide, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide are specified in Section 556. The levels will be determined by the Department through its analysis of meteorological and ambient air quality monitoring data.

5541. -- 555. (RESERVED)

556. CRITERIA FOR DEFINING LEVELS WITHIN STAGES DECLARING AIR QUALITY EPISODES.
The air quality criteria defining each of these levels for carbon monoxide (CO), nitrogen dioxide (NO2), ozone (03), particles with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (PM-10), particles with an aerodynamic diameter less than or equal to a nominal two point five (2.5) micrometers (PM-2.5), and sulfur dioxide (SO2) are: An air quality episode will be declared by the Department when pollutant concentrations reach, or are forecasted to reach, and persist, at or above the levels listed below. Pollutant concentrations will be determined by the Department through its analysis of meteorological and ambient air quality monitoring data.

Pollutant	Averaging Period	Advisory[a]	Alert	Warning	Emergency[b]
CO	8 hour	NA	15 ppm	30 ppm	40 ppm
NO_2	1 hour	NA	0.6 ppm	1.2 ppm	1.6 ppm
	24 hour	NA	0.15 ppm	0.3 ppm	0.4 ppm
O_3	1 hour	NA	0.2 ppm	0.4 ppm	0.5 ppm
SO_2	24 hour	NA	0.3 ppm	0.6 ppm	0.8 ppm
$PM_{2.5}$	1 hour	80 µg/m^3	NA	NA	NA
	24 hour	50 µg/m^3	NA	NA	NA
PM_{10}	1 hour	385 µg/m^3	NA	NA	NA
	24 hour	150 µg/m^3	350 µg/m^3	420 µg/m^3	500 µg/m^3

Table Footnotes

a. The Department may call an Advisory, if it determines, after evaluating the pertinent meteorology, weather conditions and air quality conditions such as visibility, and source parameters such as source type, strength, location and projected duration, that an Advisory is required to protect the public health.

b. The Department will only declare an emergency with specific concurrence of Governor.

01. Stage 1 -- Forecast and Caution. A Stage 1 Forecast and Caution shall be declared by the Department when particulate concentrations reach, or are forecasted to reach, and persist, at or above the levels listed below. The Department may call a Stage 1 Forecast and Caution, if it determines, after evaluating the pertinent meteorology, weather conditions and air quality conditions such as visibility, and source parameters such as source type, strength, location and projected duration, that a Stage 1 Forecast and Caution is required to protect the public health.

CO	NA
NO2	NA
O3	NA
SO2	NA
PM-2.5	80 ug/m3 1 hour average
PM-2.5	50 ug/m3 24 hour average
PM-10	385 ug/m3 1 hour average
PM-10	150 mg/m3 24 hour average

02. Stage 2 -- Alert.

CO - 17 mg/m3 (15 ppm)	8 hour average
NO -- 1130 ug/m3 (0.6 ppm) 2	1 hour average
- 282 ug/m3 (0.15 ppm)	24 hour average

~~O - 400 ug/m3 (0.2 ppm)~~ ~~3~~	~~1-hour average~~
~~PM-10 - 350 ug/m3~~	~~24-hour average~~
~~SO - 800 ug/m3 (0.3 ppm)~~ ~~2~~	~~24-hour average~~

~~**03. Stage 3 -- Warning.**~~

~~CO - 34 mg/m3 (30 ppm)~~	~~8-hour average~~
~~NO - 2260 ug/m3 (1.2 ppm),~~ ~~2~~	~~1-hour average~~
~~- 565 ug/m3 (0.3 ppm)~~	~~24-hour average~~
~~O - 800 ug/m3 (0.4 ppm)~~ ~~3~~	~~1-hour average~~
~~PM-10 - 420 ug/m3~~	~~24-hour average~~
~~SO . 1600 ug/m3 (0.6 ppm)~~ ~~2~~	~~24-hour average~~

~~**04. Stage 4 -- Emergency.**~~

~~CO - 46 mg/m3 (40 ppm)~~	~~8-hour average~~
~~NO - 3000 ug/m3 (1.6 ppm)~~ ~~2~~	~~1-hour average~~
~~- 750 ug/m3 (0.4 ppm)~~	~~24-hour average~~
~~O - 1000 ug/m3 (0.5 ppm)~~ ~~3~~	~~1-hour average~~
~~PM-10 - 500 ug/m3~~	~~24-hour average~~

~~SO – 2100 ug/m3 (0.8 ppm)~~	
	~~24 hour average~~
~~2~~	

~~**557. PUBLIC NOTIFICATION.**~~
~~The purpose of Sections 557 through 560 is to establish requirements for public notification regarding atmospheric stagnation and/or degraded air quality.~~

557. REQUIREMENTS DURING AIR QUALITY EPISODES.
All persons in an area under a declared air quality episode must comply with the following requirements. The Department may waive one (1) or more of the requirements at each episode level if, on the basis of information available, the requirement is an inappropriate response to the specific episode conditions that exist.

01. Advisory. All open burning, as defined in Sections 600-624, is prohibited. No new ignition of open burning of any kind is allowed after an Advisory is declared. The Department may require, if practicable, or in an emergency situation, the cessation of any open burning.

02. Alert.

a. All open burning, as defined in Sections 600-624, is prohibited.

b. The use of burners and incinerators for the disposal of any form of solid or liquid waste will be prohibited.

c. Persons operating fuel-burning equipment ~~which~~ that requires boiler lancing or soot blowing must perform such operations ~~only~~ between the hours of 12:00 p.m. (noon) and 4:00 p.m.

d. Commercial, industrial and institutional facilities utilizing coal or residual fuel oil are required to switch to natural gas or distillate oil if available.

03. Warning.

a. All open burning, as defined in Sections 600-624, is prohibited.

b. The use of burners and incinerators for the disposal of any form of solid or liquid waste is prohibited.

c. Persons operating fuel-burning equipment that requires boiler lancing or soot blowing must perform such operations ~~only~~ between the hours of 12:00 p.m. (noon) and 4:00 p.m.

d. Commercial, industrial and institutional facilities utilizing coal or residual fuel oil are required to either:

i. Switch completely to natural gas or distillate oil; or

ii. If these low sulfur fuels are not available, curtail the use of existing fuels to the extent possible without causing injury to persons or damage to equipment.

04. Emergency.

a. All open burning, as defined in Sections 600-624, is prohibited.

b. The use of burners and incinerators for the disposal of any form of solid or liquid waste is prohibited.

c. Persons operating fuel-burning equipment that requires boiler lancing or soot blowing must perform such operations only between the hours of 12:00 p.m. (noon) and 4:00 p.m.

d. Commercial, industrial and institutional facilities utilizing coal or residual fuel oil are required to either:

i. Switch completely to natural gas or distillate oil; or

ii. If these low sulfur fuels are not available, curtail the use of existing fuels to the extent possible without causing injury to persons or damage to equipment.

558. INFORMATION TO BE GIVENNOTIFICATION OF AIR QUALITY EPISODE.

01. Information to Be Given.Method of Communication. On the basis of degrading air quality as determined by the Director, and the criteria for emergency episode stages as shown in Section 556, the Director When the Department declares an air quality episode, it will utilize appropriate media and techniques including, but not limited to, print, electronic and internet, to ensure that the following information is announced to the public, affected government, and commercial, industrial, institutional, and agricultural entities as practicable:

a. Definition of the extent of the problem;

02. Information to Be Given.

ba. Indication of the action taken by the Director; Level of episode that is declared.

b. Location and description of the designated area.

c. Description of the cause of degraded air quality.

d. Specific warnings and advice to those persons who, because of acute or chronic health problems, may be most susceptible to the effects of degraded air quality.

ce. Air pollutionquality forecast for next fewthe following two (2) days;.

df. Notice of Duration of the episode and when the next statement from the Department will be issued;.

eg. Listing of all general procedures which requirements applicable to the public, commercial, institutional and industrial sectors are required to follow;.

f. Specific warnings and advice to those persons who, because of acute or chronic health problems, may be most susceptible to the effects of the episode.

g. Location and description of the affected area.

559. MANNER AND FREQUENCY OF NOTIFICATION.
Such announcements will be made by the news media during regularly scheduled television and radio news broadcasts and in all editions of specified newspapers. In addition, when the stage 4 emergency level is reached, television and radio stations designated by the Department will repeat these announcements at one (1) hour intervals during normal broadcasting hours.

560. NOTIFICATION TO SOURCES.
The Department will assure that all significant sources of the applicable air pollutant(s) are notified of the emergency stage by telephone or other appropriate means.

561. GENERAL RULES.
All persons in the designated stricken area shall be governed by the following rules for each emergency episode stage. The Director may waive one (1) or more of the required measures at each episode stage if, on the basis of information available to him, he judges that a measure is an inappropriate response to the specific episode conditions which then exist.

01. Stage 1 -- Air Pollution Forecast and Caution. There shall be no new ignition of open burning of any kind. The Director may require, if practicable, or in an emergency situation, the cessation of any open burning.

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02. Stage 2 -- Alert.

a. There shall be no open burning of any kind.

b. The use of burners and incinerators for the disposal of any form of solid waste shall be prohibited.

c. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 pm (noon) and 4:00 p.m.

d. Commercial, industrial and institutional facilities utilizing coal or residual fuel oil are required to switch to natural gas or distillate oil if available.

03. Stage 3 -- Warning.

a. There shall be no open burning of any kind.

b. The use of burners and incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

c. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 pm (noon) and 4:00 p.m.

d. Commercial, industrial and institutional facilities utilizing coal or residual fuel are required to either:

i. Switch completely to natural gas or distillate oil; or

ii. If these low sulfur fuels are not available, curtail the use of existing fuels to the extent possible without causing injury to persons or damage to equipment.

04. Stage 4 -- Emergency. This will be called only with specific concurrence of Governor.

a. There shall be no open burning of any kind.

b. The use of burners and incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

c. All places of employment described below shall immediately cease operations:

i. All mining and quarrying operations;

ii. All construction work except that which must proceed to avoid injury to persons;

iii. All manufacturing establishments except those required to have in force an air pollution emergency plan;

iv. All wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies and food;

v. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order;

vi. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily

engaged in the sale of food;

vii. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices;

viii. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops;

ix. Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories;

x. Automobile repair, automobile services, garages except those located adjacent to state or interstate highways;

xi. Establishments rendering amusement and recreational services including motion picture theaters;

xii. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

d. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of the applicable air pollutant(s) from their operation by ceasing, curtailing, or postponing operations which emit the applicable air pollutants to the extent possible without causing injury to persons or damage to equipment. These actions include limiting boiler lancing or soot blowing operations for fuel burning equipment to between the hours of 12:00 pm (noon) and 4:00 p.m.

e. When the emergency episode is declared for carbon monoxide, the use of motor vehicles is prohibited except in emergencies or with the approval of local or state police or the Department.

559.—561. (RESERVED)

562. SPECIFIC EMERGENCY AIR QUALITY EPISODE ABATEMENT PLANS FOR POINT STATIONARY SOURCES.

In addition to the general rules presented in Section 561557, the Department shall will require that specific pointstationary sources adopt and implement their own Emergency Air Quality Episode Abatement Plans in accordance with the criteria set forth in Sections 551 through 556. An individual plan can be revised periodically by the Department after consultation between the Department and the owners and/or operators of the source.

563. TRANSPORTATION CONFORMITY.

The purpose of Sections 563 through 574 is to adopt and implement Section 176(c) of the Clean Air Act (CAA), as amended [42 U.S.C. 7401 et seq.], and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects developed, funded, or approved by the United States Department of Transportation (USDOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). These sections set forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to Section 110 and Part D of the CAA. The publications referred to in Sections 563 through 574 are available from the IDEQ.

564 (RESERVED)

565. ABBREVIATIONS.

01. CAA. Clean Air Act, as amended.

02. CFR. Code of Federal Regulations.

03. CO. Carbon Monoxide.

04. EPA. Environmental Protection Agency.

05. **FHWA**. Federal Highway Administration of USDOT.

06. **FTA**. Federal Transit Administration of USDOT.

07. **HPMS**. Highway Performance Monitoring System.

08. **ICC**. Interagency Consultation Committee.

09. **IDEQ**. Idaho Department of Environmental Quality.

10. **ITD**. Idaho Transportation Department.

11. **LHTAC** Local Highway Technical Assistance Council.

12. **LRTP**. Long Range Transportation Plan.

13. **MPO**. Metropolitan Planning Organization.

14. **NAAQS**. National Ambient Air Quality Standards.

15. **NEPA**. National Environmental Policy Act, as amended.

16. **O3**. Ozone.

17. **PM**. Particulate matter.

18. **PMx**. Particles with an aerodynamic diameter less than or equal to a nominal X micrometers, where X denotes any size fraction number regulated by the NAAQs (e.g.: 10, 2.5).

19. **STIP**. Statewide Transportation Improvement Program.

20. **TCM**. Transportation Control Measure.

21. **TIP**. Transportation Improvement Program.

22. **USDOT**. United States Department of Transportation.

23. **VMT**. Vehicle Miles Traveled.

566. DEFINITIONS FOR THE PURPOSE OF SECTIONS 563 THROUGH 574 AND 582.
Terms used but not defined in Sections 563 through 574 and 582 shall have the meaning given them by the CAA, Titles 23 and 49 U.S.C., other Environmental Protection Agency (EPA) regulations, or other USDOT regulations, in that order of priority. For the purpose of Sections 563 through 574 and 582:

01. **Applicable Implementation Plan**. Applicable Implementation Plan is defined in Section 302(q) of the CAA and means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under Section 110 of the CAA, or promulgated under Section 110(c) of the CAA, or promulgated or approved pursuant to regulations promulgated under Section 301(d) of the CAA and which implements the relevant requirements of the CAA.

02. **Consult or Consultation**. The lead agency confers with other ICC members and persons on the distribution list and considers their views prior to taking actions relating to transportation conformity. The lead agency shall distribute all appropriate information necessary to make a conformity determination and, prior to making a conformity determination, shall consider the views of such parties and shall provide a timely, written response to those views. Such views and written responses shall be included in the record of decision or action. Consultation shall not occur with respect to a transportation plan or transportation improvement program (TIP) revision that merely adds or exempts projects listed in 40 CFR 93.126.

03. Distribute. Make available relevant documents and information by electronic and manual means, whichever is more appropriate, to all ICC members and persons on the distribution list. Electronic distribution may include existing and future technological applications, such as electronic mail, internet web-site posting including downloadable files, or the use of an electronic mail reply system based on the distribution list. Manual distribution may include the United States Postal Service, the state internal mail system, a facsimile machine, or any commercially available mail service provider.

04. Distribution List. A list containing the names and addresses of ICC members and any person(s) expressing an interest in receiving information and material pertaining to ICC meetings. To express interest, a person may contact the lead agency by postal mail, electronic mail, telephone or in person, and inform the ICC member of their interest in being on the distribution list for information and material pertaining to ICC meetings.

05. Exempt Projects. Projects exempt from conformity requirements based on the general criteria of safety, mass transit, and other factors, as described in 40 CFR 93.126.

06. Lead Agency. The transportation or air quality agency responsible for conducting the consultation process, as identified in Subsections 568.01 through 568.03.

07. Lead Air Quality Agency. An agency designated pursuant to Section 174 of the CAA as responsible for developing an applicable implementation plan, or alternatively the agency designated by the Governor as the lead air quality agency for a county, region, or any jurisdiction.

08. Local Highway Jurisdiction. A county with jurisdiction over a highway system, a city with jurisdiction over a highway system, or a highway district, as defined by Section 40-113(3), Idaho Code.

09. Local Highway Technical Assistance Council (LHTAC). The public agency created in Chapter 24, Title 40, Idaho Code.

10. Maximum Priority.

a. All possible actions must be taken to shorten the time periods necessary to complete essential steps in TCM implementation - for example, by increasing the funding rate - even though timing of other projects may be affected. It is not permissible to have prospective discrepancies with the applicable implementation plan's TCM implementation schedule due to:

i. Lack of funding in the TIP;

ii. Lack of commitment to the project by the sponsoring agency;

iii. Unreasonably long periods to complete future work due to lack of staff or other agency resources;

iv. Lack of approval or consent by local governmental bodies; or

v. Failure to have applied for a permit where necessary work preliminary to such application has been completed.

b. Where statewide and metropolitan funding resources, planning, and management capabilities are fully consumed within the flexibility of the Transportation Equity Act of 1998 (TEA-21), Pub. L. No. 105-178, 112 Stat 107, as amended by Pub. L. No. 105-206, 112 Stat 685, or future federal omnibus transportation funding bills, with responding to damage from natural disasters, civil unrest, or terrorist acts, TCM implementation can be determined to be timely without regard to the above, provided reasonable efforts are being made.

11. Metropolitan Planning Organization (MPO). The organization designated as being responsible, together with the State, for conducting the continuing cooperative and comprehensive transportation planning process under 23 U.S.C. 134 and 49 U.S.C. 5303 and 23 CFR 450. It is the forum for cooperative transportation decision-making.

12. Public Notice. Distribution of the meeting times, location, duration and agenda, to all the ICC

members and persons on the distribution list.

13. Recipient of Funds Designated Under Title 23 U.S.C. or the Federal Transit Laws. Any agency at any level of state, county, city, or regional government that routinely receives Title 23 U.S.C. or Federal Transit Laws funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners, developers, contractors, or entities that are only paid for services or products created by their own employees.

14. Regionally Significant Project. A transportation project, other than an exempt project, that is on a facility which serves regional transportation needs (such as access to and from the area outside the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including, at a minimum:

a. All principal arterial highways;

b. All fixed guideway transit facilities that offer an alternative to regional highway travel; and

c. Any other facilities determined to be regionally significant through Section 570, interagency consultation.

15. Transportation Agency. The public agency responsible for one (1) or more of the following transportation modes:

a. Air;

b. Rail;

c. Water;

d. Highway;

e. Bicycle and pedestrian paths; and

f. Transit.

16. Transit Agency. Any agency involved in providing mass transportation services by bus, rail, or other conveyance providing general or special service to the public on a regular and continuing basis. The term "Transit Agency" does not include school buses or charter or sightseeing services.

567. AGENCIES AFFECTED BY CONSULTATION.
This Section identifies those agencies and other entities (federal, tribal, state and local) involved in the consultation process and those general actions requiring consultation.

01. Interagency Consultation Committee. A committee of representatives shall be formed in each nonattainment or maintenance area of the state, to convene on conformity determinations, as necessary, and shall be called the Interagency Consultation Committee (ICC) for that nonattainment or maintenance area. The ICC shall undertake consultation procedures, as applicable, in preparing for and before making conformity determinations in developing long range transportation plans (LRTP), transportation improvement programs (TIP), and applicable implementation plans.

02. ICC Members. The ICC shall consist of the following agencies or entities, as applicable:

a. A Metropolitan Planning Organization (MPO) where one exists;

b. The Idaho Transportation Department (ITD);

c. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) divisional office;

d. The Idaho Department of Environmental Quality (IDEQ);

e. Affected Local Highway Jurisdictions involved in transportation,

f. Affected Transit agency(ies);

g. The Local Highway Technical Assistance Council (LHTAC);

h. Indian Tribal governments with transportation planning responsibilities; and

i. The United States Environmental Protection Agency (EPA).

03. Agencies Entitled to Participate. Agencies which may be affected by the consultation process and which are entitled to participate in the consultation process include:

a. Any local transit agency or provider, local highway jurisdiction, and any city or county transportation or air quality board or agency where the nonattainment or maintenance area is located; and

b. Any other state or federal or tribal organization in the state responsible under state or federal law for developing, submitting or implementing transportation related provisions of an implementation plan.

04. More Than One Pollutant. Areas that are nonattainment for more than one (1) pollutant may conduct consultation, as specified in this section, through a single committee for all pollutants.

05. Open to the Public. All meetings of the ICC shall be open to the public.

06. Delegation. An ICC member may delegate its role or responsibility in the consultation process to another entity pursuant to applicable state law. An ICC member making such delegation shall notify all other ICC members in writing when the delegation occurs. The written notice shall provide the name, address, and telephone number of one (1) or more contact persons representing the entity accepting the delegated role or responsibility.

07. General Actions Requiring Consultation. The ICC shall undertake the consultation process prior to the development of the following:

a. The implementation plan(s), including the emission budget and list of TCMs in the applicable implementation plan(s), prepared by the lead air quality agency in a nonattainment or maintenance area;

b. All other conformity determinations for transportation plans, projects, and programs; and

c. Revisions to the preceding documents which may directly or indirectly affect conformity determinations.

568. ICC MEMBER ROLES IN CONSULTATION.
The lead agency as identified in this section is the ICC member responsible for initiating the consultation process, preparing the initial and final drafts of the document or decision, and assuring the adequacy of the consultation process for all conformity processes and procedures.

01. Designated Lead Air Quality Agency. IDEQ or the MPO, as the designated lead air quality agency, shall be the lead agency for the development of the implementation plan, the associated emission budgets, and the list of Transportation Control Measures (TCMs) in the plan. The concurrence of IDEQ on each applicable implementation plan is required before IDEQ adopts the plan and submits it to EPA for inclusion in the applicable implementation plan.

02. Areas with an MPO. For areas in which an MPO has been established, the designated MPO shall be the lead agency responsible for conformity determinations, development of the LRTP, development of the TIP, and project level documentation under 23 CFR 450.

03. Areas Without an MPO. For areas in which an MPO has not been established, ITD shall be the lead agency for preparing the final document on conformity determinations, the development of the statewide transportation plan, the development of the STIP, and project level documentation under 23 CFR 450.

569. ICC MEMBER RESPONSIBILITIES IN CONSULTATION.
This Section identifies the specific responsibilities of ICC members.

01. Designated Lead Air Quality Agency Responsibilities. The designated lead air quality agency shall be responsible for developing or providing and distributing draft and final documentation, data and analyses for:

a. Air emission inventories;

b. Emission budgets;

c. Attainment and maintenance demonstrations;

d. Control strategy implementation plan revisions;

e. Updated motor vehicle emission factors;

f. Proposal and evaluation of TCMs; and

g. Public outreach on draft air quality plans pursuant to 40 CFR Part 51.

02. Designated MPO Responsibilities. The designated MPO shall be responsible for:

a. Conformity determinations corresponding to LRTPs and TIPs;

b. Making conformity determinations for the entire nonattainment or maintenance area, including areas beyond the boundaries of the MPO, where no agreement is in effect as required by 23 CFR 450.310(f);

c. Identify regionally significant projects through the consultation process;

d. Implementing TCMs in air quality nonattainment and/or maintenance areas, as applicable;

e. Providing technical and policy input on emissions budgets;

f. Performing transportation modeling, regional emissions analyses, and project level analysis, as necessary;

g. Documenting timely implementation of TCMs, as required, for determining conformity; and

h. Distributing relevant draft and final project environmental documents to ICC members and persons on the distribution list per the schedule in Subsection 570.01.c.

03. Non-MPO Area Responsibilities. In areas without an established MPO, ITD shall be responsible for:

a. Conformity determinations corresponding to STIPs and project-level analyses;

b. Providing technical and policy input on proposed revisions to motor vehicle emissions factors and to emission budgets;

c. Distributing relevant draft and final project environmental documentation prepared by, or for ITD, to ICC members and persons on the distribution list per the schedule in Subsection 570.01.c.;

d. Convening air quality technical review meetings on specific projects when requested by other ICC members, or as needed;

e. Convening interagency consultation meetings required for purposes of making conformity determinations in nonattainment or maintenance areas, outside of MPO boundaries, as necessary;

f. Making conformity determinations in nonattainment or maintenance areas, outside of MPO boundaries, as necessary; and

g. Implementing TCMs in air quality nonattainment and/or maintenance areas, as applicable.

04. FHWA and FTA Responsibilities. FHWA and FTA shall be responsible for:

a. Assuring timely action on final findings of conformity for transportation plans, TIPs, and federally funded projects, including the basis for those findings after consultation with other agencies as provided in Section 569 and 40 CFR 93.105; and

b. Providing guidance on conformity and the transportation planning process to ICC members. FHWA and FTA may rely solely on the consultation process initiated by ITD or the MPO, where one exists, and shall not be required to duplicate that process.

05. EPA Responsibilities. EPA shall be responsible for providing policy and technical guidance on conformity criteria to ICC members.

06. Responsibility to Disclose Potentially Regionally Significant Projects. ITD, the local highway jurisdiction, transit agency, or transportation project sponsor shall be responsible for disclosing potentially regionally significant projects within air quality nonattainment and maintenance areas to the ICC in a timely manner.

a. Local Highway Jurisdictions shall disclose of potentially regionally significant projects upon written request of ITD within fourteen (14) days of such request, or when annual local and MPO project lists are due to ITD District Offices as part of the annual STIP development process;

b. In an MPO area, to help assure timely disclosure, the sponsor of any potentially regionally significant project shall disclose such projects to the MPO annually on or before March 1 of that calendar year; and

c. In MPO nonattainment and maintenance areas, the TIP and associated conformity demonstration shall be deemed to be incomplete if any regionally significant project has not been disclosed to the ICC in a timely manner. Therefore, such a TIP shall be considered to be non-conforming to applicable implementation plan(s).

570. GENERAL CONSULTATION PROCESS.

Section 570 provides the general procedures for interagency consultation (federal, tribal, state, and local) and public participation for transportation conformity determinations in air quality nonattainment and maintenance areas in the state of Idaho.

01. Lead Agency in Consultation. The following are the responsibilities of the lead agency at each stage of the consultation process:

a. Initiating the consultation process by notifying other ICC members of the document or decision that must undergo the consultation process and by scheduling and convening consultation meetings and agendas;

b. Developing and maintaining a distribution list of all ICC members and any other persons expressing an interest in receiving information and materials pertaining to ICC meetings;

c. Distributing an agenda and all supporting material, including minutes of ICC meetings, to ICC members and persons on the distribution list as follows:

i. Fourteen (14) days in advance of an ICC meeting if there are non-technical issues to be resolved by

the ICC;

ii. Thirty (30) days in advance of an ICC meeting if there are technical issues to be resolved by the ICC; or

iii. If distribution of technical material pursuant to Subsection 570.01.c.ii. is not feasible thirty (30) days prior to an ICC meeting, then the lead agency shall notify the ICC members and persons on the distribution list in writing at least thirty (30) days prior to the ICC meeting. Together with the notification, the lead agency shall distribute and disclose all available material and documentation to the ICC members and persons on the distribution list, informing them of the nature, purpose, and details of possible program changes that are expected to occur from earlier analyses of the actions. All technical material and documentation shall be distributed at a minimum of fourteen (14) days prior to the ICC meeting.

d. Conferring with other agencies and persons not on the distribution list that have expressed an interest in the document or decision to be developed;

e. Providing ICC members and persons on the distribution list access to all information needed for meaningful input;

f. Soliciting early and continuing input from other ICC members and persons on the distribution list;

g. Following the public consultation procedures outlined in Section 574;

h. Providing an opportunity for informal question and answer on the draft document or proposed decision;

i. Considering the views of ICC members and persons on the distribution list and responding in writing to significant comments in a timely and substantive manner prior to finalizing or taking any final action on those documents or determinations enumerated in Section 567.07.a. through 567.07.c.; and

j. Assuring all comments and written responses of ICC members and persons on the distribution list are made part of the record of any action.

02. Public Comment Period to Satisfy Thirty Day Document Distribution Requirement. A lead agency may use all or any part of another public comment period established for public outreach procedures pursuant to 23 CFR 450 for a transportation plan, program, or project to satisfy the thirty (30) day advance distribution requirement for technical issues, and shall notify all ICC members and other persons on the distribution list when so doing fourteen (14) days prior to commencement of the public comment period.

03. Separate Times or in Combination. The above actions may be conducted at separate times or in combination, as required, to enhance the efficiency of the process.

04. Final Document Distribution. A lead agency, upon completion of a final document subject to the consultation process under Sections 563 through 574 of these rules (including any federal agency), shall distribute each final document to all other ICC members and persons on the distribution list within thirty (30) days of adopting or approving such document or making such determination.

05. Use of Checklist for Distribution of Material. The lead agency may supply a checklist of available supporting information to ICC members and persons on the distribution list to be used to request all or part of the supporting information, in lieu of generally distributing all supporting information.

06. Use of Other Meetings for Consultation. A meeting that is scheduled or required for another purpose may be used for the purposes of consultation only if the public notice for the meeting identifies consultation as an agenda item.

571. CONSULTATION PROCEDURES.

The consultation process among ICC members and persons on the distribution list shall be undertaken for the following specific major activities (federal, tribal, state, and local), specific routine activities and specific air quality related

activities, in accordance with the procedures in Section 570. Participating agencies shall be all ICC members unless otherwise specified in Subsections 571.01 through 571.04.

01. Specific Major Activities. The consultation process shall be undertaken for the following specific major activities. The lead agency for each activity shall be the designated MPO or ITD in the absence of an MPO.

a. Evaluating and choosing each air quality model and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses including vehicle miles traveled forecasting. The hot-spot analyses shall be performed consistent with procedures described in 40 CFR 93.116 and 40 CFR 93.123 and regional emissions analysis shall be performed using procedures outlined on 40 CFR 93.122.

b. Determining which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis, in addition to those functionally classified as principal arterial or higher or fixed guideway transit systems or extensions that offer an alternative to regional highway travel.

c. Evaluating whether projects otherwise exempted from meeting the requirements of Sections 563 through 574 of these rules should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason per 40 CFR 93.126 and 127.

d. Making a determination as to whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This consultation procedure shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs with other emission reduction measures.

e. Identifying projects located at sites in PM nonattainment or maintenance areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM hot-spot analysis. In case a method for quantitative hot-spot analysis has not been formally adopted by EPA, a sound qualitative analysis developed in conjunction with FHWA may be used for the same.

f. Making a determination whether the project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, and whether the project's design concept and scope have changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility.

g. For areas in the state with no MPOs, making a determination whether a project has undergone project-level analysis and whether the project's design concept and scope have changed significantly from those which were included in the project-level analysis, or in a manner which would significantly impact use of the facility.

h. Establishing appropriate public participation opportunities for project-level conformity determinations, as applicable, in the manner specified by Section 574, to be initiated by the recipient of the funds designated under 23 U.S.C. or the Federal Transit Act.

i. Choosing conformity tests and methodologies for isolated and rural nonattainment and maintenance areas as required by 40 CFR 93.109(g)(2)(iii).

02. Specific Routine Activities. The consultation process shall be undertaken for the following specific routine activities. The lead agency shall be the MPO or ITD in the absence of an MPO.

a. Evaluating events that will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. Participating agencies shall be the MPO and state, tribal, regional, and local air quality planning agencies.

b. Consulting on emissions analysis for transportation activities that cross the borders of MPOs or

nonattainment or maintenance areas. Participating agencies shall be the MPO and state, tribal, regional, and local air quality planning agencies.

c. Determining whether the project sponsor or MPO has demonstrated that the requirements are satisfied without a particular mitigation, such as emissions offsets or other control measures, or determining that a conforming project approved with mitigation no longer requires mitigation.

d. Assuring that plans for construction of regionally significant projects that are not FHWA/FTA projects, including projects for which alternative locations, design concept and scope, or the no-build option are still being considered, are disclosed to the MPO or ITD in the absence of an MPO on a regular basis, and assuring that any changes to those plans are immediately disclosed.

e. Determining whether a project, which was previously found to conform, has or will have a significant change in design concept and scope since the project plan and TIP conformity determination.

f. Designing, scheduling, and funding of research and data collection effort pertaining to transportation or air quality planning with implications for transportation conformity.

g. Reviewing and recommending regional transportation model development by the MPO (e.g., household/travel transportation surveys).

h. Development of transportation improvement programs.

i. Development of regional transportation plans.

j. Consulting when the metropolitan planning area does not include the entire nonattainment area or maintenance area, for planning requirements which may fall under the jurisdiction of more than one (1) MPO or the MPO and ITD.

03. Specific Air Quality Related Activities. The consultation process shall be undertaken when preparing an applicable implementation plan that includes the revision or addition of a motor vehicle emissions inventory and budget activities in accordance with the procedures in Section 570. Consultation is not required for administrative amendments that do not affect conformity. The lead agency for each activity shall be IDEQ or the MPO. In addition to the Section 570 consultation process, the lead agency shall undertake the following:

a. Scheduling consultation meetings early in the process of decision on the applicable implementation plan, and prior to making a final recommendation to their management, committees, boards or commissions, for a final decision on such documents;

b. Arranging for technical committees or teams to assist ICC members in reviewing documents provided by the lead agency. The lead agency may convene technical meetings as necessary; and

c. Scheduling and conducting meetings of the ICC at regularly scheduled intervals, no less frequently than quarterly.

d. The ICC may appoint subcommittees to address specific issues pertaining to applicable implementation plan development. Any recommendations of a subcommittee shall be considered by the ICC.

04. Notification Process. The designated MPO, or ITD in the absence of an MPO, shall notify ICC members and persons on the distribution list of a transportation plan or TIP revisions that merely add or delete exempt projects listed in 40 CFR 93.126 early in the process of decision, and by supplying all relevant documents and information to the same.

572. FINAL CONFORMITY DETERMINATIONS BY USDOT.

Section 572 establishes the process USDOT shall follow when making final determinations on proposed or anticipated transportation actions subject to transportation conformity.

01. Final Conformity Determination Process. USDOT will make making final determinations on proposed or anticipated STIP or transportation plan or project conformity by:

a. Distributing a draft conformity determination to EPA for review and comment. USDOT shall allow a maximum of thirty (30) days for EPA to respond; and

b. USDOT shall respond in writing to any significant comments raised by EPA within fourteen (14) days of receipt in writing before making a final decision.

02. New or Revised Information. If USDOT requests any new or revised information to support a STIP, TIP or transportation plan or project conformity determination, then USDOT shall either return the conformity determination for additional consultation pursuant to Section 570, or USDOT shall distribute the new information to the ICC members and persons on the distribution list for review and comment;

a. When USDOT distributes such new or additional information to ICC members and persons on the distribution list, USDOT shall allow for a maximum of thirty (30) days for the lead agency to respond to any new or revised supporting information; and

b. USDOT shall distribute a written response within fourteen (14) days of receipt to any significant comments raised by the ICC members and persons on the distribution list on the new or revised supporting information before making a final decision.

573. RESOLVING CONFLICTS.

Conflicts between state agencies or between state agencies and the MPO regarding a determination of conformity, applicable implementation plan submittal, or other policy decision under Sections 563 through 574, shall be resolved in the following manner.

01. Conflict Resolution at the Level of IDEQ Regions and ITD Districts. Every effort shall be made to resolve any conflicts among state agencies or between state agencies and an MPO at the regional level. The regional administrator of IDEQ, the District Engineer of ITD and the other agency managers at the regional level of the affected jurisdictions, or their designated representatives shall be involved in conflict resolution at the regional level.

02. Conflict Resolution at the Level of IDEQ and ITD Headquarters. If conflict(s) are not resolved at the regional level, the issue shall be raised to the level of agency directors for resolution.

03. Conflict Resolution at the Governor's Level. If conflict(s) are not resolved through Subsection 569.02, then IDEQ shall raise the conflict to the Governor, as follows:

a. The IDEQ administrator shall request in writing that ITD or the MPO provide IDEQ with written notification of resolution of IDEQ's comments. ITD or the MPO shall provide IDEQ with the requested written notification within fourteen (14) days of receipt of IDEQ's written request.

b. Within fourteen (14) days of its receipt of the requested written notification, IDEQ may appeal the conformity determination in writing to the Governor. If IDEQ appeals to the Governor, then the final conformity determination must have the concurrence of the Governor. If IDEQ does not appeal in writing to the Governor within fourteen (14) days of its receipt of written notification of resolution of it's comments, then the lead transportation agency may proceed with the final conformity determination.

c. The fourteen (14) days shall start on the date when the IDEQ administrator receives notification of the written resolution of his comments regarding a determination of conformity, applicable implementation plan submittal, or other decision under Sections 563 through 574.

04. Process for Conflict Resolution at the Governor's Level. The Governor may delegate to another independent official or agency within the state his or her role in this process. The Governor may not delegate his or her role to the head or staff of the state air quality agency or any local air quality agency, ITD, a state transportation commission or board, any agency that has responsibility for any one (1) of these functions, or an MPO.

574. PUBLIC CONSULTATION PROCEDURES.

Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum,

~~providing at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, reasonable public access to technical and policy information considered by the agency, and consistent with these requirements and those of 23 CFR 450. Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.95. In addition, these agencies must specifically address, in writing, all public comments relating to known plans for a regionally significant project, which is not receiving FHWA or FTA funding, or approval. This is especially important if the project's emissions have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.~~

~~575. AIR QUALITY STANDARDS AND AREA CLASSIFICATION.~~

~~Ambient Air Quality Standards. The purpose of Sections 575 through 587 is to establish air quality standards for the state of Idaho which define acceptable ambient concentrations consistent with established air quality criteria.~~

~~576. GENERAL PROVISIONS FOR AMBIENT AIR QUALITY STANDARDS.~~

~~**01. Applicability**. The ambient air quality standards established herein shall apply to all of the state.~~

~~**02. Standard Conditions**. Where applicable, air quality measurements shall will be corrected to a reference temperature of twenty-five degrees Celsius (25C) and to a reference pressure of seven hundred and sixty (760) millimeters of mercury absolute.~~

~~**03. Revisions**. As pertinent air quality criteria information becomes available, such information shall will be considered and new or revised air quality standards promulgated as appropriate.~~

~~**04. Control of Unregulated Contaminants**. The absence of an air quality standard for a specific contaminant shall not preclude action by the Department to control such contaminants to assure the health, welfare and comfort of the people of the State.~~

~~**05. Methods**. All measurement techniques for determining compliance with 40 CFR Part 50 shall be consistent with those specified in 40 CFR Parts 50 and 53.~~

563 – 576. (RESERVED)

577. AMBIENT AIR QUALITY STANDARDS FOR FLUORIDES.

Primary and secondary air quality standards are those concentrations in the ambient air which result in a total fluoride content in vegetation used for feed and forage of no more than:

01. Annual Standard. Forty (40) ppm, dry basis -- annual arithmetic mean.

02. Bimonthly Standard. Sixty (60) ppm, dry basis -- monthly concentration for two (2) consecutive months.

03. Monthly Standard. Eighty (80) ppm, dry basis -- monthly concentration never to be exceeded.

578. (RESERVED)~~DESIGNATION OF ATTAINMENT, UNCLASSIFIABLE, AND NONATTAINMENT AREAS.~~

~~**01. Annual Review**. The Department shall annually review the available ambient air quality data and when appropriate, redesignate areas as attainment, unclassifiable or nonattainment with the standards in 40 CFR Part 50.~~

~~**02. Boundaries**. Boundaries for such areas will be based, as much as possible, on actual ambient concentrations and shall take into account such things as the location of air pollutant sources, modeled air quality concentrations, terrain, geographical boundaries and political jurisdictions.~~

~~**03. Area Designation**. Designation of attainment and unclassifiable areas shall generally be made on a~~

~~county basis. Redesignation of attainment or unclassifiable areas cannot intersect or be smaller than the area of impact of any major facility or major modification which establishes the baseline date or is subject to a PSD permit.~~

~~**04. Redesignations**. Redesignations shall be adopted by the Department after public notice and opportunity for a public hearing and will be submitted by the Governor (or if delegated, the Director) to the U.S. Environmental Protection Agency.~~

579. BASELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION.

01. Baseline Date(s).

a. Major Source Baseline Date.

i. In the case of PM_{10} and sulfur dioxide, January 6, 1975;

ii. In the case of nitrogen dioxide, February 8, 1988; and

iii. In the case of $PM_{2.5}$, October 20, 2010.

b. Minor Source Baseline Date. The earliest date after the trigger date on which a major stationary source or a major modification subject to prevention of significant deterioration (PSD) submits a complete application. The trigger date is:

i. In the case of PM_{10} and sulfur dioxide, August 7, 1977; and

ii. In the case of nitrogen dioxide, February 8, 1988.

iii. In the case of $PM_{2.5}$, October 20, 2011.

c. The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

i. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d) of the Clean Air Act for the pollutant on the date of its complete prevention of significant deterioration (PSD) application; and

ii. In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

d. Any minor source baseline date established originally for the TSP increments ~~shall~~ remains in effect and ~~shall apply~~ applies for purposes of determining the amount of available PM_{10} increments, except that the Department may rescind any such minor source baseline date where it can be shown, to the satisfaction of the Department, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM_{10} emissions.

02. Baseline Area. Any intrastate area designated as attainment or unclassifiable under 42 U.S.C. Section 7407(d), in which the major facility or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: Equal to or greater than 1 $\mu g/m^3$ (annual average) for SO_2, NO_2, or PM_{10}; or equal or greater than 0.3 $\mu g/m^3$ (annual average) for $PM_{2.5}$.

03. Baseline Concentration. The ambient concentration for a particular regulated air pollutant which exists in the applicable baseline area on the applicable minor source baseline date.

a. The baseline concentration ~~shall~~ represents:

i. The actual emissions from sources in existence on the applicable minor source baseline date; and

ii. The allowable emissions of major facilities and major modifications ~~which~~ that commenced construction before the applicable major source baseline date, but were not in operation by the applicable minor source baseline date.

b. The baseline concentration ~~shall~~ does not include the actual emissions of new major facilities and major modifications ~~which~~ that commenced construction on or after the applicable major source baseline date.

580. CLASSIFICATION OF PREVENTION OF SIGNIFICANT DETERIORATION AREAS.

01. Restrictions On Area Classification. Restrictions on classification are listed in 40 CFR 52.21(e).

~~**a.** All of the following areas which were in existence on August 7, 1977, are Class I and may not be redesignated:~~

~~i. International parks;~~

~~ii. National wilderness areas which exceed five thousand (5,000) acres;~~

~~iii. National memorial parks which exceed five thousand (5,000) acres;~~

~~iv. National parks which exceed six thousand (6,000) acres.~~

~~**b.** The following areas are Class II and may be redesignated only as Class I or II:~~

~~i. National monuments, national primitive areas, national preserves, national recreational areas, national wild and scenic rivers, national wildlife refuges, and national lakeshores or seashores which exceed ten thousand (10,000) acres; or~~

~~ii. National parks or national wilderness areas established after August 7, 1977, which exceed ten thousand (10,000) acres.~~

~~**c.** All other areas in the State are Class II and may be redesignated Class I, II or III.~~

02. Procedures for Redesignation of Prevention of Significant Deterioration (PSD) Areas. The Governor may submit to ~~the U.S. Environmental Protection Agency~~EPA a proposal to redesignate areas as a revision to the SIP. In preparing any such proposal the Department ~~shall~~will:

a. Consult with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation;

b. Prepare a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposal. This document will be made available for public inspection at least thirty (30) days prior to the public hearing on the proposed redesignation and the notice announcing the hearing will include notification of the availability of the document;

c. Provide written notice to the appropriate Federal Land Manager of any federal lands proposed for redesignation and provide at least thirty (30) days for the Federal Land Manager to confer with the Department and to submit written comments and recommendations. If written comments and recommendations are submitted, the Department ~~shall~~ will publish a list of any inconsistency between the proposed redesignation and the comments and recommendations, including the reasons for making a redesignation against the recommendation of the Federal Land Manager;

d. Notify other states, Indian governing bodies, and federal land managers whose land may be affected by the proposed redesignation at least thirty (30) days prior to the public hearing;

e. For a redesignation to Class III: After consulting with the appropriate committees of the legislature, if it is in session, or the leadership of the legislature, if it is not in session, obtain specific approval by the Governor

and by all general purpose units of local government representing a majority of the residents of the area to be redesignated; demonstrate that the redesignation would not cause, or contribute to, violations of any ambient air quality standard, or violations of PSD increments in any other area; and make available, for public inspection prior to the public hearing, any permit application and accompanying material for any major facility or major modification which could only be permitted if the area were designated as Class III; and

f. Hold at least one (1) public hearing on the proposed redesignation.

581. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS.
~~The purpose of~~ Section 581 ~~is to~~ establishes the allowable degree of deterioration for the areas within the State ~~which~~ that have air quality better than the ambient standards.

01. Incorporated Federal Program Requirements - Class I, II and III Areas. Class I, II, and III area PSD increment requirements contained in 40 CFR 52.21(c) are incorporated by reference ~~into these rules at~~ in Section 107. These CFR sections have been codified in the electronic CFR at www.ecfr.gov.

02. Exceedances. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location.

03. Exclusions. The following concentrations ~~shall~~ will be excluded in determining compliance with the maximum allowable increases:

a. Concentrations attributable to the increase in emissions from facilities ~~which~~ that have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, over the emissions from such facilities before the effective date of such order or plan; this ~~shall~~ does not apply more than five (5) years after the effective date of such order or plan;

b. Concentrations of PM-10 attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified facilities;

c. The increase in concentrations attributable to new facilities outside the United States over the concentrations attributable to existing facilities which are included in the baseline concentration; and

d. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen dioxide, or particulate matter from facilities ~~which~~ that are affected by a revision to the SIP approved by ~~the U.S. Environmental Protection Agency~~EPA; this exclusion ~~shall~~ may not exceed two (2) years unless a longer time is approved by ~~the U.S. Environmental Protection Agency~~EPA, is not renewable, and applies only to revisions ~~which~~that:

i. Would not affect the applicable pollutant concentrations in a Class I area or an area where an applicable increment is known to be violated and would not cause or contribute to a violation of an ambient air quality standard; and

ii. Require limitations to be in effect at the end of the approved time period ~~which~~ that would ensure that the emissions from facilities affected by the revision would not exceed those concentrations occurring before the revision was approved.

582. -- 584. (RESERVED)

585. TOXIC AIR POLLUTANTS NON-CARCINOGENIC INCREMENTS.
The screening emissions levels (EL) and acceptable ambient concentrations (AAC) for non-carcinogens are as provided in the following table. The AAC in this section are twenty-four (24) hour averages.

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)

60-35-5	Acetamide (NY)	--	0.002	0.0003
64-19-7	Acetic acid	25	1.67	1.25
108-24-7	Acetic anhydride	20	1.33	1
67-64-1	Acetone	1780	119	89
75-05-8	Acetonitrile	67	4.47	3.35
540-59-0	Acetylene dichloride, See 1,2-Dichloroethylene			
79-27-6	Acetylene tetrabromide	15	1	.75
107-02-8	Acrolein	0.25	0.017	0.0125
79-10-7	Acrylic acid	30	2	1.5
107-18-6	Allyl alcohol	5	0.333	.25
106-92-3	Allyl glycidyl ether	22	1.47	1.1
2179-59-1	Allyl propyl disulfide	12	0.8	0.6
7429-90-5	Aluminum Including:			
NA	Metal & Oxide	10	0.667	0.5
NA	Pyro powders	5	0.333	0.25
NA	Soluble salts	2	0.133	0.10
NA	Alkyls not otherwise classified	2	0.133	0.10
141-43-5	2-Aminoethanol, See Ethanolamine			
504-29-0	2-Aminopyridine	2	0.133	0.10
7664-41-7	Ammonia	18	1.2	0.9
12125-02-9	Ammonium chloride fume	10	0.667	0.5
3825-26-1	Ammonium perfluo-octanoate	0.1	0.007	0.05
7773-06-0	Ammonium sulfamate	10	0.667	0.5
628-63-7	n-Amyl acetate	530	35.3	26.5
626-38-0	Sec-Amyl acetate	665	44.3	33.25
7440-36-0	Antimony & compounds, as Sb (handling & use)	0.5	0.033	0.025
86-88-4	ANTU	0.3	0.02	0.015
7784-42-1	Arsine	0.2	0.013	0.01
86-50-0	Azinphos-methyl	0.2	0.013	0.01

7440-39-3	Barium, soluble compounds, as Ba	0.5	0.033	0.025
17804-35-2	Benomyl	10	0.67	0.5
7106-51-4	p-Benzoquinone, See Quinone			
94-36-0	Benzoyl peroxide	5	0.333	0.25
92-52-4	Biphenyl	1.5	0.1	0.075
1304-82-1	Bismuth telluride undoped	10	0.667	0.05
NA	Bismuth telluride if selenium doped	5	0.333	0.25
1303-96-4	Borates, tetra odium salts - Including:			
NA	Anhydrous	1	0.067	0.05
NA	Decahydrate	5	0.333	0.25
NA	Pentahydrate	1	0.067	0.05
1303-86-2	Boron oxide	10	0.667	0.5
10294-33-4	Boron tribromide	10	0.667	0.5
7637-07-2	Boron trifluoride	3	0.2	0.25
314-40-9	Bromacil	10	0.667	0.5
7726-95-6	Bromine	0.7	0.047	0.035
7789-30-2	Bromine penta-fluoride	0.7	0.047	0.035
75-25-2	Bromoform	5	0.333	0.25
109-79-5	Butanethiol, see Butyl mercaptan			
78-93-3	2-Butanone, see Methyl ethyl ketone			
112-07-2	2-butoxyethyl acetate	---	8.33	1.25
111-76-2	2-Butoxyethanol (EGBG)	120	8	6
123-86-4	n-Butyl acetate	710	47.3	35.5
105-46-4	sec-Butyl acetate	950	63.3	47.5
540-88-5	tert-Butyl acetate	950	63.3	47.5
141-32-2	Butyl acrylate	55	3.67	2.75
71-36-3	n-Butyl alcohol	150	10	7.5
78-92-2	Sec-Butyl alcohol	305	20.3	15.25
75-65-0	tert-Butyl alcohol	300	20	15

109-73-9	Butylamine	15	1	.75
124-17-4	Butyl carbitol acetate (ID)	---	0.846	.625
1189-85-1	tert-Butyl chromate, as CrO3	0.1	0.007	.005
2426-08-6	n-Butyl glycidyl ether	135	9	6.75
138-22-7	n-Butyl lactate	25	1.67	1.25
109-79-5	Butyl mercaptan	1.8	0.12	0.09
89-72-5	o-sec-Butylphenol	30	2	1.5
98-51-1	p-tert-Butyltoluene	60	4	3
1317-65-3	Calcium carbonate	10	0.667	0.5
156-62-7	Calcium cyanamide	0.5	0.033	0.025
1305-62-0	Calcium hydroxide	5	0.333	0.25
1305-78-8	Calcium oxide	2	0.133	0.1
1344-95-2	Calcium silicate (synthetic)	10	0.667	0.5
13397-24-5	Calcium sulfate	10	0.667	0.5
76-22-2	Camphor, synthetic	12	0.8	0.6
105-60-2	Caprolactam - Including:			
	Dust	1	0.067	0.05
	Vapor	20	1.33	1.0
1333-86-4	Carbon black	3.5	0.23	0.175
2425-06-1	Captafol	0.1	0.007	0.005
133-06-2	Captan	5	0.333	0.25
463-58-1	Carbonyl sulfide	0.4	0.027	0.02
63-25-2	Carbaryl	5	0.333	0.25
1563-66-2	Carbofuran	0.1	0.007	0.005
75-15-0	Carbon disulfide	30	2	1.5
558-13-4	Carbon tetrabromide	1.4	0.093	0.07
75-44-5	Carbonyl chloride, See Phosgene			
353-50-4	Carbonyl fluoride	5	0.333	0.25
120-80-9	Catechol	20	1.33	1.0

21351-79-1	Cesium hydroxide	2	0.133	0.10
133-90-4	Chloramben (PL)	---	887	133
8001-35-2	Chlorinated camphene	0.5	0.0333	0.025
31242-93-0	Chlorinated diphenyl oxide	0.5	0.033	0.025
7782-50-5	Chlorine	3	0.2	0.15
10049-04-4	Chlorine dioxide	0.3	0.02	0.015
7790-91-2	Chlorine trifluoride (CL)	0.38	0.025	0.002
107-20-0	Chloroacetaldehyde	0.32	0.021	0.015
78-95-5	Chloroacetone	0.38	0.0253	0.019
532-27-4	a-Chloroacetophenone	0.32	0.021	0.016
79-04-9	Chloroacetyl chloride	0.2	0.013	0.01
108-90-7	Chlorobenzene	350	23.3	17.5
510-15-6	Chlorobenzilate (PL1)	---	0.047	0.035
2698-41-1	O-Chlorobenzylidene malononitrile (CL)	0.4	0.0027	0.03
126-99-8	2-Chloro-1,3-butadiene, see B-Chloroprene			
107-07-3	2-Chloroethanol, see Ethylene chlorohydrin			
600-25-9	1-Chloro-1-nitro propane	10	0.667	0.5
95-57-8	2-Chlorophenol (and all isomers) (ID)	---	0.033	0.025
76-06-2	Chloropicrin	0.7	0.047	0.037
126-99-8	B-chloroprene	36	2.4	1.8
2039-87-4	o-Chlorostyrene	285	19	14.25
95-49-8	o-Chlorotoluene	250	16.7	12.5
1929-82-4	2-Chloro-6-(tri-chloromethyl) pyridine, see Nitrapyrin			
2921-88-2	Chlorpyrifos	0.2	0.013	0.01
7440-47-3	Chromium metal - Including:	0.5	0.033	0.025
7440-47-3	Chromium (II) compounds, as Cr	0.5	0.033	0.025
16065-83-1	Chromium (III) compounds, as Cr	0.5	0.033	0.025
2971-90-6	Clopidol	10	0.667	0.5
NA	Coal dust (<5% silica)	2	0.133	0.1

10210-68-1	Cobalt carbonyl as Co	0.1	0.007	0.005
16842-03-8	Cobalt hydrocarbonyl as Co	0.1	0.007	0.005
7440-48-4	Cobalt metal, dust, and fume	0.05	0.0033	0.0025
7440-50-8	Copper:			
7440-50-8	Fume	0.2	0.013	0.01
7440-50-8	Dusts & mists, as Cu	1	0.067	0.05
95-48-7	o-Cresol	22	1.47	1.1
108-39-4	m-Cresol	22	1.47	1.1
106-44-5	p-Cresol	22	1.47	1.1
1319-77-3	Cresols/Cresylic Acid (isomers and mixtures)	22	1.47	1.1
123-73-9	Crotonaldehyde	5.7	0.38	0.285
299-86-5	Cruformate	5	0.333	0.25
98-82-8	Cumene	245	16.3	12.25
420-04-2	Cyanamide	2	0.133	0.1
592-01-8	Cyanide and compounds as CN	5	0.333	0.25
110-82-7	Cyclohexane	1050	70	52.5
108-93-0	Cyclohexanol	200	13.3	10
108-94-1	Cyclohexanone	100	6.67	5
110-83-8	Cyclohexene	1015	67.7	50.75
108-91-8	Cyclohexylamine	41	2.73	2.05
121-82-4	Cyclonite	1.5	0.1	0.075
542-92-7	Cyclopentadiene	200	13.3	10
287-92-3	Cyclopentane	1720	114.667	86
94-75-7	2,4-D	10	0.667	0.5
17702-41-9	Decaborane	0.3	0.02	0.015
8065-48-3	Demeton	0.1	0.007	0.005
123-42-2	Diacetone alcohol	240	16	12
39393-37-8	Dialkyl phthalate (ID)	---	16.4	2.46
107-15-3	1,2-Diaminoethane, See Ethylenediamine			

333-41-5	Diazinon	0.1	0.007	0.005
334-88-3	Diazomethane	0.34	0.023	0.017
19287-45-7	Diborane	0.1	0.007	0.005
102-81-8	2-N-Dibutylamino ethanol	14	0.933	0.7
2528-36-1	Dibutyl phenyl phosphate	3.5	0.233	0.175
107-66-4	Dibutyl phosphate	8.6	0.573	0.43
84-74-2	Dibutyl phthalate	5	0.333	0.25
7572-29-4	Dichloroacetylene	0.39	0.0026	0.0195
95-50-1	o-Dichlorobenzene	300	20	15
106-46-7	1,4-Dichlorobenzene	450	30	22.5
118-52-5	1,3-Dichloro-5, 5-dimethyl hydantoin	0.2	0.013	0.025
75-34-3	Dichloroethane	405	27	20.25
540-59-0	1,2-Dichloroethylene	790	52.7	39.5
111-44-4	Dichloroethyl ether	30	2	1.5
75-43-4	Dichlorofluoromethane	40	2.67	2
594-72-9	1, l-Dichloro-l-nitroethane	10	0.667	0.5
78-87-5	1,2-Dichloropropane, see Propylene dichloride			
75-99-0	2,2-Dichloropropionic acid	6	0.4	0.3
62-73-7	Dichlorvos	1	0.067	0.05
141-66-2	Dicrotophos	0.25	0.017	0.125
77-73-6	Dicyclopentadiene	30	2	1.5
102-54-5	Dicyclopentadienyl iron	10	0.667	0.5
111-42-2	Diethanolamine	15	1	0.75
109-89-7	Diethylamine	30	2	1.5
100-37-8	2-Diethylamino-ethanol	50	3.33	2.5
111-40-0	Diethylene triamine	4	0.267	0.2
60-29-7	Diethyl ether	1200	80	60
96-22-0	Diethyl Ketone	705	47	35.25
84-66-2	Diethyl phthalate	5	0.333	0.25

2238-07-5	Diglycidyl ether (DGE)	0.53	0.035	0.0265
123-31-9	Dihydroxybenzene, see Hydroquinone			
108-83-8	Diisobutyl ketone	145	9.67	7.25
108-18-9	Diisopropylamine	20	1.33	1
127-19-5	Dimethyl acetamide	35	2.33	1.75
124-40-3	Dimethylamine	9.2	0.613	0.46
60-11-7	Dimethyl aminoazo-benzene (NY)	---	0.002	0.0003
1300-73-8	Dimethylamino-benzene, see Xylidine			
121-69-7	Dimethylaniline (N,N-Dimethylaniline)	25	1.67	1.25
1330-20-7	Dimethylbenzene, see Xylene			
300-76-5	Dimethyl-1,2-dibromo-2-dichloroethyl phosphate, see Naled			
68-12-2	Dimethylformamide	30	2	1.5
108-83-8	2,6-Dimethyl-4-heptanone, see Diisobutyl ketone			
131-11-3	Dimethylphthalate	5	0.333	0.25
148-01-6	Dinitolmide	5	0.333	0.25
528-29-0	Dinitrobenzene	1	0.067	0.05
99-65-0	m (or) 1,3-Dinitrobenzene	1	0.067	0.05
100-25-4	p (or) 1,4-Dinitrobenzene	1	0.067	0.05
534-52-1	Dinitro-o-cresol	0.2	0.013	0.01
148-01-6	3,5-Dinitro-o-toluamide, see Dinitolmide			
117-84-0	N-Dioctyl Phthalate	5	0.333	0.25
78-34-2	Dioxathion	0.2	0.013	0.01
92-52-4	Diphenyl, see Biphenyl			
122-39-4	Diphenylamine	10	0.667	0.5
	Diphenyl methane diisocyanate, see Methylenediphenyl diisocyanate			
34590-94-8	Dipropylene glycol methyl ether	600	40	30
123-19-3	Dipropyl ketone	235	15.7	11.75
85-00-7	Diquat	0.5	0.033	0.01

97-77-8	Disulfiram	2	0.133	0.1
298-04-4	Disulfoton	0.1	0.007	0.005
128-37-0	2,6-Ditert. butyl-p-cresol	10	0.667	0.5
330-54-1	Diuron	10	0.667	0.5
108-57-6	Divinyl benzene	50	3.33	2.5
1302-74-5	Emery (corundum) total dust (> 1% silica)	10	0.667	0.5
115-29-7	Endosulfan	0.1	0.007	0.005
72-20-8	Endrin	0.1	0.007	0.005
13838-16-9	Enflurane	566	37.7	28.3
1395-21-7	Enzymes, see Subtilisins			
2104-64-5	EPN (Ethoxy-4-Nitro-phenoxy phenylphosphine)	0.5	0.033	0.025
106-88-7	1,2-Epoxybutane (MI)	---	0.8	0.6
75-56-9	1,2-Epoxypropane, see Propylene oxide			
556-52-5	2,3-Epoxy-1-propanol, see Glycidol			
75-08-1	Ethanethiol, see Ethyl mercaptan			
141-43-5	Ethanolamine	8	0.533	0.4
563-12-2	Ethion	0.4	0.027	0.02
110-80-5	2-Ethoxyethanol	19	1.27	0.95
111-15-9	2-Ethoxyethyl acetate (EGEEA)	27	1.8	1.35
141-78-6	Ethyl acetate	1400	93.3	70
64-17-5	Ethyl alcohol	1880	125	94
75-04-7	Ethylamine	18	1.2	0.9
541-85-5	Ethyl amyl ketone	130	8.67	6.5
100-41-4	Ethyl benzene	435	29	21.75
74-96-4	Ethyl bromide	22	1.47	1.1
106-35-4	Ethyl butyl ketone	230	15.3	11.5
51-79-6	Ethyl carbamate (Urethane) (WA)	---	0.002	0.0015
75-00-3	Ethyl chloride	2640	176	132
107-07-3	Ethylene chlorohydrin	3	0.2	0.15

107-15-3	Ethylenediamine	25	1.67	1.25
107-06-2	Ethylene dichloride	40	2.667	2
107-21-1	Ethylene glycol vapor (CL)	127	0.846	6.35
628-96-6	Ethylene glycol denigrate	0.31	0.021	0.016
110-49-6	Ethylene glycol methyl ether acetate, see 2-Methoxyethyl acetate			
96-45-7	Ethylene thiourea (PL2)	---	0.047	0.035
109-94-4	Ethyl formate	300	20	15
16219-75-3	Ethylidene norbornene (CL)	25	0.167	1.25
75-08-1	Ethyl mercaptan	1	0.067	0.05
100-74-3	N-Ethylmorpholine	23	1.53	1.15
78-10-4	Ethyl silicate	85	5.67	4.25
22224-92-6	Fenamiphos	0.1	0.007	0.005
115-90-2	Fensulfothion	0.1	0.007	0.005
55-38-9	Fenthion	0.2	0.013	0.01
14484-64-1	Ferbam	10	0.667	0.5
12604-58-9	Ferrovanadium dust	1	0.067	0.05
NA	Fibrous glass dust	10	0.667	0.5
NA	Fine Mineral Fibers - Including: mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less. (ID)	--	0.661	0.5
NA	Fluorides, as F	2.5	0.167	0.125
7782-41-4	Fluorine	2	0.133	0.1
944-22-9	Fonofos	0.1	0.007	0.005
75-12-7	Formamide	30	2	1.5
64-18-6	Formic acid	9.4	0.627	0.47
98-01-1	Furfural	8	0.533	0.4
98-00-0	Furfuryl alcohol	40	2.67	2
7782-65-2	Germanium tetrahydride	0.6	0.04	0.03
NA	Glass, Fibrous or dust, see Fibrous glass dust			

111-30-8	Glutaraldehyde (CL)	0.82	0.0047	0.041
556-52-5	Glycidol	75	5	3.75
110-80-5	Glycol monoethyl ether, see 2-Ethoxyethanol			
7440-58-6	Hafnium	0.5	0.033	0.025
110-43-0	2-Heptanone, see Methyl n-amyl ketone			
106-35-4	3-Heptanone, see Ethyl butyl ketone			
151-67-7	Halothane	404	26.9	20.2
142-82-5	Heptane (n-Heptane)	1640	109	82
77-47-4	Hexachlorocyclopentadiene	0.1	0.007	0.005
1335-87-1	Hexachloronaphthalene	0.2	0.013	0.010
684-16-2	Hexafluoroacetone	0.7	0.047	0.035
822-06-0	Hexamethylene diisocyanate	0.03	0.002	0.0015
680-31-9	Hexamethylphosphoramide (WA)	---	0.002	0.0015
110-54-3	Hexane (n-Hexane)	180	12	9
591-78-6	2-Hexanone, see Methyl n-butyl ketone			
108-10-1	Hexone, see Methyl isobutyl ketone			
108-84-9	sec-Hexyl acetate	300	20	15
107-41-5	Hexylene glycol (CL)	121	0.806	6.05
37275-59-5	Hydrogenated terphenyls	5	0.333	0.25
10035-10-6	Hydrogen bromide (CL)	10	0.0667	0.5
7647-01-0	Hydrogen chloride (CL)	7.5	0.05	0.375
7722-84-1	Hydrogen peroxide	1.5	0.1	0.075
7783-06-4	Hydrogen sulfide	14	0.933	0.7
123-31-9	Hydroquinone	2	0.133	0.1
123-42-2	4-Hydroxy-4-Methyl-2-pentanone, see Diacetone alcohol			
999-61-1	2 -Hydroxypropyl acrylate	3	0.2	0.15
95-13-6	Indene	45	3	2.25
7440-74-6	Indium & compounds as In	0.1	0.007	0.005
7553-56-2	Iodine (CL)	0.1	0.0067	0.005

75-47-8	Iodoform	10	0.667	0.5
1309-37-1	Iron oxide fume (Fe2O3) as Fe	5	0.333	0.25
13463-40-6	Iron pentacarbonyl as Fe	0.8	0.053	0.04
7439-89-6	Iron salts, soluble, as Fe	1	0.067	0.05
123-92-2	Isoamyl acetate	525	35	26.25
123-51-3	Isoamyl alcohol	360	24	18
110-19-0	Isobutyl acetate	700	46.7	35
78-83-1	Isobutyl alcohol	150	10	6
26952-21-6	Isooctyl alcohol	270	18	13.5
78-59-1	Isophorone	28	1.867	1.4
4098-71-9	Isophorone diisocyanate	0.09	0.006	0.0045
109-59-1	Isopropoxyethanol	105	7	5.25
108-21-4	Isopropyl Acetate	1040	69.3	52
67-63-0	Isopropyl alcohol	980	65.3	49
75-31-0	Isopropylamine	12	0.8	0.6
643-28-7	N-Isopropylaniline	10	0.667	0.5
108-20-3	Isopropyl ether	1040	69.3	52
4016-14-2	Isopropyl glycidyl ether (IGE)	240	16	12
1332-58-7	Kaolin (respirable dust)	2	0.133	0.1
463-51-4	Ketene	0.9	0.06	0.045
7580-67-8	Lithium hydride	0.025	0.002	0.00125
546-93-0	Magnesite	10	0.667	0.5
1309-48-4	Magnesium oxide fume	10	0.667	0.5
121-75-5	Malathion	10	0.667	0.5
108-31-6	Maleic anhydride	1	0.067	0.05
7439-96-5	Manganese as Mn Including:			
7439-96-5	Dust & compounds	5	0.333	0.25
7439-96-5	Fume	1	0.067	0.05
101-68-8	MDI, see Methylene diphenyl isocyanate			

NA	Mercaptans not otherwise listed (ID)	---	0.033	0.025
141-79-7	Mesityl oxide	60	4	3
79-41-4	Methacrylic acid	70	4.67	3.5
74-93-1	Methanethiol, see Methyl mercaptan			
67-56-1	Methanol	260	17.3	13
16752-77-5	Methomyl	2.5	0.17	0.125
72-43-5	Methoxychlor	10	0.667	0.5
109-86-4	2-Methoxyethanol	16	1.07	0.8
110-49-6	2-Methoxyethyl acetate	24	1.6	1.2
150-76-5	4-Methoxyphenol	5	0.333	0.25
108-65-6	1-methoxy-2-~~proa~~noylpropyl acetate (ID)	n/a	24	3.6
79-20-9	Methyl acetate	610	40.7	30.5
74-99-7	Methyl acetylene	1640	109	82
NA	Methyl acetylene-propadiene mix (MAPP)	1640	109	82
96-33-3	Methyl acrylate	35	2.33	1.75
126-98-7	Methylacrylonitrile	3	0.2	0.15
74-89-5	Methylamine	12	0.8	0.6
108-11-2	Methyl emyl alcohol, see Methyl isobutyl carbinol			
110-43-0	Methyl n-amyl ketone	235	15.7	11.75
100-61-8	N-Methyl aniline	2	0.133	0.1
74-83-9	Methyl bromide	19	1.27	0.95
591-78-6	Methyl n-butyl ketone	20	1.33	1
74-87-3	Methyl chloride	103	6.867	5.15
71-55-6	Methyl chloroform	1910	127	95.5
137-05-3	Methyl 2-cyano-acrylate	8	0.533	0.4
25639-42-3	Methylcyclohexanol	235	15.7	11.75
583-60-8	o-Methylcyclohexanone	230	15.3	11.5
8022-00-2	Methyl demeton	0.5	0.033	0.01
101-68-8	Methylenediphenyl diisocyanate (MDI)	0.05	0.003	0.0025

5124-30-1	Methylene bis (4-cyclohexyl isocyanate)	0.11	0.007	0.0055
78-93-3	Methyl ethyl ketone (MEK)	590	39.3	29.5
1338-23-4	Methyl ethyl ketone peroxide (CL)	1.5	0.01	0.0075
107-31-3	Methyl formate	246	16.4	12.3
541-85-5	5-Methyl-3-heptanone, see Ethyl amyl ketone			
110-12-3	Methyl isoamyl ketone	240	16	12
108-11-2	Methyl isobutyl carbinol	104	6.93	5.2
108-10-1	Methyl isobutyl ketone	205	13.7	10.25
624-83-9	Methyl isocyanate	0.05	0.003	0.0025
563-80-4	Methyl isopropyl ketone	705	47	35.25
74-93-1	Methyl mercaptan	0.5	0.033	0.025
80-62-6	Methyl methacrylate	410	27.3	20.5
298-00-0	Methyl parathion	0.2	0.013	0.01
107-87-9	Methyl propyl ketone	700	46.7	35
681-84-5	Methyl silicate	6	0.4	0.3
98-83-9	a-Methyl styrene	240	16	10.20
109-87-5	Methylal (dimethoxymethane)	3110	207	155.5
108-87-2	Methylcyclohexane	1610	107	80.5
21087-64-9	Metribuzin	5	0.333	0.25
7786-34-7	Mevinphos	0.1	0.007	0.005
12001-26-2	Mica (Respirable dust)	3	0.2	0.15
NA	Mineral Wool Fiber (no asbestos)	10	0.667	0.5
7439-98-7	Molybdenum as Mo - Including:			
NA	Soluble compounds	5	0.333	0.25
NA	Insoluble compounds	10	0.667	0.5
108-90-7	Monochlorobenzene, see Chlorobenzene			
6923-22-4	Monocrotophos	0.25	0.017	0.0125
110-91-8	Morpholine	70	4.67	0.35
300-76-5	Naled	3	0.2	0.15

91-20-3	Naphthalene	50	3.33	2.5
54-11-5	Nicotine	0.5	0.033	0.025
1929-82-4	Nitrapyrin	10	0.667	0.5
7697-37-2	Nitric acid	5	0.333	0.25
100-01-6	p-Nitroaniline	3	0.2	0.15
98-95-3	Nitrobenzene	5	0.333	0.25
100-00-5	p-Nitrochlorobenzene	3	0.2	0.15
79-24-3	Nitroethane	310	20.7	15.5
7783-54-2	Nitrogen trifluoride	29	1.93	1.45
55-63-0	Nitroglycerin	0.46	0.031	0.023
75-52-5	Nitromethane	50	3.333	2.5
108-03-2	1-Nitropropane	90	6	4.5
99-08-1	m (or) 3-Nitrotoluene	11	0.733	0.55
88-72-2	o (or) 2-Nitrotoluene	11	0.733	0.55
99-99-0	p (or) 4-Nitrotoluene	11	0.733	0.55
76-06-2	Nitrotrichloromethane, see Chloropicrin			
10024-97-2	Nitrous oxide	90	6	4.5
111-84-2	Nonane	1050	70	52.5
2234-13-1	Octachloronaphthalene	0.1	0.007	0.005
111-65-9	Octane	1400	93.3	70
NA	Oil mist, mineral	5	0.333	0.25
20816-12-0	Osmium tetroxide as Os	0.002	0.0001	0.0001
144-62-7	Oxalic acid	1	0.067	0.05
7783-41-7	Oxygen difluoride (CL)	0.11	0.0007	0.0005
8002-74-2	Paraffin wax fume	2	0.133	0.1
4685-14-7	Paraquat	0.1	0.007	0.007
NA	Paraquat, all Compounds	0.1	0.007	0.005
56-38-2	Parathion	0.1	0.007	0.005
19624-22-7	Pentaborane	0.01	0.001	0.0005

1321-64-8	Pentachloronaphthalene	0.5	0.033	0.025
82-68-8	Pentachloronitrobenzene	0.5	0.0333	0.025
87-86-5	Pentachlorophenol	0.5	0.033	0.025
109-66-0	Pentane	1770	118	88.5
107-87-9	2-Pentanone, see Methyl propyl ketone			
594-42-3	Perchloromethyl mercaptan	0.8	0.053	0.04
7616-94-6	Perchloryl Fluoride	13	0.867	0.65
93763-70-3	Perlite	10	0.667	0.5
532-27-4	Phenacyl chloride, see a-Chloroacetophenone			
108-95-2	Phenol	19	1.27	0.95
92-84-2	Phenothiazine	5	0.333	0.25
108-45-2	m-Phenylenediamine	0.1	0.0067	0.005
106-50-3	p-Phenylenediamine	0.1	0.007	0.005
101-84-8	Phenyl ether, vapor	7	0.467	0.035
122-60-1	Phenyl glycidyl ether (PGE)	6	0.4	0.3
108-98-5	Phenyl mercaptan	2	0.133	0.1
638-21-1	Phenylphosphine (CL)	0.25	0.0017	0.00125
298-02-2	Phorate	0.05	0.003	0.001
7786-34-7	Phosdrin, see Mevinphos			
75-44-5	Phosgene	0.4	0.027	0.02
7803-51-2	Phosphine	0.4	0.027	0.02
7664-38-2	Phosphoric acid	1	0.067	0.05
7723-14-0	Phosphorus	0.1	0.007	0.005
10025-87-3	Phosphorus oxychloride	0.6	0.04	0.030
10026-13-8	Phosphorus penta-chloride	1	0.067	0.05
1313-80-3	Phosphorus penta-sulfide	1	0.067	0.05
1314-56-3	Phosphorus pentoxide (ID)	--	0.067	0.05
7719-12-2	Phosphorus trichloride	1.5	0.1	0.075
85-44-9	Phthalic anhydride	6	0.4	0.3

626-17-5	m-Phthalodinitrile	5	0.333	0.25
1918-02-1	Picloram	10	0.667	0.5
88-89-1	Picric acid	0.1	0.006	0.005
83-26-1	Pindone	0.1	0.007	0.005
142-64-3	Piperazine dihydro-chloride	5	0.333	0.25
83-26-1	2-Pivaloyl-l,3-indandione, see Pindone			
7440-06-4	Platinum - Including:			
7440-06-4	Metal	1	0.067	0.05
NA	Soluble salts, as Pt	0.002	0.0001	0.0001
65997-15-1	Portland cement	10	0.667	0.5
1310-58-3	Potassium hydroxide	2	0.133	0.1
107-19-7	Propargyl alcohol	2.3	0.153	0.115
123-38-6	Propionaldehyde (LA)	0.43	0.0287	0.0215
79-09-4	Propionic acid	30	2	1.5
114-26-1	Propoxur (Baygon)	0.5	0.033	0.025
109-60-4	n-Propyl acetate	840	56	42
71-23-8	Propyl alcohol	500	33.3	25
78-87-5	Propylene dichloride	347	23.133	17.35
6423-43-4	Propylene glycol dinitrate	0.34	0.023	0.017
107-98-2	Propylene glycol monomethyl ether	360	24	18
75-56-9	Propylene oxide	48	3.2	2.4
627-13-4	n-Propyl nitrate	105	7	5.25
8003-34-7	Pyrethrum	5	0.333	0.25
110-86-1	Pyridine	15	1	0.75
120-80-9	Pyrocatechol, see Catechol			
106-51-4	Quinone	0.4	0.027	0.02
121-84-4	RDX, see Cyclonite			
NA	Refractory Ceramic Fibers (see entry for specific content of emissions, ex: silica)			

108-46-3	Resorcinol	45	3	2.25
7440-16-6	Rhodium - Including:			
7440-16-6	Metal	1	0.067	0.05
NA	Insoluble compounds, as Rh	1	0.067	0.05
NA	Soluble compounds, as Rh	0.01	0.001	0.0005
299-84-3	Ronnel	10	0.667	0.5
83-79-4	Rotenone (commercial)	5	0.333	0.25
8030-30-6	Rubber solvent (Naphtha)	1590	106	79.5
14167-18-1	Salcoine as CO	0.1	0.007	0.005
7782-49-2	Selenium	0.2	0.013	0.010
NA	Selenium and compounds as Se	0.2	0.013	0.01
136-78-7	Sesone	10	0.667	0.5
7803-62-5	Silane, see silicon tectrahydride			
NA	Silica - amorphous - Including:			
61790-53-2	Diatomaceous earth (uncalcined)	10	0.667	0.5
112926-00-8	Precipitated silica	10	0.667	0.5
112926-00-8	Silica gel	10	0.667	0.5
NA	Silica, crystalline - Including:			
14464-46-1	Cristobalite	0.05	0.0033	0.0025
14808-60-7	quartz	0.1	0.0067	0.005
60676-86-0	silica, fused	0.1	0.0067	0.005
15468-32-3	tridymite	0.05	0.0033	0.0025
1317-95-9	Tripoli	0.1	0.0067	0.005
7440-21-3	Silicon	10	0.667	0.5
409-21-2	Silicon carbide	10	0.667	0.5
7803-62-5	Silicon tetrahydride	7	0.467	0.35
7440-22-4	Silver - Including			
7440-22-4	Metal	0.1	0.007	0.005
7440-22-4	Soluble compounds, as Ag	0.01	0.001	0.005

26628-22-8	Sodium azide (CL)	0.3	0.002	0.0015
7631-90-5	Sodium bisulfite	5	0.333	0.25
136-78-7	Sodium 2,4-dichloro-phenoxyethyl sulfate, see Sesone			
62-74-8	Sodium fluoroacetate	0.05	0.003	0.0025
1310-73-2	Sodium hydroxide	2	0.133	0.1
7681-57-4	Sodium metabisulfite	5	0.333	0.25
NA	Stearates (not including toxic metals)	10	0.667	0.5
7803-52-3	Stibine	0.5	0.033	0.025
8052-41-3	Stoddard solvent	525	35	26.25
57-24-9	Strychnine	0.15	0.01	0.0075
60-41-3	Strychnine sulfate as strichnine	0.15	0.01	0.01
100-42-5	Styrene monomer (ID)	--	6.67	1
1395-21-7	Subtilisins (Proteolytic enzymes as 100% pure crystalline enzyme)	0.00006	4.~~0~~0E-07	3.0E-7
3689-24-5	Sulfotep	0.2	0.013	0.01
7664-93-9	Sulfuric acid	1	0.067	0.05
10025-67-9	Sulfur monochloride (CL)	6	0.04	0.03
5714-22-7	Sulfur pentafluoride (CL)	0.1	0.0007	0.0005
7783-60-0	Sulfur tetrafluoride (CL)	0.4	0.0027	0.002
2699-79-8	Sulfuryl fluoride	20	1.33	1
35400-43-2	Sulprofos	1	0.067	0.05
8065-48-3	Systox, see Demeton			
93-76-5	2,4,5-Trichlorophen-oxyacetic acid (2,4,5,-T)	10	0.667	0.05
7440-25-7	Tantalum	5	0.333	0.25
3689-24-5	TEDP, see Sulfotep			
13494-80-9	Tellurium & Compounds as Te	0.1	0.007	0.005
7783-80-4	Tellurium hexafluoride as Te	0.2	0.013	0.01
3383-96-8	Temephos	10	0.667	0.5
107-49-3	TEPP (Tetraethyl-pyrophosphate)	0.05	0.003	0.0025
26140-60-3	Terphenyls	4.7	0.313	0.235

1335-88-2	Tetrachloronaphthalene	2	0.133	0.10
78-00-2	Tetraethyl Lead	0.1	0.007	0.005
597-64-8	Tetraethyltin as organic tin	0.1	0.007	0.005
109-99-9	Tetrahydrofuran	590	39.3	29.5
75-74-1	Tetramethyl lead, as Pb	0.15	0.01	0.0075
3333-52-6	Tetramethyl succinonitrile	3	0.2	0.15
509-14-8	Tetranitromethane	8	0.533	0.4
7722-88-5	Tetrasodium pyrophosphate	5	0.333	0.25
479-45-8	Tetryl	1.5	0.1	0.075
7440-28-0	Thallium, soluble Compounds, as Tl	0.1	0.007	0.005
96-69-5	4,4-Thiobis (6 tert, butyl-m-cresol)	10	0.667	0.5
68-11-1	Thioglycolic acid	4	0.267	0.2
7719-09-7	Thionyl chloride (CL)	4.9	0.0327	0.245
137-26-8	Thiram	5	0.333	0.25
7440-31-5	Tin - Including:			
7440-31-5	Metal	2	0.133	0.1
NA	Oxide & inorganic compounds, except SnH4, as Sn	2	0.133	0.1
NA	Organic compounds as Sn	0.1	0.007	0.005
108-88-3	Toluene (toluol)	375	25	18.75
584-84-9	Toluene-2,4-di-isocyanate (TDI)	0.04	0.003	0.002
10-41-54	p-Toluenesulfonic acid (ID)	n/a	0.067	0.05
126-73-8	Tributyl phosphate	2.2	0.147	0.11
76-03-9	Trichloroacetic acid	7	0.467	0.35
120-82-1	1,2,4-Trichlorobenzene (CL)	37	2.47	1.85
79-01-6	Trichloroethylene	269	17.93	13.45
1321-65-9	Trichloronaphthalene	5	0.333	0.25
76-06-2	Trichloronitromethane, See Chloropicrin			
95-95-4	2,4,5-Trichlorophenol (MA)	---	---	0.0016
96-18-4	l,2,3-Trichloropropane	60	4	3

121-44-8	Triethylamine	4.1	0.27	0.2
1582-09-8	Trifluralin (PL3)	---	7.7	1.15
552-30-7	Trimellitic anhydride	0.04	0.003	0.002
75-50-3	Trimethylamine	12	0.8	0.6
25551-13-7	Trimethyl benzene (mixed and individual isomers)	123	8.2	6.15
540-84-1	2,2,4-Trimethyl-pentane	350	23.3	17.5
121-45-9	Trimethyl phosphite	10	0.667	0.5
479-45-8	2,4,6-Trinitrophenyl-methylnitramine, see Tetryl			
78-30-8	Triorthocresyl phosphate	0.1	0.007	0.005
603-34-9	Triphenyl amine	5	0.333	0.25
115-86-6	Triphenyl phosphate	3	0.2	0.15
7440-33-7	Tungsten - Including:			
NA	Insoluble compounds	5	0.333	0.25
NA	Soluble compounds	1	0.067	0.05
8006-64-2	Turpentine	560	37.3	28
7440-61-1	Uranium (natural) Soluble & insoluble compounds as U	0.2	0.013	0.01
110-62-3	n-Valeraldehyde	175	11.7	8.75
1314-62-1	Vanadium, as V2O5 Respirable Dust & fume	0.05	0.003	0.0025
108-05-4	Vinyl acetate	35	2.3	1.75
25013-15-4	Vinyl toluene	240	16	12
8032-32-4	VM & P Naphtha	1370	91.3	68.5
81-81-2	Warfarin	0.1	0.007	0.005
1330-20-7	Xylene (o-, m-, p-isomers)	435	29	21.75
1477-55-0	m-Xylene a, a-diamine (CL)	0.1	0.0007	0.0005
1300-73-8	Xylidine	2.5	1.67	0.125
7440-65-5	Yttrium (Metal and compounds as Y)	1	0.067	0.05
7440-66-6	Zinc metal (ID)	--	0.667	0.5
7646-85-7	Zinc chloride fume	1	0.067	0.05
1314-13-2	Zinc oxide fume	5	0.333	0.05

1314-13-2	Zinc oxide dust	10	0.667	0.5
7440-67-7	Zirconium compounds as Zr	5	0.333	0.25

Note: ACGIH: American Conference of Government Industrial Hygienists; **CL**: Derived from ACGIH ceiling Limit UF = 10; **ID**. Idaho Division of Environmental Quality. Not OEL based; **LA:** From LA Dept. of Environmental Quality. Not OEL based eight (8) hour TWA; **MA**: From MA Dept. of Environmental Protection, Div. of Air Quality Control. Not OEL based, annual averaging time, no UF; **MI**. From MI Dept. of Natural Resources, Air Quality Div. Based on toxicological data, annual averaging time, no UF.; **NY**: From New York Dept. of Conservation, Div. of Air Quality. Not OEL based, annual averaging. time no UF; **OEL**: Reference Occupational Exposure Level; **PL**: From Phil. Dept. of Air Management Services. Not OEL based, annual. averaging time no UF; **PL1**: From Phil. Dept. of Air Management Services. Unspecified OEL based, annual averaging time, UF=10; **PL2**: From Phil. Dept. of Air Management Services. Not OEL based annual averaging. time, UF=10; **PL3**: From Phil. Dept. of Air Management Services. Not OEL based, annual averaging. time, UF=1000.; **TWA**: Time Weighted Average; **UF**: Uncertainty Factor; **WA**: From Washington Dept. of Ecology, Air Programs. Acceptable Source Impact Level based.

586. TOXIC AIR POLLUTANTS CARCINOGENIC INCREMENTS.

The screening emissions levels (EL) and acceptable ambient concentrations (AACC) for carcinogens are as provided in the following table. The AACC in this section are annual averages.

CAS NUMBER	SUBSTANCE	URF	EL lb/hr	AACC ug/m3
75-07-0	Acetaldehyde	2.2E-06	3.0E-03	4.5E-01
79-06-1	Acrylamide	1.3E-03	5.1E-06	7.7E-04
107-13-1	Acrylonitrile	6.8E-05	9.8E-05	1.5E-02
309-00-2	Aldrin	4.9E-03	1.3E-06	2.0E-04
62-53-3	Aniline	7.4E-06	9.0E-04	1.4E-01
140-57-8	Aramite	7.1E-06	9.3E-04	1.4E-01
NA	Aroclor, all (PCB) (ID)	---	6.6E-05	1.0E-02
7440-38-2	Arsenic compounds	4.3E-03	1.5E-06	2.3E-04
1332-21-4	Asbestos (Fibers /M.L.)	2.3E-01	N/A	4.0E-06
71-43-2	Benzene	8.3E-06	8.0E-04	1.2E-01
92-87-5	Benzidine	6.7E-02	9.9E-08	1.5E-05
50-32-8	Benzo(a)pyrene	3.3E-03	2.0E-06	3.0E-04
7440-41-7	Beryllium & compounds	2.4E-04	2.8E-05	4.2E-03
106-99-0	1,3-Butadiene	2.8E-04	2.4E-05	3.6E-03
111-44-4	Bis (2-chloroethyl) ether	3.3E-04	2.0E-05	3.0E-03
542-88-1	Bis (chloromethyl) ether	6.2E-02	1.0E-07	1.6E-05
108-60-1	Bis (2-chloro-1-methyl- ethyl) ether	2.0E-05	3.3E-04	5.0E-02

117-81-7	Bis (2-ethylhexyl) phthalate	2.4E-07	2.8E-02	4.2E+00
7440-43-9	Cadmium and compounds	1.8E-03	3.7E-06	5.6E-04
56-23-5	Carbon tetrachloride	1.5E-05	4.4E-04	6.7E-02
57-74-9	Chlordane	3.7E-04	1.8E-04	2.7E-03
67-66-3	Chloroform	2.3E-05	2.8E-04	4.3E-02
18540-29-9	Chromium (VI) & compounds as Cr+6	1.2E-02	5.6E-07	8.3E-05
NA	Coal Tar Volitiles as benzene			
NA	Coke oven emissions	6.2E-04	1.1E-05	1.6E-03
8001-58-9	Creosote (ID) See coal tar volatiles as benzene extractables			
50-29-3	DDT (Dichlorodi phenyltrichloroethane)	9.7E-05	6.8E-05	1.0E-02
96-12-8	1,2-Dibromo-3-chloropropane	6.3E-03	1.0E-06	1.6E-04
75-34-3	1,1 dichloroethane	2.6E-05	2.5E-04	3.8E-02
107-06-2	1,2 dichloroethane	2.6E-05	2.5E-04	3.8E-02
75-35-4	1,1 dichloroethylene	5.0E-05	1.3E-04	2.0E-02
75-09-2	Dichloromethane (Methylenechloride)	4.1E-06	1.6E-03	2.4E-01
542-75-6	1,3 dichloropropene	4.0E-06	1.7E-03	2.5E-01
764-41-0	1,4-Dichloro-2-butene	2.6E-03	2.5E-06	3.8E-04
60-57-1	Dieldrin	4.6E-03	1.4E-06	2.1E-04
56-53-1	Diethylstilbestrol	1.4E-01	4.7E-08	7.1E-06
123-91-1	1,4 dioxane	1.4E-06	4.8E-03	7.1E-01
	Dioxin and Furans (2,3,7,8,TCDD & mixtures) Dioxin and Furan emissions ~~shall~~ are considered as one TAP and expressed as an equivalent emission of 2,3,7,8, TCDD based on the relative potency of the isomers in accordance with US EPA guidelines. U.S. EPA ~~(Environmental Protection Agency)~~, (2010) Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2,3,7,8-Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds. Risk Assessment Forum, Washington, DC. EPA/600/R-10/005.			
122-66-7	1,2-Diphenylhydrazine	2.2E-04	3.0E-05	4.5E-03
106-89-8	Epichlorohydrin	1.2E-06	5.6E-03	8.3E-01
106-93-4	Ethylene dibromide	2.2E-04	3.0E-05	4.5E-03
75-21-8	Ethylene oxide	1.0E-04	6.7E-05	1.0E-02
50-00-0	Formaldehyde	1.3E-05	5.1E-04	7.7E-02

76-44-8	Heptachlor	1.3E-03	5.1E-06	7.7E-04
1024-57-3	Heptachlor Epoxide	2.6E-03	2.5E-06	3.5E-04
118-74-1	Hexachlorobenzene	4.9E-04	1.3E-05	2.0E-03
87-68-3	Hexachlorobutadiene	2.0E-05	3.3E-04	5.0E-02
	Hexachlorocyclo-hexane, Technical	5.1E-04	1.3E-05	1.9E-03
319-84-6	Hexachlorocyclohexane (Lindane) Alpha (BHC)	1.8E-03	3.7E-06	5.6E-04
319-85-7	Hexachlorocyclohexane (Lindane) Beta (BHC)	5.3E-04	1.3E-05	1.8E-03
58-89-9	Hexachlorocyclohexane (Lindane) Gamma (BHC)	3.8E-04	1.7E-05	2.6E-03
67-72-1	Hexachloroethane	4.0E-06	1.7E-03	2.5E-01
302-01-2	Hydrazine	2.9E-03	2.3E-06	3.4E-04
10034-93-2	Hydrazine Sulfate	2.9E-03	2.2E-06	3.5E-04
56-49-5	3-methylcholanthrene	2.7E-03	2.5E-06	3.7E-04
75-09-2	Methylene Chloride	4.1E-06	1.6E-03	2.4E-01
74-87-3	Methyl chloride	3.6E-06	1.9E-03	2.8E-01
101-14-4	4,4-Methylene bis(2-Chloroaniline)	4.7E-05	1.4E-04	2.1E-02
60-34-4	Methyl hydrazine	3.1E-04	2.2E-05	3.2E-03
7440-02-0	Nickel	2.4E-04	2.7E-05	4.2E-03
12035-72-2	Nickel Subsulfide	4.8E-04	1.4E-05	2.1E-02
7440-02-0	Nickel Refinery Dust	2.4E-04	2.8E-05	4.2E-02
79-46-9	2-Nitropropane	2.7E-02	2.5E-07	3.7E-05
55-18-5	N-Nitrosodiethylamine (diethylnitrosoamine) (DEN)	4.3E-02	1.5E-07	2.3E-05
62-75-9	N-Nitrosodimethylamine	1.4E-02	4.8E-07	7.1E-05
924-16-3	N-Nitrosodi-n-butylamine	1.6E-03	4.1E-06	6.3E-04
930-55-2	N-Nitrosopyrolidine	6.1E-04	1.1E-05	1.6E-03
684-93-5	N-Nitroso-N-methylurea (NMU)	3.5E-01	1.9E-08	2.9E-06
82-68-8	Pentachloronitrobenzene	7.3E-05	9.1E-05	1.4E-02
127-18-4	Perchloroethylene (see tetrachloroethylene)			
NA	Polyaromatic Hydrocarbons (except 7-PAH group)	7.3E-05	9.1E-05	1.4E-02

	(Polycyclic Organic Matter or 7-PAH group) For emissions of the 7-PAH group, the following PAHs ~~shall be~~ are considered together as one TAP, equivalent in potency to benzo(a)pyrene: benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenzo(a,h)anthracene, chrysene, indenol(1,2,3,-cd)pyrene, benzo(a)pyrene. (WA)			
23950-58-5	Promanide	4.6E-06	1.5E-03	2.2E-01
50-55-5	Reserpine	3.0E-03	2.2E-06	3.3E-04
1746-01-6	2,3,7,8,-Tetrachlorodibenzo-p-dioxin (2,3,7,8, -TCDD)	4.5.E+01	1.5E-10	2.2E-08
NA	Soots and Tars (ID) See coal tar volatiles as benzene extractables.			
79-34-5	1,1,2,2,Tetrachloro-ethane	5.8E-05	1.1E-05	1.7E-02
127-18-4	Tetrachloroethylene	4.8E-07	1.3E-02	2.1E+00
79-00-5	1,1,2 - trichloroethane	1.6E-05	4.2E-04	6.2E-02
62-56-6	Thiourea	5.5E-04	1.2E-05	1.8E-03
8001-35-2	Toxaphene	3.2E-04	2.0E-05	3.0E-03
79-01-6	Trichloroethylene	1.3E-06	5.1E-04	7.7E-01
88-06-2	2,4,6 - Trichlorophenol	5.7E-06	1.2E-03	1.8E-01
75-01-4	Vinyl chloride	7.1E-06	9.4E-04	1.4E-01

Note: ID: Idaho Division of Environmental Quality. Not OEL based; **URF**: Unit Risk Factor from EPA. **WA**: From Washington Dept. of Ecology, Air Programs. Acceptable Source Impact Level based.

~~**587. LISTING OR DELISTING TOXIC AIR POLLUTANT INCREMENTS.**~~
~~Persons may request the listing of any toxic substance or delisting of any toxic air pollutant in Sections 585 or 586 by filing a petition for adoption of rules in accordance with IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality."~~

~~588~~587. -- 591. (RESERVED)

592. STAGE 1 VAPOR COLLECTION.
~~The purpose of~~ Sections 592 through 598 ~~is to~~ set ~~forth~~ requirements for Stage 1 vapor collection systems. Stage 1 vapor collection is used during the refueling of underground gasoline storage tanks to reduce hydrocarbon emissions. Vapors in the tank, which are displaced by the incoming gasoline, are routed through a hose into the gasoline cargo tank and returned to the terminal for processing. Section 599 sets ~~forth~~ the requirements for gasoline cargo tanks that deliver gasoline to those required to install and operate Stage 1 vapor collection systems. These sections apply to gasoline dispensing facilities (GDF) and gasoline cargo tanks in Ada and Canyon Counties only. Nothing in these rules is intended to supersede or render inapplicable any federal, state, or local laws, including, but not limited to~~, the National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities,~~ 40 CFR Part 63, Subpart CCCCCC~~, of the federal Clean Air Act~~.

593. AFFECTED EQUIPMENT OR PROCESSES.

01. Applicability. Sections 592 through 598 apply to transfers of gasoline to underground storage tanks with a tank capacity of ten thousand (10,000) gallons and not otherwise subject to 40 CFR 63.11118. The emission sources include the underground gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDFs. Pressure/vacuum vents on underground gasoline storage

tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDFs are covered emission sources.

02. **New Sources**. A source is a new source if construction commenced on the source after April 1, 2009.

03. **Reconstructed Sources**. A source is reconstructed if meeting the criteria for reconstruction as defined in 40 CFR 63.2, incorporated by reference into these rules at in Section 107.

04. **Existing Sources**. A source is an existing source if it is not new or reconstructed.

594. COMPLIANCE DATES.

01. New or Reconstructed Sources. For a new or reconstructed source, the owner or operator must comply with the standards in Sections 595 and 596 no later than April 1, 2009 or upon startup, whichever is later. Owners or operators of new sources shallmust install dual point systems.

02. Existing Sources. For an existing source, the owner or operator must comply with the standards in Sections 595 and 596 upon installation of the Stage 1 vapor collection system, or by May 1, 2010, whichever is earlier.

595. SUBMERGED FILL REQUIREMENTS.
The owner or operator must only load gasoline into underground storage tanks at the facility by utilizing submerged filling.

01. **Installed On or Before November 9, 2006**. Submerged fill pipes installed on or before November 9, 2006, must be no more than twelve (12) inches from the bottom of the storage tank.

02. **Installed After November 9, 2006**. Submerged fill pipes installed after November 9, 2006, must be no more than six (6) inches from the bottom of the storage tank.

596. VAPOR BALANCE REQUIREMENTS.
The owner or operator of a GDF must comply with the following requirements on and after the applicable compliance date in Section 594:

01. **Loading**. When loading an underground gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded.

02. **Maintenance**. Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order.

03. **Inspection**. In order to ensure that the vapor balance equipment is maintained to be vapor tight and in good working order, iInspect the vapor balance equipment on an annual basis to discover potential or actual equipment failures. A log form is available on the Department's website at http://www.deq.idaho.gov.

04. **Repair**. Replace, repair or modify any worn or ineffective component or design element within twenty-four (24) hours to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within two (2) working days of detecting such a leak. Such repair parts must be installed within five (5) working days after receipt.

597. TESTING AND MONITORING REQUIREMENTS.
The owner or operator of a GDF must comply with the following requirements within ninety (90) days of registration under Section 598 and every three (3) years thereafter.

01. **Testing**.

a. The owner or operator must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 1 to 40 CFR Part 63, Subpart CCCCCC, incorporated by reference into

these rules at Section 107, for pressure-vacuum vent valves installed on underground gasoline storage tanks using the test methods identified in Subsection 597.01.a.i. or 597.01.a.ii. in accordance with 40 CFR 63.11120(a)(1).

i. California Air Resources Board Vapor Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (see 40 CFR 63.14, incorporated by reference into these rules at Section 107).

ii. Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f), incorporated by reference into these rules at Section 107.

b. The owner or operator must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 1 to 40 CFR Part 63, Subpart CCCCCC, for the vapor balance system by conducting a static pressure test on the underground gasoline storage tanks using the test methods identified in paragraph 597.01.b.i. or 597.01.b.ii. in accordance with 40 CFR 63.11120(a)(2).

i. California Air Resources Board Vapor Recovery Test Procedure TP-201.3, Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (see 40 CFR 63.14, incorporated by reference into these rules at Section 107).

ii. Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f), incorporated by reference into these rules at Section 107.

02. Alternative Testing. The owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 1 to 40 CFR Part 63, Subpart CCCCCC, must demonstrate to the Department the equivalency of their vapor balance system to that described in Table 1 to 40 CFR Part 63, Subpart CCCCCC, using the procedures specified in Subsections 597.02.a. and 597.02.b in accordance with 40 CFR 63.11120(b).

a. The owner or operator must demonstrate compliance by conducting a performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1, Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003, (see 40 CFR 63.14, incorporated by reference into these rules at Section 107).

b. The owner or operator must, during the performance test required under Subsection 597.02.a., determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 1 to 40 CFR Part 63, Subpart CCCCCC, and for the static pressure performance requirement in item 1(h) of Table 1 to 40 CFR Part 63, Subpart CCCCCC.

598. REGISTRATION, RECORDKEEPING, AND REPORTING REQUIREMENTS.

01. Registration.

a. Any GDF subject to these rules shallmust:

i. Within thirty (30) days of installation of the Stage 1 vapor collection system, the owner or operator of the GDF shall must submit to the Department a registration which that provides, at a minimum, the operation name and address, signature of the owner or operator in accordance with Section 123 of these rules, the location of records and reports required by Subsections 598.02 and 598.03 (including contact person's name, address and telephone number), the number of underground gasoline storage tanks, the number of gasoline tank pipe vents, and the date of completion of installation of the Stage 1 vapor collection system and pressure/vacuum relief valve; and

ii. The registration certification shall must be displayed at the GDF.

b. Upon modification of an existing Stage 1 vapor collection system or pressure/vacuum relief valve, the owner or operator of the GDF shall must submit to the Department a registration that details the changes to the information provided in the previous registration and which includes the signature of the owner or operator. The

registration must be submitted to the Department within thirty (30) days after completion of such modification.

c. A new registration must be submitted to the Department within thirty (30) days after any change in ownership of the GDF.

02. Recordkeeping Requirements.

a. Each owner or operator must keep the following records:

i. Records of all tests performed under Section 597;

ii. Records related to the operation and maintenance of vapor balance equipment required under Section 596. Any vapor balance component defect must be logged and tracked by station personnel on a monthly basis using forms provided by the Department or a reasonable facsimile; and

iii. Records of permanent changes made at the GDF and vapor balance equipment which may affect emissions.

b. Records required under 598.02.a. must be kept for a period of five (5) years and must be made available for inspection by the Department upon request.

03. Reporting Requirements. Each owner or operator subject to the management practices in Section 596 must report to the Department the results of all volumetric efficiency tests required under Section 597. Reports submitted under these rules must be submitted within thirty (30) days of the completion of the performance testing.

599. GASOLINE CARGO TANKS.

01. Prohibitions. After ~~May 1, 2010, or if~~ a Stage 1 vapor collection system is installed and operating, ~~whichever is earlier,~~ owners or operators of gasoline cargo tanks that unload gasoline into an underground gasoline storage tank with a capacity of ten thousand (10,000) gallons or more, in Ada or Canyon Counties, ~~shall~~ must comply with Table 2 to 40 CFR Part 63, Subpart CCCCCC, incorporated by reference ~~into these rules at~~ in Section 107. ~~Table 2 requires that the following conditions are met prior to unloading the gasoline:~~

~~**a.** All hoses in the vapor balance system are properly connected;~~

~~**b.** The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect;~~

~~**c.** All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor-tight;~~

~~**d.** All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank; and~~

~~**e.** All hatches on the tank truck are closed and securely fastened.~~

~~**f.** The filling of storage tanks at GDF shall be limited to unloading by vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 (40 CFR Part 60, Appendix A-8, incorporated by reference into these rules at Section 107), shall be carried on the cargo tank.~~

~~**02. Compliance**. The owner or operator of a gasoline cargo tank subject to Section 599 shall ensure compliance with Table 2 to 40 CFR Part 63, Subpart CCCCCC, by visually inspecting the requirements set out in Subsections 599.01.a., 599.01.b., 599.01.d., and 599.01.e. and by successfully completing the testing requirements set out in Subsections 599.01.c. and 599.01.f.~~

0~~3~~2. Recordkeeping and Reporting.

a. The owner or operator of the gasoline cargo tank subject to Section 599 ~~shall~~must maintain records of all certification testing and repairs. The records must identify the gasoline cargo tank; the date of the test or repair;

and if applicable, the type of repair and the date of retest. The records must be maintained in a legible, readily available condition for at least two (2) years after the date of testing or repair was completed and must be available for inspection by the Department upon request.

b. Copies of all tests required under Subsection 599.01 ~~shall~~ must be submitted to the Department within thirty (30) days of certification testing.

600. RULES FOR CONTROL OF OPEN BURNING.
~~The purpose of~~ Sections 600 through 624 ~~is to reduce the amount of emissions and minimize the impact of open burning to~~ establish rules to protect human health and the environment from air pollutants resulting from open burning as well as to reduce the visibility impairment in mandatory Class I Federal Areas in accordance with the regional haze long-term strategy referenced at Section 667.

601. FIRE PERMITS, HAZARDOUS MATERIALS, AND LIABILITY.
Compliance with the provisions of Sections 600 through 62~~43~~ does not exempt or excuse any person from complying with applicable laws and ordinances of other jurisdictions responsible for fire control or hazardous material disposal or from liability for damages or injuries which may result from open burning.

602. NONPREEMPTION OF OTHER JURISDICTIONS.
The provisions of Sections 600 through 62~~3~~4 are not intended to interfere with the rights of any city, county or other governmental entities or agencies to provide equal or more stringent control of open burning within their respective jurisdictions.

603. GENERAL ~~RESTRICTIONS~~ REQUIREMENTS. No person may allow, cause or permit any open burning operation unless the materials burned fall within an allowable category of open burning set forth in Sections 606-624, ~~and~~ does not contain any of the following prohibited materials listed in 603.01.

01. ~~Categories and~~Prohibited Materials. ~~No person shall allow, suffer, cause or permit any open burning operation unless it is a category of open burning set forth in Sections 600 through 623 and the materials burned do~~ The fires must not include any of the following prohibited materials:

a. Garbage, as defined in ~~Section 006~~ IDAPA 58.01.06 "Solid Waste Management Rules"~~.~~.

b. Dead animals, animal parts, or animal wastes (feces, feathers, litter, etc.) except as provided in Section 616.

c. Motor vehicles, or parts, or any materials resulting from a salvage operation defined as any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards.

d. Tires or other rubber materials or products.

e. Plastics.

f. Asphalt or composition roofing or any other asphaltic material or product.

g. Tar, tar paper, waste or heavy petroleum products, or paints.

h. Treated ~~L~~lumber or timbers ~~treated~~ coated with preservatives~~.~~, paints or other protective material

i. Trade waste, ~~**Trade Waste**.~~ defined as ~~A~~any solid, liquid or gaseous material resulting from the construction or demolition of any structure, or the operation of any business, trade or industry including, but not limited to, wood product industry waste such as sawdust, bark, peelings, chips, shavings and cull wood~~, as defined in Section 006~~, except as specifically allowed under Sections 600 through ~~623~~624.

j. Insulated wire.

k. Pathogenic wastes.

l. Hazardous wastes as classified according to IDAPA 58.01.05, "Rules and Standards for Hazardous Waste".~~.~~

02. Air ~~Pollution~~ Quality Episodes. No person ~~shall~~ may allow, ~~suffer,~~ cause or permit any open burning ~~to be initiated~~ during any ~~stage~~ level of an air ~~pollution~~ quality episode declared by the Department in accordance with Sections 550~~,~~ through 562.

03. Emergency Authority. In accordance with Title 39, Chapter 1, Idaho Code, the Department has the authority to require immediate abatement of any open burning in cases of emergency requiring immediate action to protect human health or safety.

604. -- 605. (RESERVED)

606. CATEGORIES OF ALLOWABLE BURNING.
~~The purpose of~~ Sections 606 through 62~~3~~4 ~~is to~~ establish categories of allowable open burning ~~that are allowed~~and applicable requirements. ~~when done according to prescribed conditions. Unless specifically exempted each category in Sections 606 through 623 is subject to all of the provisions of Sections 600 through 605.~~

607. RECREATIONAL AND WARMING FIRES.
Fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues), or small fires set for handwarming purposes~~, are allowable forms of open burning~~. A small fire is defined as a fire in which the material to be burned is not more than four (4) feet in diameter nor more than three (3) feet high.

608. WEED CONTROL FIRES.
~~Open outdoor f~~Fires used for the purpose of weed abatement such as along fence lines, canal banks, rock piles and ditch banks ~~is an allowable forms of open burning~~.

609. TRAINING FIRES.
Fires used by ~~qualified personnel to train firefighters in the methods of~~ fire and land management agencies as training for fire suppression and ~~fire fighting~~firefighting techniques, or to display certain fire ecology or fire behavior effects ~~are allowable forms of open burning~~. Training facilities ~~shall~~ must notify the Department prior to igniting any training fires. Training fires ~~shall~~must not be allowed to smolder after the training session has terminated. Training fires are exempt from Subsections 603.01.c. and 603.01.e. through 603.01.j.

~~**610. INDUSTRIAL FLARES.**~~
~~Industrial flares, used for the combustion of flammable gases are allowable forms of open burning. Industrial flares are subject to permitting requirements in Sections 200 through 223.~~

611. RESIDENTIAL ~~SOLID WASTE DISPOSAL~~ YARD WASTE FIRES.
Fire used for the disposal of yard waste, as defined in the IDAPA 58.01.06, "Solid Waste Management Rules," at residential locations so long as the burning is conducted on the property where the yard waste was generated and not prohibited by local ordinances or rules.

~~**01. Fires Allowed**. Open outdoor fires used to dispose of solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.) excluding garbage produced by the operation of a domestic household is an allowable form of open burning when the following provisions are met:~~

~~**a.** No scheduled house to house solid waste collection service is available; and~~

~~**b.** The burning is conducted on the property where the solid waste was generated.~~

~~**02. Fires Exempt**. Open outdoor fires used to dispose of tree leaves, gardening waste or yard trimmings are exempt from Subsection 611.01.a. when conducted in accordance with local governmental ordinances or rules which allow for the open burning of tree leaves, gardening waste or yard trimming during certain periods of the year.~~

612. ~~LANDFILL DISPOSAL SITE~~SOLID WASTE FACILITY FIRES.
~~The use of f~~Fire used for the disposal of solid waste at any solid waste landfill disposal site or facility ~~is an allowable form of open burning~~ only if conducted in accordance with IDAPA 58.01.06, "Solid Waste Management Rules ~~and Standards,~~" or ~~the Solid Waste Facilities Act,~~ Chapter 74, Title 39, Idaho Code.

613. ORCHARD FIRES.
~~The use of heating devices to protect orchard crops from frost damage and the use of fires to dispose~~ Fire used for the disposal of orchard clippings ~~are~~ ~~allowable form~~s ~~of open burning~~ when the ~~following provisions are met:~~ burning is conducted on the property where the clippings were generated.

~~**01. Open-Pot Heaters**. The use of stackless open-pot heaters is prohibited.~~

~~**02. Heating Device Opacity**. Orchard heating device with visible emissions exceeding forty percent (40%) opacity at normal operating conditions shall not be used. Opacity shall be determined by the procedures contained in Section 625.~~

~~**03. Heating Device Emissions**. All heaters purchased after September 21, 1970, shall emit no more than one (1.0) gram per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer. At the time of purchase, the seller shall certify in writing to the purchaser that all new equipment is in compliance with Section 613.~~

~~**04. Orchard Clippings**. The open burning of orchard clippings shall be conducted on the property where the clippings were generated.~~

614. PRESCRIBED ~~BURNING~~ FIRE.
~~The use of open outdoor fires to obtain the objectives of p~~Prescribed fire ~~management burning~~ is an allowable form of open burning when the provisions of Section 614 are met.

01. Prescribed Fire is defined as:
The controlled application of fire to wildland fuels in either their natural or modified state, under ~~such~~ conditions of weather, fuel moisture and soil moisture that allow the fire to be confined to a predetermined area producing the intensity of heat and rate of spread required to meet planned objectives, including:

a. Fire hazard reduction;

b. The control of pests, insects, or diseases;

c. The promotion of range forage improvements;

d. The perpetuation of natural ecosystems;

e. The disposal of slash and woody debris resulting from any land management activity such as; ~~a~~ logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system;

f. The preparation of planting and seeding sites for forest regeneration; and

g. Other accepted natural resource management purposes.

02. Burning Permits or Prescribed Fire Plans.

a. Whenever a burning permit or prescribed fire plan is required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed ~~burning~~ ~~shall~~ fire must meet all permit and/or plan conditions and terms which control smoke.

b. The Department will seek interagency agreements to assure permits or plans issued by agencies referred to in Subsection 614.01.a. provide adequate consideration for controlling smoke from prescribed ~~burning~~ fire.

0~~2~~3. Smoke Management Plans for Prescribed ~~Burning~~ Fire.

a. Whenever a permit or plan is not required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed ~~burning shall~~ fire must meet all conditions set forth in a Smoke Management Plan for Prescribed ~~Burning~~ Fire.

b. The Department will develop and put into effect a Smoke Management Plan for Prescribed ~~Burning~~ Fire consistent with the purpose of Sections 600 through 616.

0~~3~~4. Rights-of-Way Fires. The open burning of woody debris generated during the clearing of rights of way ~~shall~~ must be open burned according to Section~~s~~ 38-~~101 and 38-401~~125, Idaho Code, ~~IDAPA 20 Title 16~~ and Sections 606 through 616 of these rules.

615. DANGEROUS MATERIAL FIRES.
Fires ~~used or permitted by~~ ignited under the direction of a public or military fire chief to dispose of materials ~~(including military ordnance) which~~ that in their current condition present a danger to life, valuable property or the public welfare, or ~~for the purpose of prevention of~~ to prevent a fire hazard when no practical alternative method of disposal or removal ~~is available are allowable forms of open burning~~ exists.

616. INFECTIOUS WASTE BURNING.
~~Upon the order of a public health officer, f~~Fires used to dispose of diseased animals or infested material, upon the order of and under the direction of a public health officer, are ~~an allowable form of open burning and~~ exempt from Subsection 603.01.k.

617. CROP RESIDUE DISPOSAL.
~~The open burning of~~Fire used to dispose of crop residue ~~on~~ remaining in fields where the crops were grown ~~is an allowable form of open burning~~ if conducted in accordance with Section 39-114, Idaho Code, and Sections 618 through 624 ~~of these rules~~.

618. PERMIT BY RULE.
~~**01. General Requirements**. All persons shall be deemed to have a permit by rule if they comply with all the provisions of Sections 618 through 624.~~ No person ~~shall~~ may conduct an open burn of crop residue or pasture without obtaining the applicable permit by rule. Those persons applying for a spot burn, baled agricultural residue burn, or propane flaming permit ~~shall~~ must comply with the provisions in Section 624. ~~The permit by rule does not relieve the applicant from obtaining all other required permits and approvals required by other state and local fire agencies or permitting authorities.~~

~~**02. Forms**. The Department shall provide the appropriate forms to complete the permit by rule. Forms may be available at the Department offices or on the Department website.~~Registration for a permit by rule must be made using forms furnished by the Department, or by other means prescribed by the Department.

619. REGISTRATION ~~FOR PERMIT BY RULE~~.
Any person applying to burn crop residue ~~shall~~ must annually provide the following registration information to the Department at least thirty (30) days prior to the date ~~the applicant proposes to burn~~ provided in 619.05:

01. Location of ~~Property~~Requested Burn. ~~Street address of the property upon which the proposed burning of crop residue will occur or, if there is no street address of the property, t~~The legal description of the ~~property~~ location of the requested burn, using longitude and latitude coordinates ~~or township, range and section for the Idaho meridian~~;

02. Applicant Information. Name, mailing address, and telephone number of the applicant, and the person who will be responsible for conducting the proposed burning of crop residue and the portable form of communication referenced in Subsection 622.01.c. of this rule;

~~**03. Plot Plan**. A plot plan showing the location of each proposed crop residue burning area in relation to the property lines and indicating the distances and directions of the nearest residential, public, and commercial properties, and roads;~~

0~~4~~3. Type~~,~~ and Acreage ~~and Fuel Characteristics~~ of Crop Residue ~~Proposed~~ Requested to be

Burned. The crop type, and total area over which burning will be conducted (acres), and other fuel characteristics;

054. **Preventive Measures**. A description of the measures that will be taken to prevent escaped burns or withhold additional material such that the fire burns down, including but not limited to, the availability of water and plowed firebreaks; and

065. **Date of Burning**. The requested anticipated date(s) when the proposed crop residue burning would be conducted or the proposed date the field will be available ready and requested to be burned.

620. BURN FEE.

01. **Burn Fee**. The burn fee in Section 39-114, Idaho Code, shall must be paid in its entirety within thirty (30) days following the receipt of the annual burn fee invoice. See also Subsection 624.02.a. for registration and fee requirements for burning under a spot and baled agricultural residue burn permit. . The burn fee should be sent to:

Crop Residue Burn Fee
Fiscal Office
Idaho Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706-1255

Information for making payments is available at http://www.deq.idaho.gov.

02. **Effect of Delinquent Fee Payment**. The Department shall will not accept or process a registration for a permit by rule to burn for any person or property location having burn fees delinquent, in full or in part.

621. BURN DETERMINATIONAPPROVAL.

01. **Burn Approval CriteriaOperating Guide**. The Department shall will develop a Crop Residue Operating Guide to use in assistingassist in the determination of burn approvalsdecision process for approving burns.

02. Permittee Approval Process. The permittee shallmust obtain initial approvalthe Registration Receipt and Initial Permit Requirements from the Department for the proposed burn at least twelve (12) hours in advance of the burn. The permittee shall confirm, with the Department, the approval must obtain final approval to burn from the Department the morning of the proposed requested burn.

03. Burn Approval Criteria. The Department may shorten this time frame if meteorological or other applicable conditions change that will impact the air quality during the proposed burn period. To approve a permittee's request to burn, the Department must determine that ambient air quality levels do not exceed ninety percent (90%) of the ozone national ambient air quality standard (NAAQS) and seventy-five percent (75%) of the level of any other NAAQS on any day and are not projected to exceed such level over the next twenty-four (24) hours, and ambient air quality levels have not reached, and are not forecasted to reach and persist at, eighty percent (80%) of the one (1) hour action criteria for particulate matter under Section 556 of these rules. In making this determination, the Department shall will consider the following:

a. Expected Emissions. Expected emissions from all crop residue burns proposed requested for the same dates;

b. Proximity of Other Burns. The proximity of other burns and other potential emission sources within the area to be affected by the proposed requested burn;

c. Moisture Content. Moisture content of the material crop residue to be burned;

d. Acreage, Crop Type, and Fuel Characteristics. Acreage, crop type, and fuel characteristics of the crop residue to be burned;

e. Meteorological Conditions. Current and forecast Mmeteorological conditions in the area of the requested burn;

f. ~~Proximity to Institutions with Sensitive Populations.~~ The proximity of the requested burn to institutions with sensitive populations, including public schools while in session; hospitals; residential health care facilities for children, the elderly or infirm; and other institutions with sensitive populations as approved by the Department. The Department ~~shall~~ will not ~~authorize~~ approve a burn if conditions are such that institutions with sensitive populations will be adversely impacted or when the plume is predicted to impact such institutions;

g. ~~Proximity to Public Roadways.~~ Proximity to public roadways;

h. ~~Proximity to Airports.~~ Proximity to airports; and

i. ~~Other Relevant Factors.~~ Any other factors relevant to preventing exceedances of the air quality concentrations of Section 621.

02. Notification of Approval. ~~If the~~ The Department ~~approves the burn, then it will post~~ will post all crop residue approvals on its website. The burn approvals will include written notification of the approval and any specific conditions under which the burn is approved. Special conditions may include, but are not limited to:

a. Conditions for burns near institutions with sensitive populations;

b. The requirement to withhold additional material such that the fire burns down if the Department determines pollutant concentrations reach the levels in Subsection 621.0~~1~~3 of this rule;

c. Conditions to ensure the burn does not create a hazard for travel on a public roadway; and

d. The requirement to consult with the Department to determine actions to be taken if conditions at the burn site fail to satisfy the conditions specified in the notice of approval to burn.

622. GENERAL PROVISIONS.

01. Burn Provisions. ~~All persons in Idaho intending to dispose of crop residue through burning shall abide by the following provisions~~ All persons conducting crop residue burning must comply with the following:

a. ~~Burning Prohibitions.~~ Burning of crop residue ~~shall~~ must not be conducted on weekends, federal or state holidays, or after sunset or before sunrise;

b. ~~Designated Burn Day.~~ Burning of crop residue ~~shall~~ must not be conducted unless the Department has designated that day a burn day and the permittee has received individual ~~approval specifying the conditions under which the burn may be conducted~~ approval in accordance with Subsection 621.02;

c. ~~Portable Form of Communication.~~ The person conducting the burn~~ing~~ must have ~~on~~ in their possession a portable form of communication such as a cellular phone or radio of compatible frequency with the Department in order to receive burn approval information or information that might require measures to withhold additional material such that the fire burns down;

d. ~~Location of Field Burning. Open burning of c~~Crop residue ~~shall be conducted~~ must remain and be burned in the field where it was ~~generated~~ grown;

e. ~~Limitations on Burning.~~ When required by the conditions of the ~~notice of~~ approval to burn, the permittee burning in proximity to institutions with sensitive populations ~~shall~~ must immediately extinguish the fire or withhold additional material such that the fire burns down, if ~~unless~~ the Department determines ~~that~~ the burn is having or will ~~not~~ have an adverse impact on such institutions;

f. ~~Training Session.~~ All persons ~~intending to burn~~burning crop residue ~~shall attend~~must complete a grower crop residue burning training ~~session~~ provided by the ~~Idaho Department of Environmental Quality or the Idaho State Department of Agriculture and shall attend a crop residue disposal refresher training session every five (5) years~~ Department prior to their first burn and at least once every five (5) years thereafter;

g. Air Stagnation or Degraded Air Quality. All field burning shall be prohibited when the Department issues an air quality forecast and caution, alert, warning or emergency as identified in Section 552 of these rules;

h. Allowable Forms of Open Burning. The use of reburn machines, propane flamers, or other portable devices to ignite or reignite a field for the purposes of crop residue burning shall be is considered an allowable form of open burning. Tires and other restricted material described in Subsection 603.01, of this rule, are not allowed for ignition of fields;

i. Additional Burn Permits. All persons intending to burn crop residue shall obtain any additional applicable permits from federal, state or local fire control authorities prior to receiving approval from the Department to burn crop residue; and

j. Reporting to the Department. All persons burning crop residue shall must submit a burn report to the Department that includes the following: the date burning was conducted, the actual number and location of acres burned, and other information as required by the Department. The Department may restrict further burning by a permittee until completed burns burn reports are reported. submitted; and

k. Specific Conditions. The open burning of crop residue shall must be conducted in accordance with the specific conditions in the permittee's permit by rule burn approval.

02. Annual Report. The Department shall will develop an annual report that shall will include, at a minimum, an analysis of the causes of each exceedance of a limitation in Section 621 of this rule, if any, and an assessment of the circumstances associated with any reported endangerment to human health associated with a burn. The report shall will include any proposed revisions to these rules or the Crop Residue Operating Guide deemed necessary to prevent future exceedances.

03. Advisory Committee. The Department will assemble an advisory committee consisting of representatives from environmental organizations, farming organizations, health organizations, tribal organizations, the Idaho State Department of Agriculture, the Idaho Department of Environmental Quality, and others to discuss open burning of crop residue issues.

623. PUBLIC NOTIFICATION.

01. Designation of Burn Days. The Director or his designee shall Department will designate for a given county or airshed within a county burn or no-burn days.

02. Posting on Website. The Department shall will post daily on its website (www.deq.idaho.gov):

a. Whether a given day is a burn or no-burn day;

b. The location and number of acres permitted to be burned;

c. Meteorological conditions and any real time ambient air quality monitoring data; and

d. A toll-free number to receive requests for information (1-800-345-1007).

03. E-Mail Update Service. The Department shall will provide an opportunity for interested persons to sign up to receive automatic e-mail updates for information regarding the open burning of crop residue.

624. SPOT BURN, AND BALED AGRICULTURAL CROP RESIDUE BURN, AND PROPANE FLAMING PERMITSREQUIREMENTS.

01. Applicability.

a. Spot Burn. A spot burn includes no more than one (1) acre of evenly distributed crop residue or two (2) tons of piled crop residue. The open burning of weed patches, spots of heavy residue, equipment plugs and dumps, pivot corners of fields, and pastures may constitute a spot burn. Spot burn does not include the open burning of wind rows.

b. Baled ~~Agricultural~~ Crop Residue Burn. An open burn used to dispose of broken, mildewed, diseased, or otherwise pest-ridden bales still in the field where they were generated.

c. Propane Flaming. The use of flame-generating equipment to briefly apply flame and/or heat to the topsoil of a cultivated field of pre-emerged or plowed-under crop residue with less than five hundred fifty (550) pounds of burnable, non-green residue per acre in order to control diseases, insects, pests, and weed emergence.

02. Spot and Baled ~~Agricultural~~ Crop Residue Burn Permit.

a. ~~Registration and Fee Requirements.~~ Any person applying for a spot and baled ~~agricultural~~ crop residue burn permit under Section 624 ~~shall~~ must:

i. ~~p~~Provide the registration information listed in Subsections 619.01 and 619.02; and

ii. ~~p~~Pay a nonrefundable fee of twenty dollars ($20) to the Department (see Section 620) at least fourteen (14) days prior to the date the applicant proposes to conduct the first burn of the calendar year.

b. ~~Term and Acreage.~~ A spot and baled ~~agricultural~~ crop residue burn permit is valid for the calendar year in which it is issued and ~~is good~~ permits:

i. ~~for~~ Burning of a cumulative total of no more than ten (10) acres of spots and/or equivalent piled or baled ~~agricultural~~ crop residue during the year; and

ii. ~~n~~No more than one (1) acre of spots and/or equivalent piled or baled ~~agricultural~~ crop residue per day. Two (2) tons of piled or baled ~~agricultural~~ crop residue is assumed to be equivalent to one (1) acre.

03. Propane Flaming ~~Permit~~. Persons conducting propane flaming as defined under Subsection 624.01.c. ~~shall be deemed to have a permit by rule if they comply with~~must comply with the applicable provisions in Subsections 624.04 and 624.05.

04. General Provisions. All persons intending to burn under Section 624 ~~shall~~ must comply with the provisions of Subsections 622.01.c., 622.01.d., 622.01.f., through 622.01.i., and 622.01.k. in addition to the following:

a. The permittee is responsible to ensure that adequate measures are taken so the burn does not create a hazard for travel on a public roadway.

b. Burning is not allowed if the ~~proposed~~ burn location is within three (3) miles of an institution with a sensitive population and the surface wind speed is greater than twelve (12) miles per hour or if the smoke is adversely impacting or is expected to adversely impact an institution with a sensitive population.

c. ~~Designated Burn Day.~~ Burning ~~shall~~ must not be conducted unless the Department has designated that day a burn day, which for purposes of Section 624 may include weekends and holidays, and the permittee burns within the burn window provided on the Department's website ~~at~~ www.deq.idaho.gov. Spot and baled ~~agriculture~~ crop residue burns ~~shall~~ must not smolder and create smoke outside of the designated time period burning is allowed.

05. Recordkeeping. Permittees ~~shall~~ must record the date, time frame, type of burn, type of crop, and amount burned on the date of the burn. Records of such burns ~~shall~~ must be retained for two (2) years and made available to the Department upon request.

625. VISIBLE EMISSIONS.

A person ~~shall~~ must not discharge any air pollutant into the atmosphere from any point of emission for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by this section.

01. Exemptions. The provisions of this section ~~shall~~ will not apply to:

a. Kraft Process Lime Kilns, if operating prior to January 24, 1969; or

b. Carbon Monoxide Flare Pits on Elemental Phosphorous Furnaces, if operating prior to January 24, 1969; or

c. Liquid Phosphorous Loading Operations, if operating prior to January 24, 1969; or

~~**d.** Wigwam Burners; or~~

~~**e**~~**d.** Kraft Process Recovery Furnaces~~.~~; or

~~**f**~~**e.** Calcining Operations Utilizing an Electrostatic Precipitator to Control Emissions, if operating prior to January 24, 1969.

02. Standards for Exempted Sources. ~~Except as provided in Section 626, f~~For sources exempted from the provisions of this section, a person ~~shall~~ must not discharge into the atmosphere from any point of emission, for any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than forty percent (40%) opacity as determined by this section.

03. Exception. The provisions of this section ~~shall~~ do not apply when the presence of uncombined water, nitrogen oxides and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this rule.

04. Test Methods and Procedures. The appropriate test method under this section ~~shall be~~ is EPA Method 9 (contained in 40 CFR Part 60) with the method of calculating opacity exceedances altered as follows:

a. Opacity evaluations ~~shall~~ must be conducted using forms available from the Department or similar forms approved by the Department.

b. Opacity ~~shall~~ must be determined by counting the number of readings in excess of the percent opacity limitation, dividing this number by four (4) (each reading is deemed to represent fifteen (15) seconds) to find the number of minutes in excess of the percent opacity limitation. This method is described in the Procedures Manual for Air Pollution Control, Section II (Evaluation of Visible Emissions Manual), September 1986.

c. Sources subject to New Source Performance Standards must calculate opacity as detailed above and as specified in 40 CFR Part 60.

05. Applicability. Section 625 ~~shall~~ does not apply to the open burning of crop residue.

~~**626. GENERAL RESTRICTIONS ON VISIBLE EMISSIONS FROM WIGWAM BURNERS.**~~
~~Except for a period of one (1) hour following start-up a person shall not discharge into the atmosphere from any wigwam burner any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by the procedures contained in Section 625.~~

62~~6~~7. -- 649. (RESERVED)

650. RULES FOR CONTROL OF FUGITIVE DUST.
The purpose of Sections 650 through 652 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust defined as fugitive emissions composed of particulate matter.

651. GENERAL RULES.
All reasonable precautions ~~shall~~must be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities, the proximity to mandatory Class I Federal Areas and atmospheric conditions ~~which~~ that might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.

02. **Application of Dust Suppressants**. Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces ~~which~~ that can create dust.

03. **Use of Control Equipment**. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. A dequate containment methods should be employed during sandblasting or other operations.

04. **Covering of Trucks**. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.

05. **Paving**. Paving of roadways and their maintenance in a clean condition, where practical.

06. **Removal of Materials**. Prompt removal of earth or other stored material from streets, where practical.

652. AGRICULTURAL ACTIVITIES.

For agricultural activity purposes, operating in conformance with generally recognized agricultural practices constitutes reasonable control of fugitive dust. For the purpose of Section 652:

01. **Agricultural Activity**. An "agricultural activity" means any activity that is exempt from the requirement to obtain a permit to construct under Subsection 222.02.f., wherein "agricultural activities and services" is defined in Section 007, that occurs in connection with the production of agricultural products for food, fiber, fuel, feed and other lawful purposes, and including, but not limited to:

a. Preparing land for agricultural production;

b. Applying or handling pesticides herbicides, or other chemicals, compounds or substances labeled for insects, pests, crops, weeds, water or soil;

c. Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticulture crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plant products, plant by-products, plant waste and animal compost;

d. Breeding, hatching, raising, producing, feeding and keeping livestock, dairy animals, swine, fur-bearing animals, poultry, eggs, fish and other aquatic species, and other animals, animal products and animal by-products, animal waste, animal compost, and bees, bee products and bee by-products;

e. Transporting agricultural products to or from an agricultural facility;

f. Grinding, chopping, cubing, or any other means of preparing or converting a commodity for animal feed; and

g. Piling, stacking or other means of storing commodities outdoors.

02. **Generally Recognized Agricultural Practices**. "Generally recognized agricultural practices" means economically feasible practices that are customary among or appropriate to farms and ranches of a similar nature in the local area. In determining whether an agricultural activity is consistent with generally recognized agricultural practices, the Idaho Department of Environmental Quality ~~shall~~ will consult with the Idaho Department of Agriculture.

653. -- 664. (RESERVED)

665. REGIONAL HAZE RULES.

~~The purpose of~~ Sections 665 through ~~668~~ 667 ~~is to~~ address regional haze visibility impairment in mandatory Class I Federal Areas in accordance with 40 CFR 51.301, 307, and 308 incorporated by reference in Section 107. ~~The intent of Sections 665 through 668 is to set forth the requirements to implement the federal programs for visibility protection and regional haze.~~

666. REASONABLE PROGRESS GOALS.

The Department will establish reasonable progress goals~~,~~ expressed in deciviews for each mandatory Class I Federal Area located within Idaho. ~~These goals will provide for reasonable progress toward achieving natural visibility conditions. The reasonable progress goals must provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period. The reasonable progress goals are not directly enforceable, but will be implemented through enforceable strategies in the long-term strategy.~~

~~**01. Process for Setting Reasonable Progress Goals**. In establishing a reasonable progress goal for any mandatory Class I Federal Area within Idaho, the Department shall:~~

~~**a.** Consider the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources, and include a demonstration showing how these factors were taken into consideration in selecting the goal.~~

~~**b.** Analyze and determine the rate of progress needed to attain natural visibility conditions by the year 2064. To calculate this rate of progress, the Department will compare baseline visibility conditions to natural visibility conditions in the mandatory Class 1 Federal Area and determine the uniform rate of visibility improvement (measured in deciviews) that would need to be maintained during each implementation period in order to attain natural visibility conditions by 2064. In establishing the reasonable progress, the Department will consider the uniform rate of improvement in visibility and the emission reduction measures needed to achieve it for the period covered by the implementation plan.~~

~~**c.** Consult with those states which may reasonably be anticipated to cause or contribute to visibility impairment in the mandatory Class I Federal Area.~~

~~**02. Justification for Reasonable Progress Goals**. If the Department establishes a reasonable progress goal that provides for a slower rate of improvement in visibility than the rate that would be needed to attain natural conditions by 2064, the Department will demonstrate, based on the factors in Subsection 666.01.a., that the rate of progress for the implementation plan to attain natural conditions by 2064 is not reasonable; and that the progress goal adopted by the Department is reasonable. The Department will provide to the public for review, as part of its implementation plan, an assessment of the number of years it would take to attain natural conditions if visibility improvement continues at the rate of progress selected by the Department as reasonable.~~

667. LONG-TERM STRATEGY FOR REGIONAL HAZE.

~~The purpose of Section 667 is to develop a long-term strategy for making reasonable progress toward the national goal of preventing any future and remedying any existing impairment of visibility in mandatory Class I Federal Areas in which impairment results from man-made air pollution.~~

~~**01. Submittal of Long-Term Strategy.**~~ The Department will submit to EPA a long-term strategy that ~~addresses regional haze visibility impairment for each mandatory Class I Federal Area within the state and for each mandatory Class I Federal Area located outside the state which may be affected by emissions from the state~~ meets the requirements in 40 CFR 51.308(d)(3) and 308(f)(2).

~~**02. Enforceable Emission Limitations**. The long-term strategy must include enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals established by the Department.~~

~~**03. Requirements for Long-Term Strategy**. In establishing long-term strategy for regional haze, the Department will meet the following requirements:~~

~~**a.** The Department will document the technical basis, including modeling, monitoring and emissions information, on which the state is relying to determine its apportionment of emission reduction obligations necessary for achieving reasonable progress in each mandatory Class I Federal Area it affects. The Department may meet this requirement by relying on technical analyses developed by the regional planning organization and approved by all state participants. The Department will identify the baseline emission inventory on which its strategies are based. The baseline emissions inventory year is presumed to be the most recent year of the consolidated periodic emissions inventory.~~

b. The Department will identify all anthropogenic sources of visibility impairment considered by the Department in developing its long-term strategy. The Department should consider major and minor stationary sources, mobile sources, and area sources.

c. The Department will consider, at a minimum, the following factors in developing its long-term strategy:

i. Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment;

ii. Measures to mitigate the impacts of construction activities;

iii. Emissions limitations and schedules for compliance to achieve the reasonable progress goal;

iv. Source retirement replacement schedules;

v. Smoke management techniques for agricultural and forestry management purposes including plans as currently exist with the state for these purposes;

vi. Enforceability of emissions limitations and control measures; and

vii. The anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy.

04. Interstate Consultation. The Department will undertake the following process in developing the long-term strategy where interstate consultation is required.

a. Where Idaho has emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal Area located in another state or states, the Department will consult with the other state(s) in order to develop coordinated emission management strategies.

b. The Department will consult with any other state having emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal Area within Idaho.

c. Where other states cause or contribute to impairment in a mandatory Class I Federal Area, the Department must demonstrate that the state has included in its implementation plan all measures necessary to obtain its share of the emission reductions needed to meet the progress goal for the area. If the state of Idaho has participated in a regional planning process, the Department must ensure the state has included all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process.

668. BART REQUIREMENT FOR REGIONAL HAZE.

The purpose of Section 668 is to implement the BART requirements in 40 CFR 51.308(e). The following analysis and documentation is required for each BART-eligible source:

01. BART-Eligible Sources. The Department shall identify a list of all BART-eligible sources within the state.

02. BART Determination. The Department shall complete a determination of BART for each BART-eligible source in the state that emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any mandatory Class 1 Federal Area. All such sources are subject to BART.

a. A single source that is responsible for a one (1.0) deciview change or more in any mandatory Class I Federal Area is considered to "cause" visibility impairment.

b. A single source that is responsible for a one-half (0.5) deciview change or more in any mandatory Class I Federal Area is considered to "contribute" to visibility impairment.

c. The determination of BART must be based on an analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each BART-eligible source that is subject to BART within the state. In this analysis, the following must be taken into consideration:

i. Costs of compliance;

ii. Energy and non-air quality environmental impacts of compliance;

iii. Any pollution control equipment in use at the source;

iv. The remaining useful life of the source; and

v. The degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

d. The Department may determine that a BART determination is not required:

i. For sulfur dioxide (SO_2) or for nitrogen oxides (NO_x) if a BART-eligible source has the potential to emit less than forty (40) tons per year of such pollutant(s); or

ii. For PM10 if a BART-eligible source emits less than fifteen (15) tons per year of such pollutant.

03. Alternative to Infeasible Emission Standards. If the Department determines in establishing BART that technological or economic limitations on the applicability of measurement methodology to a particular source would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the emission reduction to be achieved by implementation of such design, equipment, work practice, or operation and must provide for compliance by means which achieve equivalent results.

04. BART Installation and Operation Due Date. Each source subject to BART is required to install and operate BART as expeditiously as practicable, but in no event later than five (5) years after approval of the implementation plan.

05. Maintenance of BART Equipment. Each source subject to BART is required to maintain the control equipment required by the Department and establish procedures to ensure such equipment is properly operated and maintained.

06. BART Alternative. As an alternative to the installation of BART for a source or sources, the Department may approve a BART alternative. If the Department approves source grouping as a BART alternative, only sources (including BART-eligible and non-BART eligible sources) causing or contributing to visibility impairment to the same mandatory Class I Federal Area may be grouped together.

a. If a source(s) proposes a BART alternative, the resultant emissions reduction and visibility impacts must be compared with those that would result from the BART options evaluated for the source(s).

b. Source(s) proposing a BART alternative must demonstrate that this BART alternative will achieve greater reasonable progress than would be achieved through the installation and operation of BART.

c. Source(s) proposing a BART alternative shall include in the BART analysis an analysis and justification of the averaging period and method of evaluating compliance with the proposed emission limitation.

07. Reasonable Progress Goal Requirements for BART-Eligible Sources. Once the Department has met the requirements for BART or BART alternative, as identified in Subsection 668.06, BART-eligible sources will be subject to the requirements of reasonable progress goals, as defined in 40 CFR 51.308(d), in the same manner as other sources.

669668. -- 674. (RESERVED)

675. FUEL BURNING EQUIPMENT -- PARTICULATE MATTER.
~~The purpose of~~ Sections 675 through 681 ~~is to~~ establish particulate matter emission standards for fuel burning equipment.

676. STANDARDS FOR NEW SOURCES.
A person ~~shall~~ must not discharge into the atmosphere from any fuel burning equipment with a maximum rated input of ten (10) million BTU's per hour or more, and commencing operation on or after October 1, 1979, particulate matter in excess of the concentrations shown in the following table:

FUEL TYPE	ALLOWABLE PARTICULATE gr/dscf	EMISSIONS Oxygen
Gas	.015	3%
Liquid	.050	3%
Coal	.050	8%
Wood Product	.080	8%

The effluent gas volume ~~shall~~ must be corrected to the oxygen concentration shown.

677. STANDARDS FOR MINOR AND EXISTING SOURCES.
A person ~~shall~~ must not discharge into the atmosphere from any fuel burning equipment in operation prior to October 1, 1979, or with a maximum rated input of less than ten (10) million BTU per hour, particulate matter in excess of the concentrations shown in the following table:

FUEL TYPE	ALLOWABLE PARTICULATE gr/dscf	EMISSIONS Oxygen
Gas	.015	3%
Liquid	.050	3%
Coal	.100	8%
Wood Product	.200	8%

The effluent gas volume ~~shall~~ must be corrected to the oxygen concentration shown.

678. COMBINATIONS OF FUELS.
When two (2) or more types of fuel are burned concurrently, the allowable emission ~~shall be~~are determined by proportioning the gross heat input and emission standards for each fuel.

679. AVERAGING PERIOD.
For purposes of Sections 675 through 680, emissions ~~shall be~~ are averaged according to the following, whichever is the lesser period of time:

01. One Cycle. One (1) complete cycle of operation; or

02. One Hour. One (1) hour of operation representing worst-case conditions for the emission of particulate matter.

680. ALTITUDE CORRECTION.
For purposes of Sections 675 through 680, standard conditions ~~shall~~ must be adjusted for the altitude of the source by subtracting one-tenth (0.10) of an inch of mercury for each one hundred (100) feet above sea level from the standard atmospheric pressure at sea level of twenty-nine and ninety-two one hundredths (29.92) inches of mercury.

681. TEST METHODS AND PROCEDURES.
The appropriate test method under Sections 675 through 680 ~~shall be~~is 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~~ must also comply with Section 157.

682. -- 699. (RESERVED)

700. PARTICULATE MATTER -- PROCESS WEIGHT LIMITATIONS.

01. Particulate Matter Emission Limitations. ~~The purpose of~~ Sections 700 through 703 ~~is to~~ establish particulate matter emission limitations for process equipment and include the following definitions:~~.~~

a. Process weight is defined as the total weight of all materials introduced into any source operation that may cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air. Water that occurs naturally in the feed material is considered part of the process weight.

b. Process weight rate is established as follows:

i. For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof; and

ii. For cyclical or batch source operations, the total process weight for a period that covers a complete cycle of operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emission applies.

02. Minimum Allowable Emission. Notwithstanding the provisions of Sections 701 and 702, no source ~~shall~~ will be required to meet an emission limit of less than one (1) pound per hour.

03. Averaging Period. For the purposes of Sections 701 through 703, emissions ~~shall~~ must be averaged according to the following, whichever is the lesser period of time:

a. One (1) complete cycle of operation; or

b. One (1) hour of operation representing worst-case conditions for the emissions of particulate matter.

04. Test Methods and Procedures. The appropriate test method under Sections 700 thought 703 ~~shall be~~is EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d. Test methods and procedures ~~shall~~ must comply with Section 157.

701. PARTICULATE MATTER -- NEW EQUIPMENT PROCESS WEIGHT LIMITATIONS.

01. General Restrictions. No person ~~shall~~ may emit into the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

a. If PW is less than 9,250 pounds per hour,
$E = 0.045(PW)^{0.60}$

b. If PW is equal to or greater than 9,250 pounds per hour,
$E = 1.10(PW)^{0.25}$

02. Exemption. The provisions of Section 701 ~~shall~~ do not apply to fuel burning equipment.

03. **Emission Standards~~-- Table~~**. The following table illustrates the emission standards set forth in Section 701.

PROCESS WEIGHT lb/hr	ALLOWABLE EMISSIONS FROM ENTIRE SOURCE lb/hr	PROCESS WEIGHT lb/hr	EMISSIONS FROM ENTIRE SOURCE lb/hr
175 or less	1	20,000	13.08
200	1.08	40,000	15.56
400	1.64	60,000	17.22
600	2.09	80,000	18.50
800	2.40	100,000	19.56
1,000	2.84	200,000	23.26
2,000	4.30	400,000	27.66
4,000	6.52	600,000	30.61
6,000	8.32	800,000	32.90
8,000	9.89	1,000,000	34.79
10,000	11.00	2,000,000	41.37

702. PARTICULATE MATTER -- EXISTING EQUIPMENT PROCESS WEIGHT LIMITATIONS.
~~The provisions of Section 702 shall become effective on January 1, 1981.~~

01. **General Restrictions**. No person ~~shall~~ may emit into the atmosphere from any process or process equipment operating prior to October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour:

a. If PW is less than 17,000 pounds per hour,
$E = 0.045\ (PW)^{0.60}$

b. If PW is equal to or greater than 17,000 pounds per hour,
$E = 1.12\ (PW)^{0.27}$.

02. **Exemptions**. The provisions of Section 702 ~~shall~~ do not apply to:

a. Fuel burning equipment; or

b. Equipment used exclusively to dehydrate sugar beet pulp or alfalfa.

03. **Emission Standards~~-- Table~~**. The following table illustrates the emission standards set forth in Section 702.

PROCESS WEIGHT	EMISSIONS FROM ENTIRE SOURCE	PROCESS WEIGHT	EMISSIONS FROM ENTIRE SOURCE
lb/hr	lb/hr	lb/hr	lb/hr
175 or less	1	20,000	16.24
200	1.08	40,000	19.58
400	1.64	60,000	21.84
600	2.09	80,000	23.61
800	2.48	100,000	25.07
1,000	2.84	200,000	30.23
2,000	4.30	400,000	36.46
4,000	6.52	600,000	40.67
6,000	8.32	800,000	43.96
8,000	9.89	1,000,000	46.69
10,000	11.30	2,000,000	56.30

703. PARTICULATE MATTER -- OTHER PROCESSES.

01. Other Processes. No person with processes exempt under Subsection 702.02.b. ~~shall~~ may emit particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in the following equations, where E is the total rate of emission from all emission points from the source in pounds per hour and P is the process weight rate in pounds per hour.

a. If P is less than sixty thousand (60,000) pounds per hour,
$E = 0.02518(P)^{0.67}$

b. If P is greater than or equal to sixty thousand (60,000) pounds per hour,
$E = 23.84(P)^{0.11} - 40$

02. Emission Standards~~ -- Table~~. The following table illustrates the emission standards set forth in Section 703.

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE			
Process Weight Rate	Rate of Emission	Process Weight Rate	Rate of Emission
Lb/Hr	Lb/Hr	Lb/Hr	Lb/Hr
100	0.551	16,000	16.5
200	0.877	18,000	17.9

400	1.40	20,000	19.2
600	1.83	30,000	25.2
800	2.22	40,000	30.5
1,000	2.58	50,000	35.4
1,500	3.38	60,000	40.0
2,000	4.10	70,000	41.3
2,500	4.76	80,000	42.5
3,000	5.38	90,000	43.6
3,500	5.96	100,000	44.6
4,000	6.52	120,000	46.3
5,000	7.58	140,000	47.8
6,000	8.56	160,000	49.0
7,000	9.49	200,000	51.2
8,000	10.4	1,000,000	69.0
9,000	11.2	2,000,000	77.6
10,000	12.0	6,000,000	92.7
12,000	13.6		

704. -- 724. (RESERVED)

725. RULES FOR SULFUR CONTENT OF FUELS.

~~This section applies to fuel burning sources in Idaho. Its purpose is to prevent excessive ground level concentrations of sulfur dioxide.~~ The reference test method for measuring fuel sulfur content ~~shall be~~is ASTM method, D129-95 Standard Test for Sulfur in Petroleum Products (General Bomb Method) or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures ~~shall~~ must comply with Section 157.

01. Definitions.

a. ASTM. American Society for Testing and Materials.

b. Distillate Fuel Oil. Any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

c. Residual Fuel Oil. Any oil meeting the specifications of ASTM Grade 4, Grade 5 and Grade 6 fuel oils.

02. Residual Fuel Oils. No person ~~shall~~ may sell, distribute, use or make available for use, any residual fuel oil containing more than one and three-fourths percent (1.75%) sulfur by weight.

03. Distillate Fuel Oil. No person ~~shall~~ may sell, distribute, use or make available for use, any distillate fuel oil containing more than the following percentages of sulfur:

a. **ASTM Grade 1**. ASTM Grade 1 fuel oil - zero point three percent (0.3%) by weight.

b. **ASTM Grade 2**. ASTM Grade 2 fuel oil - zero point five percent (0.5%) by weight.

04. **Coal**. No person ~~shall~~ may sell, distribute, use or make available for use, any coal containing greater than one percent (1.0%) sulfur by weight.

05. **Alternative**. The Department may approve in a permit issued in accordance with these rules an alternative fuel sulfur content if the applicant demonstrates that, through control measures or other means, sulfur dioxide emissions (based on a one (1) hour averaging period) are equal to or less than those resulting from the combustion of fuels complying with the limitations of Subsections 725.01 through 725.04.

726. -- 749. (RESERVED)

750. RULES FOR CONTROL OF FLUORIDE EMISSIONS.
~~The purpose of~~ This ~~S~~section~~s~~ ~~750 through 751 is to~~ prevents the emission of fluorides such that the accumulation of fluorine in feed and forage for livestock does not exceed the safe limits specified below.

~~**751. GENERAL RULES.**~~
~~Any owner or operator of a facility subject to Sections 750 and 751 shall demonstrate compliance with Section 751 by January 1, 1982, in accordance with a compliance schedule, listing increments of progress, which shall be submitted to the Department on or before August 1, 1980.~~

01. **Emission Limitations -- Phosphate Fertilizer Plants**. No person ~~shall~~ ~~will~~ may allow, suffer, cause or permit the discharge into the atmosphere of total fluoride emissions in gaseous and in particulate form, expressed as fluoride (F-), from the phosphate fertilizer plant sources listed in Subsection 75~~1~~0.03 in excess of thirty hundredths (0.30) pounds of fluoride per ton of P_2O_5 input to the calciner operation, calculated at maximum rated capacity.

02. **Monitoring, Testing, and Reporting Requirements**. Compliance with Subsection ~~751.01~~750.01 will be adjudged upon the results of the continuing program of fluoride sampling of potential grazing areas and alfalfa growing areas ~~conducted~~ required by the Department. Sampling conducted by any person subject to Section ~~751~~ 750 ~~may~~will be accepted for determining compliance with Subsection 75~~1~~0.01 if such sampling is conducted at sites approved by the Department in advance of sampling, using analytical procedures appearing in the Procedures Manual for Air Pollution Control, Section I (Source Test Methods) or equivalent methods approved by the Department in advance of sampling. Compliance with Subsection 75~~1~~0.01 ~~shall~~ must be demonstrated by testing methods approved in advance by the Department. When approved by the ~~Director~~Department in advance of sampling, engineering calculations may be submitted in lieu of emission data. Monitoring and reporting requirements ~~shall~~ will be included in operating permits granted to each facility.

03. **Source Specific Permits**. To assure compliance with Subsection ~~751.01~~750.01, the ~~Director shall~~ Department will specify methods for calculating total allowable emissions and ~~shall~~ issue source specific permits containing emission limitations for the following sources within phosphate fertilizer plants:

a. Calciner operation; and

b. Wet phosphoric acid plants; and

c. Super phosphoric acid production; and

d. Diammonium phosphate plants; and

e. Monoammonium phosphate production; and

f. Triple super phosphate (mono calcium phosphate) production.

04. **Exemptions**. The provisions of Subsections 75~~1~~0.01, 75~~1~~0.02, and 75~~1~~0.03 ~~shall~~do not apply to any

phosphate fertilizer facility ~~which~~ that produces mono ammonium phosphate exclusively if no animal feed is grown or if no animal grazing occurs or if the animal feed and forage meets the ambient air quality standards for fluorides specified in Section 577 within a three (3) mile radius of such facility. This exemption ~~shall~~ only ~~apply~~ applies if the owner or operator of the facility, on an annual basis:

a. Conducts a fluoride sampling program of potential grazing areas at locations approved in advance of sampling by the Department, using analytical techniques appearing in the Procedures Manual for Air Pollution Control, Section I (Source Test Methods); and

b. Submits the results of such sampling program to the Department as soon as they become available.

75~~2~~1. -- 759. (RESERVED)

760. RULES FOR THE CONTROL OF AMMONIA FROM DAIRY FARMS.
~~The purpose of~~ Sections 760 through 764 ~~is to set forth~~ establish the requirements for the control of ammonia through best management practices (BMPs) for certain size dairy farms licensed by the Idaho State Department of Agriculture to sell raw milk for human consumption. Compliance with these sections does not relieve the owner or operator of a dairy farm from the responsibility of complying with all other federal, state and local applicable laws, regulations, and requirements, including, but not limited to, Sections 161, 650 and 651 ~~of these rules~~. Registration forms and guidance documents relating to these rules are located at www.deq.idaho.gov.

761. GENERAL APPLICABILITY.
The requirements of Sections 760 through 764 apply to the following size dairy farms:

SUMMARY: Animal Unit (AU) or mature cow threshold to produce 100 ton NH_3/year

Animal Unit (AU) Basis	Drylot	Free Stall/Scrape	Free Stall/Flush
	AU (100 t NH_3) Threshold		
No land app	7089	3893	2293
27% volatilization 1	6842	3827	
80% volatilization 2	6397	3700	
Cow Basis (1400 lbs)	Drylot	Free Stall/Scrape	Free Stall/Flush
	Total Cows (100 t NH_3) Threshold		
No land app	5063	2781	1638
27% volatilization 1	4887	2733	
80% volatilization 2	4569	2643	
1 Assumes: Expected level of N->NH_3 volatilization for: drop-hose or ground level liquid manure application 2 Assumes: Expected level of N->NH_3 volatilization for: center pivot or other conventional sprinkler irrigation liquid manure application			

762. PERMIT BY RULE.

01. General Requirement. Owners and operators of dairy farms ~~shall be~~ are deemed to have a permit

by rule if they comply with all of the applicable provisions of Sections 760 through 764. Owners and operators of dairy farms subject to Sections 760 through 764 ~~shall~~must not operate without obtaining the applicable permit by rule within the time frame specified.

02. Optional Permit by Rule. Nothing in Sections 760 through 764 ~~shall~~ precludes any owner or operator of a dairy farm from requesting and obtaining an air quality permit pursuant to Section 200, nor ~~shall~~ do Sections 760 through 764 preclude an owner or operator of a dairy farm below the threshold size in Section 761 from complying with Sections 760 through 764 and thereby obtaining a permit by rule.

03. Exemption. If a dairy farm not subject to Sections 760 through 764 otherwise would become subject to those sections as a result of an emergency, the dairy farm ~~shall~~ must notify the ~~Director~~Department in writing within fourteen (14) days of the emergency. The notification ~~shall~~ must include an explanation of the emergency circumstances. The dairy farm ~~shall be~~ is exempt from the requirements of Sections 760 through 764 as long as the consequences of the emergency continue (but in no case for more than one (1) year) unless for good cause the ~~Director~~Department determines it is appropriate to limit, condition or revoke the exemption. For the purpose of this rule "emergency" ~~shall be~~is defined as a serious situation or occurrence that happens unexpectedly and demands immediate action.

763. REGISTRATION FOR PERMIT BY RULE.

01. Registration Process. Any owner or operator of a new dairy farm subject to sections 760 through 764, or an existing dairy farm that becomes subject to these sections due to change in size or type of operation, ~~shall~~ must register prior to fifteen (15) days of triggering the threshold for which a permit is required.

02. Registration Due Date. Any owner or operator of an existing dairy farm subject to Sections 760 through 764 ~~shall~~ must register within fifteen (15) days of the effective date of Sections 760 through 764.

03. Registration Information. The following information ~~shall~~ must be provided by the registrant to the Department of Environmental Quality and the Department of Agriculture:

a. Name, address, location of dairy farm, and telephone number.

b. Information sufficient to establish that the dairy farm is of the size and type described in Section 761.

c. Information describing what BMPs, as described in Section 764, are employed to total twenty-seven (27) points.

04. Exemption from Registration Fee. Dairy farms subject to Sections 760 through 764 are exempt from paying the permit by rule registration fee set forth in Section 800.

05. Inspection. Within thirty (30) days of receipt of the registration information, the state of Idaho ~~shall~~ will conduct a qualifying inspection to ensure the requisite point total of BMPs are employed.

764. DAIRY FARM BEST MANAGEMENT PRACTICES.

01. BMPs. Each dairy farm subject to Sections 760 through 764, or that otherwise obtains a permit by rule under these sections, ~~shall~~ must employ BMPs for the control of ammonia to total twenty-seven (27) points. Points may be obtained through third party export with sufficient documentation. The table located at Subsection 764.02. lists available BMPs and the associated point value. As new information becomes available or upon request, the ~~Director~~Department may determine a practice not listed in the table constitutes a BMP and assign a point value.

02. Table - Ammonia Control Practices for Idaho Dairies.

		Ammonia Control Effectiveness [1]	

System	Component	Open Lot	Freestall Scrape	Freestall Flush	Compliance Method[3]
Waste Storage and Treatment Systems	Synthetic Lagoon Cover	15	20	20	1
	GeoteXtile Covers	10	13	13	1
	Solids Separation	3	3	3	3, 4
	Composting	4	4	4	1
	Separate Slurry and Liquid Manure Basins	6	10	-	1
	In-House Separation	0	12	0	1
	Direct Utilization of Collected Slurry	6	10	-	1, 3, 4
	Direct Utilization of Parlor Wastewater	10	10	10	1
	Direct Utilization of Flush Water	8	0	13	3, 4
	Anaerobic Digester	-	-	-	-
	Anaerobic Lagoon	-	-	-	-
	Aerated Lagoon	10	12	15	2
	Sequencing-Batch Reactor	15	20	20	2
	Lagoon Nitrification/Denitrification Systems	15	20	20	2
	Fixed-Media Aeration Systems	15	20	20	2
	Zeolite Treatment of Liquid Manure 1lb/cow/day	4	5	5	2
	Zeolite Treatment of Liquid Manure 2lb/cow/day	8	10	10	2
General Practices	Vegetative or Wooded Buffers (established)	7	7	7	1
	Vegetative or Wooded Buffers (establishing)	2	2	2	1
	Alternatives to Copper Sulfate	-	-	-	-

Freestall Barns	Scrape Built Up Manure	-	3	3	1
	Frequent Manure Removal	UD	UD	UD	-
	Tunnel Ventilation	-	-	-	-
	Tunnel Ventilation w/Biofilters	-	10	10	1
	Tunnel Ventilation w/Washing Wall	-	10	10	3, 4
Open Lots and Corrals	Rapid Manure Removal	4	2	2	1, 2
	Corral Harrowing	4	2	2	1
	Surface Amendments	10	5	5	2
	In-Corral Composting / Stockpiling	4	2	2	1
	Summertime Deep Bedding	10	5	5	1
Animal Nutrition	Manage Dietary Protein	2	2	2	2
Composting Practices	Alum Incorporation	12	8	6	2
	Carbon:Nitrogen Ratio (C:N) Ratio Manipulation	10	7.5	5	2
	Composting with Windrows	-	-	-	-
	Composting Static Pile	6	4.5	3	1
	Forced Aeration Composting	10	7.5	5	1
	Forced Aeration Composting with Biofilter	12	8	6	1
	Zeolite Incorporation	12	8	6	2
Land Application[2]	Soil Injection - Slurry	10	15	7.5	2
	Incorporation of Manure within 24 hrs	10	10	10	2
	Incorporation of Manure within 48 hrs	5	5	5	2

	Nitrification of Lagoon Effluent	10	10	15	3, 4
	Low Energy/Pressure Application Systems	7	7	10	1
	Freshwater Dilution	5	8	8	1, 2
	Pivot Drag Hoses	8	8	10	1
	Subsurface Drip Irrigation	10	10	12	1

Notes:

1. The ammonia emission reduction effectiveness of each practice is rated numerically based on practical year-round implementation. Variations due to seasonal practices and expected weather conditions have been factored into these ratings. Not implementing a BMP when it is not practicable to do so, does not reduce the point value assigned to the BMP, nor does it constitute failure to perform the BMP. UD indicates that the practice is still under development.

2. Land application practices assume practice is conducted on all manure; points will be pro-rated to reflect actual waste treatment; points can be obtained on exported material with sufficient documentation.

3. Method used by inspector to determine compliance
   1=Observation by Inspector
   2=On-Site Recordkeeping Required
   3, 4=Deviation Reporting Required. Equipment upsets and/or breakdowns ~~shall~~ must be recorded in a deviation log and if repaired in a reasonable timeframe does not constitute non-compliance with this rule.

765. -- ~~774~~789. (RESERVED)

~~775. RULES FOR CONTROL OF ODORS.~~

~~The purpose of Sections 775 through 776 is to control odorous emissions from all sources for which no gaseous emission control rules apply.~~

~~776. GENERAL RULES.~~

~~**01. General Restrictions**. No person shall allow, suffer, cause or permit the emission of odorous gases, liquids or solids into the atmosphere in such quantities as to cause air pollution.~~

~~**02. Restrictions on Rendering Plants**. No person shall allow, suffer, cause or permit any plant engaged in the processing of animal, mineral, or vegetable matter or chemical processes utilizing animal, mineral or vegetable matter to be operated without employing reasonable measures for the control of odorous emissions including wet scrubbers, incinerators, chemicals or such other measures as may be approved by the Department.~~

~~777. -- 784. (RESERVED)~~

~~785. RULES FOR CONTROL OF INCINERATORS.~~

~~The purpose of Sections 785 through 788 is to prevent excessive emissions of particulate matter from incinerators.~~

~~786. EMISSION LIMITS.~~

~~**01. General Restrictions**. No person shall allow, suffer, cause or permit any incinerator to discharge more than two-tenths (0.2) pounds of particulates per one hundred (100) pounds of refuse burned.~~

~~**02. Averaging Period**. For the purposes of Section 786, emissions shall be averaged according to the following, whichever is the lesser period of time:~~

~~**a.** One (1) complete cycle of operation; or~~

~~**b.** One (1) hour of operation representing worst-case conditions for the emissions of particulate matter.~~

~~**03. Test Methods and Procedures**. The appropriate test method under Sections 785 thought 788 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157.~~

~~**787. EXCEPTIONS.**~~
~~Sections 785 and 786 do not apply to wigwam burners.~~

~~**788. 789. (RESERVED)**~~

790. RULES FOR THE CONTROL OF NONMETALLIC MINERAL PROCESSING PLANTS.
~~The purpose of~~ Sections 790 through 799 ~~is to set forth~~ establish the requirements for nonmetallic mineral processing plants, frequently referred to as rock crushers. ~~Definitions specific to nonmetallic mineral processing permits are located in Section 011 while other general terms may be defined in Sections 006 through 008.~~ Definitions for nonmetallic mineral processing plants can be found in 40 CFR Part 60, Subpart OOO. Compliance with Section 790 does not relieve the owner or operator of a nonmetallic mineral processing plant from the responsibility of complying with other federal, state, and local applicable laws, regulations, and requirements.

791. GENERAL CONTROL REQUIREMENTS.

01. Prohibition. No owner or operator of a nonmetallic mineral processing plant ~~shall~~ may allow, suffer, or cause the emissions of any air pollutant to the atmosphere in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

02. Control of Fugitive Dust. In accordance with Sections 650 and 651, owners and operators of nonmetallic mineral processing plants ~~shall~~ must take all reasonable precautions to prevent the generation of fugitive dust. In determining what is reasonable, consideration will be given to factors such as the proximity to human habitations and/or activities and atmospheric conditions ~~which~~ that might affect the movement of particulate matter.

~~**792. EMISSIONS STANDARDS FOR NONMETALLIC MINERAL PROCESSING PLANTS SUBJECT TO 40 CFR 60, SUBPART OOO.**~~

~~**01. Applicability and Designation of Affected Facilities**. The provisions of 40 CFR 60.670(a)(1) are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants that commence construction, modification, or reconstruction after August 31, 1983: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including the first storage silo or bin, are subject to the provisions of 40 CFR 60.670(a)(1).~~

~~**02. Facilities Not Applicable to 40 CFR 60.670(a)(2), (b), and (c)**. The provisions of 40 CFR 60.670(a)(2), (b), and (c) do not apply to the following operations: all facilities located in underground mines, plants without crushers or grinding mills above ground, and wet processing operations (as defined in 40 CFR 60.671).~~

~~**a.** An affected facility that is subject to the provisions of 40 CFR 60, Subpart F (Standards of Performance for Portland Cement Plants) or Subpart I (Standards of Performance for Hot Mix Asphalt Plants) or that follows the in plant process any facility subject to the provisions of 40 CFR 60, Subparts F or I, is not subject to the provisions of 40 CFR 60, Subpart OOO.~~

~~**b.** Facilities at the following plants are not subject to the provisions of 40 CFR 60, Subpart OOO:~~

~~i. Fixed sand and gravel plants and crushed stone plants with capacities, as defined in 40 CFR 60.671, of twenty-three (23) megagrams per hour (twenty-five (25) tons per hour) or less;~~

~~ii. Portable sand and gravel plants and crushed stone plants with capacities, as defined in 40 CFR 60.671, of one hundred thirty-six (136) megagrams per hour (one hundred fifty (150) tons per hour) or less; and~~

~~iii. Common clay plants and pumice plants with capacities, as defined in 40 CFR 60.671, of nine (9) megagrams per hour (ten (10) tons per hour) or less.~~

~~**03. Standards of Performance for Nonmetallic Mineral Processing Plants**. Affected facilities subject to 40 CFR 60, Subpart OOO, shall comply with all applicable emissions standards, monitoring requirements, test methods and procedures, and reporting and recordkeeping requirements.~~

792. (RESERVED)

793. EMISSIONS STANDARDS FOR NONMETALLIC MINERAL PROCESSING PLANTS NOT SUBJECT TO 40 CFR PART 60, SUBPART OOO.

Owners and operators of nonmetallic mineral processing plants that are not subject to a ~~NSPS~~ 40 CFR Part 60 requirement ~~shall~~ must comply with the emissions standards set forth in Section 793.

01. Processing Plants Not Regulated by ~~NSPS~~40 CFR Part 60. Fixed or portable plants that commenced construction, reconstruction, or modification before August 31, 1983, are not subject to 40 CFR 60, Subpart OOO.

02. Emissions Standards for Fugitive Emissions. ~~No owner or operator shall cause to be discharged into the atmosphere e~~Emissions ~~which~~ that exhibit greater than twenty percent (20%) opacity must not be discharged in the atmosphere from any crusher, grinding mill, screening operation, bucket elevator, belt conveyor, conveying system, transfer point, vent, capture system, storage bin, stockpile, truck dumping operation, vehicle traffic on an affected paved public roadway, vehicle traffic on or wind erosion of an unpaved haul road, or other source of fugitive emissions. Opacity ~~shall~~ must be determined using the test methods and procedures in Section 625. The plant is not required to have a certified opacity reader.

794. PERMIT REQUIREMENTS.

No owner or operator may commence construction, reconstruction, modification or operation of any nonmetallic mineral processing plant regardless of whether or not the source is an affected facility pursuant to 40 CFR 60.670(e) without first obtaining a permit or complying with Sections 795 through 799. The owner or operator ~~shall~~ must comply with the permitting requirements of Subsection 794.02 or Subsection 794.03 and the applicable portions of Subsection 794.04 and/or Subsection 794.05.

01. Permit by Rule Eligibility. New major facilities or major modifications subject to Sections 204 and 205 are not eligible for a Permit by Rule.

02. Permit by Rule. Owners and operators of nonmetallic mineral processing plants that meet all ~~of~~ the applicable requirements set forth in Sections 795 through 799 ~~shall be~~ are deemed to have a permit by rule (PBR) and ~~shall not be~~ are not required to obtain a permit to construct under Sections 200 through ~~228~~227.

03. Permit to Construct. Owners and operators of nonmetallic mineral processing plants that do not meet all of the requirements set forth in Sections 795 through 799, or that operate or intend to operate a nonmetall~~a~~ic mineral processing plant at a single site of operations for more than twelve (12) consecutive months, or that choose to construct and operate under specific permit requirements rather than the provisions of the permit by rule ~~shall~~ must obtain a permit to construct pursuant to Sections 200 through ~~228~~227. An existing permit to construct ~~shall~~ will be considered valid until the permit is modified, incorporated into a Tier II operating permit, or terminated by the Department. ~~Existing permits to construct may be terminated by the Department by registering the source under the permit by rule provisions in accordance with Section 797 after June 15, 2001.~~

04. **Tier I Operating Permits**. Owners and operators of nonmetallic mineral processing plants that are affected facilities subject to a requirement of ~~the New Source Performance Standards (NSPS) in~~ 40 CFR Part 60 are Tier I sources as defined in Section 006. Tier I sources must comply with the applicable permitting requirements of Sections 300 through ~~399~~397.

05. **Tier II Operating Permits**. Owners and operators of nonmetallic mineral processing plants that are required by the Department or choose to obtain a Tier II operating permit pursuant to Sections 400 through ~~410~~409 ~~shall~~ must operate in accordance with the specific provisions of the Tier II operating permit until such time as the operating permit is terminated in writing by the Department. The Department may require owners and operators of nonmetallic mineral processing plants to obtain a Tier II operating permit whenever the Department determines that:

a. Emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment; or

b. Specific emissions standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule.

795. PERMIT BY RULE REQUIREMENTS.
~~The purpose of~~ Sections 795 through 799 ~~is to~~ establish the requirements for a permit by rule for nonmetallic mineral processing plants.

796. APPLICABILITY.

01. **Permit by Rule**. Owners and operators of nonmetallic mineral processing plants ~~shall be~~are deemed to have a permit by rule if they comply with all of the applicable provisions of Sections 795 through 799. Nothing in Sections 795 through 799 ~~shall~~ precludes any owner or operator from obtaining a permit. Portable sources that operate or may be operated at a single location or site of operations for more than twelve (12) consecutive months must obtain a permit to construct ~~or a Tier II operating permit~~.

02. **Permit Option**. Owners and operators of nonmetallic mineral processing plants that hold a valid permit to construct or a Tier II operating permit must comply with the terms and conditions of the permit and are not subject to the requirements of the permit by rule in Sections 795 through 799.

797. REGISTRATION FOR PERMIT BY RULE.

01. **Registration Process**. Any owner or operator of a nonmetallic mineral processing plant that opts to operate under the permit by rule ~~shall~~ must register in the following manner:

a. Any new or modified processing plant ~~shall~~must register fifteen (15) days prior to commencing operation or modification. The Department ~~shall~~ will acknowledge registration in writing within fifteen (15) days.

b. Any permitted processing plant ~~shall~~ must register with the Department and request termination of the current permit to construct or Tier II operating permit. The Department ~~shall~~ will normally act on the request within fifteen (15) days and notify the registrant in writing.

Registration for permit by rule does not relieve the owner or operator of portable equipment from the registration and relocation requirements of Section 500.

02. **Registration Information**. The following information ~~shall~~ must be provided by the registrant ~~to the Department:~~ using forms furnished by the Department, or by other means approved by the Department.

a. For all crushers and grinding mills, the registrant shall supply information on the manufacturer, crusher type (such as jaw, cone), serial number, date of manufacture, and maximum throughput capacity~~;~~.

b. For all screen decks, the registrant shall supply manufacturer name, physical size of screen, number of decks, serial number, and date of manufacture~~; and~~.

c. For all electrical generators, the registrant shall supply manufacturer name, rated output, and fuel.

798. ELECTRICAL GENERATORS.
The following requirements apply to all electrical generators used to provide electrical power to any nonmetallic mineral processing plant. The requirements apply to each site of operations.

01. Fuel Type. Only ASTM (American Society of Testing and Materials) Grade 1 or 2 fuel oil ~~shall~~ may be used. The sulfur content of the fuel used ~~shall~~ must not exceed the percentages of sulfur given in Section 725.

02. Generator Operating Requirements. For the purposes of Sections 790 through 799, the following apply to all electrical generators.

Rated Output Capacities (kW)	Allowable Operating Hours (hr/day)		Allowable Operating Hours (hr/yr)	
	Attainment Unclassifiable Areas	PM-10 Nonattainment Areas	Attainment Unclassifiable Areas	PM-10 Nonattainment Areas
0 - 454	24	8	8760	2880
455 - 1000	24	24	8760	8760
1001 - 2000	24	24	5200	5200

kW = kilowatts
hr/day = hours per day
hr/yr = hours per year

03. Generator Opacity Limit. Visible emissions from any generator stack, vent, or other functionally equivalent opening ~~shall~~ must not exceed twenty percent (20%) opacity for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period. Opacity ~~shall~~ must be determined using the test methods and procedures contained in Section 625.

04. Monitoring and Recordkeeping Requirements.

a. The owner or operator ~~shall~~must monitor and record the following information.

i. The rated output capacity, in kilowatts (kW), of the electrical generator(s) used;

ii. Operating hours on a monthly and annual basis so compliance can be continuously determined for the previous twelve (12) month period; and

iii. Vendor receipts of the fuel oil purchased clearly identifying the ASTM Grade.

b. Records of monitoring and recordkeeping requirements for current operations ~~shall~~ must be maintained at the site of operations for the duration of operations at that location and ~~shall~~must be available to Department representatives upon request. Records for previous sites of operation ~~shall~~must be kept for the most recent two (2) year period at a location where they can be reasonably accessed and ~~shall~~ be made available to the Department upon request.

799. NONMETALLIC MINERAL PROCESSING PLANT FUGITIVE DUST BEST MANAGEMENT PRACTICE.
The owner or operator of a nonmetallic mineral processing plant ~~shall~~ must use the Best Management Practices (BMP) contained in Section 799 to control the emissions of fugitive dust. Fugitive dust emissions ~~shall~~must be reasonably controlled as required by Sections 650 and 651. It ~~shall be~~is the responsibility of the owner or operator to reasonably

control fugitive emissions at each site of operations but only for the duration of operations at each site under the control of the owner or operator.

01. Generally Applicable Requirements. All reasonable precautions ~~shall~~must be taken to prevent particulate matter from becoming airborne. ~~The following requirements apply generally to this Fugitive Dust BMP.~~

a. ~~Control strategy triggers.~~ The owner or operator of a nonmetallic mineral processing plant ~~shall~~must at all times be observant of all sources of fugitive dust emissions and monitor control strategies at least once per day when operating. The following events will trigger initiation of the prescribed control strategy or control strategies to control the fugitive dust emissions.

i. When fugitive dust emissions are observed at any time to be exceeding any control strategy trigger specified in Subsections 799.02 through 799.06, that event ~~shall~~ triggers initiation of the prescribed control strategy or control strategies to control the fugitive dust emissions.

ii. Citizen complaints of failure to reasonably control fugitive dust must be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy must be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required.

b. ~~Control strategies.~~ A progressive control strategy ~~shall~~must be used to reasonably control the emissions of fugitive dust. Progressive control strategy means that if the initial control strategy or strategies chosen do not adequately control fugitive dust emissions, the owner or operator ~~shall~~must employ successive control strategies as listed until fugitive dust control is achieved. Fugitive dust control ~~shall~~ must be applied on a frequency such that visible emissions do not exceed any emission standard specified in Sections 790 through 799.

c. ~~Monitoring and recordkeeping.~~ The owner or operator ~~shall~~must maintain a record of each event where a control strategy is triggered. The trigger ~~shall~~ must be recorded with a summary of the control strategy employed. If the trigger is a citizen complaint, the owner or operator ~~shall~~must record the complaint, an evaluation of whether the complaint has merit, and a summary of the corrective action taken. The record ~~shall~~must be maintained on forms provided by the Department or other forms that contain similar information. Records for current operations ~~shall~~must be maintained at the site of operations for the duration of operations at that location and ~~shall~~must be available to Department representatives upon request. Records for previous sites of operation ~~shall~~must be kept for the most recent two (2) year period at a location where they can be reasonably accessed and ~~shall~~ must be made available to the Department upon request.

02. Requirements for Paved Public Roadways.

a. Definitions.

i. ~~Paved public roadway.~~ A paved public roadway means a roadway accessible to the general public having a surface of asphalt or concrete.

ii. ~~Track-out.~~ Track-out means the deposition of mud, dirt, or similar debris onto the surface of a paved public roadway from the tires and/or undercarriage of any vehicle associated with the operation of a nonmetallic mineral processing plant.

b. Control strategy triggers~~. Triggers~~ that require initiation of a strategy or strategies to control fugitive dust emissions from track-out include, but are not limited to:

i. Visible deposition of mud, dirt, or similar debris on the surface of a paved public roadway.

ii. Visible fugitive emissions from vehicle traffic on an affected paved public roadway that approach twenty percent (20%) opacity for a period or periods aggregating more than one (1) minute in any sixty (60) minute period.

iii. Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required.

c. Control strategies. The following are control strategies for track-out.

i. Prompt removal of mud, dirt, or similar debris from the affected surface of a paved public roadway.

ii. Water flush, and/or water flush and vacuum sweep, the affected surface of the paved public roadway. Runoff shallmust be controlled so it does not saturate the surface of the adjacent unpaved haul road such that track-out is enhanced. If runoff is not, or cannot be controlled, gravel shallmust be applied to the surface of the adjacent unpaved haul road over an area sufficient to control track-out.

iii. Apply gravel to the surface of the adjacent unpaved haul road. The area of application shallmust be sufficient to control track-out.

iv. Apply an environmentally safe chemical soil stabilizer or chemical dust suppressant to the surface of the adjacent unpaved haul road. The area of application shallmust be sufficient to control track-out.

v. Other control strategy or strategies as approved by the Department.

03. Requirements for Unpaved Haul Roads.

a. Definition of "uUnpaved haul roads." are defined as Aany unsurfaced roadway within the physical boundary of a nonmetallic mineral processing facility that is used as a haul road, access road, or similar.

b. Control strategy triggers. Triggers that require initiation of a strategy or strategies to control fugitive dust emissions from unpaved haul roads include, but are not limited to:

i. V visible fugitive emissions from vehicle traffic on an affected paved public roadway unpaved haul roads that approach twenty percent (20%) opacity for a period or periods aggregating more than one (1) minute in any sixty (60) minute period.

ii. Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required.

c. Control strategies. The following are control strategies for fugitive dust emissions from unpaved haul roads.

i. Limit vehicle traffic on unpaved haul roads.

ii. Limit vehicle speeds on unpaved haul roads. If a speed limit is imposed, signs shallmust be posted along the haul road route and clearly indicate the speed limit. Signs shallmust be placed so they are visible to vehicles entering and leaving the site of operations.

iii. Apply water to the surface of the unpaved haul road. Runoff shallmust be controlled so it does not saturate the surface of the unpaved haul road such that it causes track-out. If runoff is not, or cannot be controlled, gravel shallmust be applied to the surface of the unpaved haul road over an area sufficient to control track-out.

iv. Apply gravel to the surface of the unpaved haul road.

v. Apply an environmentally safe chemical soil stabilizer or chemical dust suppressant to the surface of the unpaved haul road.

vi. Other control strategy or strategies as approved by the Department.

04. Requirements for Transfer Points, Screening Operations, and Stacks and Vents.

~~**a.** Definitions.~~

~~i. Transfer point. Transfer point means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.~~

~~ii. Belt conveyor. Belt conveyor means a conveying device that transports material from one (1) location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.~~

~~iii. Conveying system. Conveying system means a device for transporting materials from one (1) piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: feeders, belt conveyors, bucket elevators and pneumatic systems.~~

~~iv. Bucket elevator. Bucket elevator means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.~~

~~v. Screening operation. Screening operation means a device for separating material according to size by passing undersize material through one (1) or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens).~~

~~vi. Capture system. Capture system means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one (1) or more process operations to a control device.~~

~~vii. Control device. Control device means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one (1) or more process operations at a nonmetallic mineral processing plant.~~

~~viii. Vent. Vent means an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one (1) or more affected facilities.~~

~~**b**~~**a.** In addition to the requirements of 40 CFR Part 60, Subpart OOO, incorporated by reference in Section 107, for applicable facilities, the following ~~C~~control strategy triggers~~. Triggers that~~ require initiation of a strategy or strategies to control fugitive dust emissions from transfer points, belt conveyors, bucket elevators, screening operations, conveying systems, capture systems, and building vents~~ include, but are not limited to, the following:~~.

~~i. NSPS regulated processing plants.~~

~~(1) Opacity greater than ten percent (10%) from any transfer point on a belt conveyor, conveying system, bucket elevator, or screening operation.~~

~~(2) For any transfer point on a belt conveyor, conveying system, bucket elevator, or screening operation located within a building, opacity greater than seven percent (7%) from any building vent.~~

~~(3) Opacity greater than seven percent (7%) from any capture system stack.~~

~~(4) Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may~~

~~determine additional control measures are required.~~

~~ii. Processing plants not regulated by NSPS.~~

~~(1)~~i. Opacity greater than twenty percent (20%) from any transfer point on a belt conveyor, conveying system, bucket elevator, or screening operation.

~~(2)~~ii. For any transfer point on a belt conveyor, conveying system, bucket elevator, or screening operation located within a building, opacity greater than twenty percent (20%) from any building vent.

~~(3)~~iii. Opacity greater than twenty percent (20%) from any capture system stack.

~~(4) Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required.~~

~~c~~b. ~~Control Strategies.~~ The following are control strategies for transfer points, belt conveyors, bucket elevators, screening operations, conveying systems, capture systems, and building vents. Controls ~~shall~~must be applied on a frequency such that visible fugitive emissions do not exceed any applicable opacity limit.

i. Limit drop heights of materials such that there is a homogeneous flow of material.

ii. Install, operate, and maintain water spray bars to control fugitive dust emissions at transfer points on belt conveyors, conveying systems, bucket elevators, and screening operations as necessary.

iii. Other control strategy or strategies as approved by the Department.

05. Requirements for Crushers and Grinding Mills.

~~a.~~ ~~Definitions.~~

~~i. Crusher. Crusher means a machine used to crush any nonmetallic mineral, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.~~

~~ii. Grinding mill. Grinding mill means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.~~

~~iii. Initial crusher. Initial crusher means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.~~

~~b~~a. Control strategy triggers~~. Triggers~~ that require initiation of a strategy or strategies to control fugitive dust emissions from any crusher, grinding mill, building vent, or capture system stack include~~, but are not limited to,~~ the requirements of 40 CFR Part 60, Subpart OOO, for applicable facilities and the following.

~~i. NSPS regulated processing plants.~~

~~(1) Opacity greater than fifteen percent (15%) from any crusher or grinding mill at which capture system is not used.~~

~~(2) For any crusher or grinding mill located within a building, opacity greater than seven percent (7%) from any building vent.~~

~~(3) Opacity greater than seven percent (7%) from any capture system stack.~~

~~(4) Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by~~

~~the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required.~~

~~ii. Processing plants not regulated by NSPS.~~

~~(1)~~i. Opacity greater than twenty percent (20%) from any crusher or grinding mill at which capture system is not used.

~~(2)~~ii. For any crusher or grinding mill located within a building, opacity greater than twenty percent (20%) from any building vent.

~~(3)~~iii. Opacity greater than twenty percent (20%) from any capture system stack.

~~(4) Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required.~~

~~c~~b. ~~Control strategies.~~ The following are control strategies for any crusher, grinding mill, building vent, or capture system stack. Controls ~~shall~~ must be applied on a frequency such that visible fugitive emissions do not exceed any applicable opacity limit.

i. Limit drop heights of materials such that there is a homogeneous flow of material.

ii. Install, operate, and maintain water spray bars to control fugitive dust emissions at crusher drop points as necessary.

iii. Other control strategy or strategies as approved by the Department.

06. Requirements for Stockpiles.

~~**a.** Definitions.~~

~~i. Stockpile. Stockpile means any nonmetallic mineral storage pile, reserve supply, or similar. Nonmetallic minerals shall will have the meaning given in 40 CFR Part 60, Subpart OOO. Nonmetallic minerals may be stockpiled by belt conveyor, truck dumping, or similar.~~

~~ii. Truck dumping. Truck dumping means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one (1) location to another. Movable vehicles include but are not limited to: trucks, front-end loaders, skip hoists, and railcars.~~

~~b~~a. Control strategy triggers~~. Triggers~~ that require immediate initiation of a strategy or strategies to control fugitive dust emissions from stockpiles include, but are not limited to~~:~~

~~i. V~~ visible fugitive emissions from wind erosion of any stockpile that approaches twenty percent (20%) opacity for a period or periods aggregating more than one (1) minute in any sixty (60) minute period.

~~ii. Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required.~~

~~c~~b. ~~Control strategies.~~ The following are control strategies for stockpiles.

i. Limit the height of the stockpiles.

ii. Limit the disturbance of the stockpiles.

iii. Apply water onto the surface of the stockpile.

iv. Other control strategy or strategies as approved by the Department.

800. REGISTRATION FEE FOR PERMIT BY RULE.
A registration fee of two hundred fifty dollars ($250) ~~shall~~must be submitted to the Department with each permit by rule registration.

801. PAYMENT OF FEES FOR PERMITS BY RULE REGISTRATION.
The permit by rule registration fee ~~shall~~ must be paid in its entirety at the time the required registration form is submitted to the Department. ~~The permit by rule registration form and fee should be sent to:~~

~~Permit by Rule Registration Fees~~
~~Fiscal Office~~
~~Idaho Department of Environmental Quality~~
~~1410 N. Hilton, Boise, ID 83706-1255~~ Information for making payments is available at http://www.deq.idaho.gov.

802. RECEIPT AND USAGE OF FEES.
Permit by rule registration fee receipts ~~shall~~ will be deposited by the Department into a stationary source permit account. Monies from this account ~~shall~~ will be used solely toward technical, legal and administrative support of the Department's Permit to Construct and Tier II permit programs and ~~shall~~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 ~~shall~~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.

803. -- ~~804~~814. (RESERVED)

~~**805. RULES FOR CONTROL OF HOT-MIX ASPHALT PLANTS.**~~
~~The purpose of Sections 805 through 808 is to establish for hot-mix asphalt plants restrictions on the emission of particulate matter.~~

~~**806. EMISSION LIMITS.**~~
~~No person shall cause, allow or permit a hot-mix asphalt plant to have particulate emissions which exceed the limits specified in Sections 700 through 703.~~

~~**807. MULTIPLE STACKS.**~~
~~In the case of more than one (1) stack to a hot-mix asphalt plant, the emission limitation will be based on the total emission from all stacks.~~

~~**808. FUGITIVE DUST CONTROL.**~~

~~**01. Fugitive Emission Controls**. No person shall cause, allow or permit a plant to operate that is not equipped with an efficient fugitive dust control system. The system shall be operated and maintained in such a manner as to satisfactorily control the emission of particulate material from any point other than the stack outlet.~~

~~**02. Plant Property Dust Controls**. The owner or operator of the plant shall maintain fugitive dust control of the plant premises and plant owned, leased or controlled access roads by paving, oil treatment or other suitable measures. Good operating practices, including water spraying or other suitable measures, shall be employed to prevent dust generation and atmospheric entrainment during operations such as stockpiling, screen changing and general maintenance.~~

~~**809. -- 814. (RESERVED)**~~

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~~ must 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~~ must 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 Part 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~~ must be conducted pursuant to the requirements contained in Sections 130 through 136 and the permit issued to the kraft pulp mill.

819. -- 834. (RESERVED)

835. RULES FOR CONTROL OF RENDERING PLANTS.
~~The purpose of Sections 835 through 839 is to establish for rendering plants limitations on the emission of odors.~~
No person may allow, cause, or permit:

~~**836. CONTROL OF COOKERS.**~~
01. Cookers. ~~No person shall allow, suffer, cause, or permit t~~The operation or use of any device, machine, equipment, or other contrivance to cook inedible animal or marine matter unless all gases, vapors, and gas entrained effluents from these processes are passed through condensers to remove all steam and other condensable materials. All noncondensibles, defined as gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified, passing through the condensers must then be incinerated at one thousand two hundred degrees Fahrenheit (1,200) for a minimum of three-tenths (0.3) seconds, or treated in an equally effective manner.

~~**837. CONTROL OF EXPELLERS.**~~
02. Expellers. ~~No person shall allow, suffer, cause, or permit t~~The installation or operation of an expeller unless it is properly hooded and all exhaust gases are ducted to odor control equipment.

~~**838. CONTROL OF PLANT AIR.**~~
03. Plant Air. ~~No person shall allow, suffer, cause, or permit t~~The installation or operation of a rendering plant unless plant ventilation air is collected and ducted to odor control equipment except if ~~.~~

~~**839. EXCEPTIONS.**~~
~~Section 838 shall not apply when~~ it can be demonstrated that without ducting plant ventilation air to the odor control equipment no noticeable odors from the plant can be detected at the property line.

~~**840. -- 859. (RESERVED)**~~

~~**860. EMISSION GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMMENCED CONSTRUCTION, RECONSTRUCTION OR MODIFICATION BEFORE MAY 30, 1991.**~~

~~**01. Applicability**. All owners or operators of any small or large municipal solid waste landfills in the following categories are subject to Section 860:~~

~~**a.** Landfills that have accepted waste since November 8, 1987;~~

~~**b.** Landfills with no modifications after May 30, 1991; or~~

c. Landfills that closed after November 8, 1987 with no modifications after May 30, 1991.

02. Definitions. Unless specifically provided otherwise immediately below, the definitions for all terms set forth in Section 860 shall be the definitions set forth in 40 CFR Part 60. The following definitions apply to Section 860:

a. "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60.

b. "Effective date" means July 2, 1999.

c. "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition.

d. "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to two point five (2.5) million megagrams or two point five (2.5) million cubic meters.

e. "Modification" means an action that results in an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

f. "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification).

g. "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after May 30, 1991.

h. "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than two point five (2.5) million megagrams or two point five (2.5) million cubic meters.

03. General Requirements. All owners or operators of landfills subject to Section 860 must comply with, 40 CFR Section 60.30c through 60.36c and 40 CFR Section 60.751 through 60.759 as amended by 63 Fed. Reg. 32,743-53 (June 16, 1998) and 64 Fed. Reg. 9,257-62 (February 24, 1999) and incorporated by reference into these rules at Section 107. Where "Administrator" or "EPA" appears in 40 CFR Part 60, "Department" shall be substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

04. Permitting Requirements. All owners or operators of landfills subject to Section 860 must comply with Federal Operating Permit Requirements (Title V) as specified in Sections 300 through 399 of these rules:

a. All owners or operators of existing large landfills must submit a complete Federal Operating Permit application one (1) year after EPA approves the Clean Air Act Section 111(d) State Plan associated with Section 860.

b. All owners or operators of existing small landfills that are major sources must submit a complete Federal Operating Permit application within one (1) year of becoming a major source.

~~**05. Reporting Requirements**. All owners or operators of landfills subject to Section 860 shall comply with the following:~~

~~**a.** All owners or operators of large landfills must:~~

~~i. Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within ninety (90) days of the effective date of Section 860 and;~~

~~ii. Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are less than fifty (50) Mg/yr.~~

~~**b.** All owners or operators of small landfills must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within ninety (90) days of the effective date of Section 860.~~

~~**06. Compliance Schedules and Increments of Progress**. All owners or operators of landfills subject to Section 860 that have a nonmethane organic compound emission rate fifty (50) Mg/yr or greater as specified in 40 CFR Section 60.752(b)(2) shall comply with the following schedule:~~

~~**a.** The owner or operator of an existing large landfill must submit their first Annual Emission Rate Report with the design capacity report no later than July 31, 2000.~~

~~**b.** The owner or operator of an existing landfill shall submit a collection and control system design plan within one (1) year of the date of the first Annual Emission Rate Report showing that the nonmethane organic compound emission rate is fifty (50) Mg/yr or greater as specified in 40 CFR Section 60.752(b)(2).~~

~~**c.** The owner or operator of an existing landfill shall award contracts for construction of collection and control systems or orders for purchase of components no later than January 31, 2002.~~

~~**d.** The owner or operator of an existing landfill shall initiate on-site construction or installation of the collection and control systems no later than April 30, 2002.~~

~~**e.** The owner or operator of an existing landfill shall complete, no later than September 30, 2002, on-site construction or installation of collection and control systems capable of meeting the requirements of Section 860.~~

~~**f.** The owner or operator of an existing landfill shall comply with Section 860 no later than September 30, 2002.~~

~~**07. Compliance Schedules and Increments of Progress for Municipal Solid Waste Landfills That Have Nonmethane Organic Compound Emission Rates Less Than 50 Mg/yr**. All owners or operators of landfills subject to Section 860 that have nonmethane organic compound emission rates less than fifty (50) Mg/yr on or after November 19, 1999 shall install collection and control systems within thirty (30) months after the date the first annual nonmethane organic compound emission rate equals or exceeds fifty (50) Mg/yr as specified in 40 CFR Section 60.36c(b).~~

~~861~~836. -- 999. (RESERVED)