

**Negotiated Rule Draft No. 4**  
**Docket No. 58-0101-1601, Dated July 26, 2016**

After consideration of submitted comments in writing and meeting discussions on June 23 and July 20, 2016, no revisions were made to the rule language presented in Draft No. 2. In addition, Implementation Option 2 as presented in Draft No. 3 has been selected and included below. At a meeting scheduled for July 27, 2016, DEQ will make a presentation regarding this rule draft and implementation.

DEQ is not requesting written comments on this draft. The comment period on the proposed rule will commence upon publication of the proposed rule in the September 7, 2016 issue of the Idaho Administrative Bulletin.

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To be promulgated under Rule Docket No. 58-0101-1604

**621. BURN DETERMINATION.**

**[Effective Upon Conclusion of the 2017 Legislative Session until February 28, 2018]** This version would be effective until a date certain by which EPA will have approved the SIP. DEQ anticipates approval of the SIP by February 28, 2018.

**01. Burn Approval Criteria.** The Department shall develop a Crop Residue Operating Guide to use in assisting in the determination of burn approvals. The permittee shall obtain initial approval 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 the morning of the proposed burn. 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 seventy-five percent (75%) of the level of any national ambient air quality standards (NAAQS) on any day (for purposes of the ozone NAAQS, the 2008 standard shall apply) 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 consider the following: ~~(5-8-09)~~(2017 *Sine die*)

- a. Expected Emissions. Expected emissions from all burns proposed for the same dates; (5-8-09)
- b. Proximity of Other Burns. The proximity of other burns and other potential emission sources within the area to be affected by the proposed burn; (5-8-09)
- c. Moisture Content. Moisture content of the material to be burned; (5-8-09)

- d. Acreage, Crop Type, and Fuel Characteristics. Acreage, crop type, and fuel characteristics to be burned; (5-8-09)
  - e. Meteorological Conditions. Meteorological conditions; (5-8-09)
  - f. Proximity to Institutions with Sensitive Populations. The proximity of the 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 not authorize 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; (5-8-09)
  - g. Proximity to Public Roadways. Proximity to public roadways; (5-8-09)
  - h. Proximity to Airports. Proximity to airports; and (5-8-09)
  - i. Other Relevant Factors. Any other factors relevant to preventing exceedances of the air quality concentrations of Section 621. (5-8-09)
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**621. BURN DETERMINATION.**

**[Effective February 28, 2018]** This version would become effective on a date certain by which EPA will have approved the SIP. DEQ anticipates approval of the SIP by February 28, 2018.

**01. Burn Approval Criteria.** The Department shall develop a Crop Residue Operating Guide to use in assisting in the determination of burn approvals. The permittee shall obtain initial approval 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 the morning of the proposed burn. 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 national ambient air quality standards~~ 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 consider the following: ~~(5-8-09)~~(2-28-18)

- a. Expected Emissions. Expected emissions from all burns proposed for the same dates; (5-8-09)

- b. Proximity of Other Burns. The proximity of other burns and other potential emission sources within the area to be affected by the proposed burn; (5-8-09)
- c. Moisture Content. Moisture content of the material to be burned; (5-8-09)
- d. Acreage, Crop Type, and Fuel Characteristics. Acreage, crop type, and fuel characteristics to be burned; (5-8-09)
- e. Meteorological Conditions. Meteorological conditions; (5-8-09)
- f. Proximity to Institutions with Sensitive Populations. The proximity of the 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 not authorize 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; (5-8-09)
- g. Proximity to Public Roadways. Proximity to public roadways; (5-8-09)
- h. Proximity to Airports. Proximity to airports; and (5-8-09)
- i. Other Relevant Factors. Any other factors relevant to preventing exceedances of the air quality concentrations of Section 621. (5-8-09)