

**Subpart N—Idaho****§ 52.670 Identification of plan.**

(a) Title of plan: “Idaho Air Quality Implementation Plan.”

(b) The plan was officially submitted on January 31, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous additions (compliance schedules and non-regulatory provisions) to the plan submitted on February 23, 1972, by the Idaho Air Pollution Control Commission.

(2) Request for delegation of legal authority submitted on March 2, 1972, by the Governor.

(3) Compliance schedules submitted on April 12, 1972, by the Governor.

(4) Request for an 18-month extension for particulate matter in all AQCR’s submitted on May 5, 1972, by the Governor.

(5) Miscellaneous additions (Non-regulatory) to the plan submitted on May 26, 1972, by the Idaho Air Pollution Control Commission.

(6) Appendices D and E of the plan submitted on June 9, 1972, by the Governor.

(7) Revisions to the Rules and Regulations for the Control of Air Pollution in Idaho submitted on February 15, 1973, by the Governor.

(8) Compliance schedules submitted on July 23, 1973, by the Governor.

(9) Amendment to Chapter IX of the plan to provide for review of indirect sources and a new Chapter XIV which sets forth the control strategy for attaining secondary particulate matter standards on October 16, 1973, by the Governor.

(10) Revisions to 1972 Session Laws, Chapter 347; 1973 Session Laws, Chapter 87, 136, 137, 138, 139, and 143; Chapters 18 and 52, Idaho Code; and the accompanying Attorney General’s opinion submitted August 15, 1973, by the Governor.

(11) A new section 4 of Regulation A (General Provisions) and revised Regulation T (Air Pollution Sources Permits) of the Rules and Regulations for the Control of Air Pollution in Idaho (Chapter VII of the plan), an addition to Chapter XI of the plan to include administrative procedures for indirect source review, and compliance sched-

ules submitted on July 1, 1974, by the Governor.

(12) Air quality maintenance area designation submitted on June 11, 1974, by the Idaho Department of Environmental and Community Services.

(13) An amendment to Regulation C (Ambient Air Quality Standards) and Regulation S (Control of Sulfur Oxide Emissions from Combined Lead/Zinc Smelters) of the Rules and Regulations for the Control of Air Pollution in Idaho and revisions to Chapter IV and Appendix F of the Implementation Plan submitted on January 10, 1975, by the Governor.

(14) Revised sections 2 and 6 of Regulation A (General Provisions) of the Rules and Regulations for the Control of Air Pollution in Idaho submitted on January 24, 1975, by the Governor.

(15) Consent Order for Beker Industries submitted on July 28, 1975 by the Governor.

(16) On January 15, 1980 the Governor submitted the transportation portion of the Boise-Ada County carbon monoxide plan.

(17) On July 1, 1980 the Governor submitted a SIP revision containing a variance from the indirect source regulation for an urban renewal project located in downtown Boise, as well as an adjustment to the TCP which had been submitted to EPA in January 1980.

(18) On February 14, 1980 the State of Idaho Department of Health and Welfare submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C, § 58.20.

(19) Revisions to the “Implementation Plan for the Control of Air Pollution in the State of Idaho” submitted by the Governor of Idaho on January 15, 1980: Chapter I “Introduction;” Chapter II “General Administration;” Chapter III “Emissions Inventory;” Chapter IV “Air Quality Monitoring;” Chapter V “Source Surveillance;” Chapter VI “Emergency Episode Plan;” Chapter VII “Approval Procedures for New and Modified Sources;” Chapter VIII “Non-Attainment Area Plans;” Chapter VIII-a “Silver Valley Non-Attainment Plan;” Chapter VIII-e “Soda Springs Non-Attainment Plan;” Appendix A.2 Legal Authority (Section 39-100, *Idaho Code*); Appendix A.3, Title I, Chapter I, Rules and Regulations for

the Control of Air Pollution in Idaho, except indirect source review provisions (1-1002.37, 1-1002.76 and 1-1004), variance provisions (1-1007 and 1-1904) and "Sulfur Dioxide Emission Limitations for Combined Zinc and Lead Smelters" (1-1851 through 1-1868); Appendix B "Emission Inventory, Ada County Carbon Monoxide Non-Attainment Area;" Appendix G "Permits—Silver Valley" (six permits); and Appendix K "Permits—Soda Springs" (four permits).

(20) Chapter VIII-b "Lewiston Non-Attainment Plan" submitted by the Governor of Idaho on January 15, 1980. On December 4, 1980, the Governor submitted revised pages 31-39, an operating permit for a kraft pulp and paper mill (Appendix H.1), operating permits for two grain loading terminals (Appendices H.3 and H.4), and an operating permit for an asphalt plant (Appendix H.5). On February 5, 1981 the Governor further revised the nonattainment area plan by submitting a permit for a wood products operation (Appendix H.2).

(21) Chapter VIII-d "Pocatello TSP Non-Attainment Plan" submitted by the Governor of Idaho on March 7, 1980. This submittal included operating permits for an elemental phosphorus plant (Appendix J.1), a phosphate fertilizer manufacturing plant (Appendix J.2), and a Portland cement plant (Appendix J.3). On February 5, 1981, the Governor submitted a revised Chapter VIII-d.

(22) On February 3, 1984 the State of Idaho Department of Health and Welfare submitted a revision to add a lead maintenance strategy to the Idaho Implementation Plan.

(23) On May 29, 1984, the State of Idaho Department of Health and Welfare submitted the Boise-Ada County carbon monoxide attainment plan as an official State Implementation Plan revision. The submittal was then supplemented on January 3, 1985.

(24) A revised Chapter VII *Approval Procedures for New and Modified Facilities*; revised sections 1-1002, 1-1012, 1-1013, 1-1014, and 1-1101 of Appendix A. 3 "Title 1, Chapter 1, *Rules and Regulations for the Control of Air Pollution in Idaho Manual*;" and the repeal of sections 1-1003, 1-1102 through 1-1112, and 1-1900 through 1-1906 of Appendix A. 3 "Title 1, Chapter 1, *Rules and Regula-*

*tions for the Control of Air Pollution in Idaho Manual*;" of the Implementation Plan for the Control of Air Pollution in the State of Idaho, submitted by the Director of the State of Idaho Department of Health and Welfare on April 19, 1985. (Sections 1-1003, 1-1102 through 1-1112, and 1-1900 through 1-1906 of Appendix A. 3 "Title 1, Chapter 1, *Rules and Regulations for the Control of Air Pollution in Idaho Manual*" were previously approved by EPA at 40 CFR 52.670(c)(19).) An April 3, 1986, commitment letter from the Director of the State of Idaho Department of Health and Welfare regarding stack height provisions.

(i) Incorporation by reference. (A) Revised sections 1-1002, 1-1012, 1-1013, 1-1014, and 1-1101 of Appendix A. 3, "Title 1, Chapter 1, *Rules and Regulations for the Control of Air Pollution in Idaho Manual*" of the Implementation Plan for the Control of Air Pollution in the State of Idaho, as adopted by the Idaho Board of Health and Welfare on November 1, 1984. An April 3, 1986, commitment letter from the Director of the State of Idaho Department of Health and Welfare regarding stack height provisions.

(ii) Other materials. (A) Revised Chapter VII *Approval Procedures for New and Modified Facilities* of the Implementation Plan for the Control of Air Pollution in the State of Idaho, submitted by the Director of the Idaho Department of Health and Welfare on April 19, 1985. (This revised chapter replaces an earlier version which was approved by EPA and incorporated by reference at 40 CFR 52.670(c)(19).)

(B) Sections 1-1003, 1-1102 through 1-1112, and 1-1900 through 1-1906 of Appendix A. 3 "Title 1, Chapter 1, *Rules and Regulations for the Control of Air Pollution in Idaho*," of the Implementation Plan for the Control of Air Pollution in the State of Idaho, repealed by the Idaho Board of Health and Welfare on November 1, 1984. (These sections, noted as repealed, replace the earlier versions which were approved by EPA and incorporated by reference at 40 CFR 52.670(c)(19).)

(25) On March 27, 1987, the State of Idaho Department of Health and Welfare submitted revised rules regulating the use of stack heights and dispersion

techniques (section 16.01.1002.94 and section 16.01.1014) as revisions to the Idaho state implementation plan. Additional revisions included clarifications to section 16.01.1009 (Total Compliance), and section 16.01.1201.03 (Visible Emissions-Exception).

(i) Incorporation by reference.

(A) March 27, 1987 letter from the State of Idaho Department of Health and Welfare to EPA, Region 10.

(B) Section 16.01.1002.94 (Stack), section 16.01.1014 (Stack Heights and Dispersion Techniques), section 16.01.1009 (Total Compliance) and section 16.01.1201.03 (Visible Emissions-Exception) adopted by the State of Idaho Department of Health and Welfare on February 11, 1987.

(26) On June 15, 1990, the Administrator of the Idaho Department of Health and Welfare submitted amendments to State of Idaho's Rules and Regulations for the Control of Air Pollution in Idaho Manual as revisions to the Idaho state implementation plan as follows: Idaho Administrative Procedures Act, Section 16.01.01002 Definitions, Section 16.01.01012 Procedures and Requirements for Permits to Construct and Operating Permits, and Section 16.01.01101 Air Quality Standards and Area Classification.

(27) On September 4, 1992, the Administrator of the Idaho Department of Health and Welfare submitted a revised and recodified Rules and Regulations for the Control of Air Pollution in Idaho Manual (Idaho Administrative Procedures Act Sections 16.01.01000 through 16.01.01999) as a revision to the Idaho state implementation plan.

(i) Incorporation by reference.

(A) June 15, 1990, letter from the Administrator of the Idaho Department of Health and Welfare to EPA Region 10 submitting amendments to the Idaho state implementation plan.

(B) September 4, 1992, letter from the Administrator of the Idaho Department of Health and Welfare to EPA Region 10 submitting amendments to the Idaho state implementation plan.

(C) Idaho's Rules and Regulations for the Control of Air Pollution in Idaho Manual (except for sections IDAPA 16.01.01007 Variances, IDAPA 16.01.01853 through 16.01.01856 Combined Zinc and Lead Smelters, IDAPA 16.01.0951

through 16.01.01968 Regulation of Standards of Performance for New Stationary Sources, and IDAPA 16.01.01997 Confidentiality of Records) as adopted by the Board of the Idaho Department of Health and Welfare on July 30, 1992, and effective on August 21, 1992.

(28) On April 14, 1992, the State of Idaho submitted a revision to the SIP for Pinehurst, ID, for the purpose of bringing about the attainment of the national ambient air quality standards for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers. This submittal includes an additional area in Shoshone County adjacent to the City of Pinehurst which EPA designated nonattainment and moderate for PM-10 on January 20, 1994.

(i) Incorporation by reference.

(A) April 7, 1992 letter from Idaho Department of Health and Welfare to EPA Region 10 submitting the Pinehurst Particulate Air Quality Improvement Plan as a revision to the Implementation Plan for the Control of Air Pollution in the State of Idaho. The plan has been adopted in accordance with the authorities and requirements of the Federal Clean Air Act and the Idaho Environmental Protection and Health Act (Idaho Code section 39-10/*et seq.*).

(B) SIP revision for Pinehurst Particulate Air Quality Improvement Plan, February 5, 1992 (adopted on April 7, 1992).

(29) On June 29, 1994, the Idaho Department of Health and Welfare submitted a CO State Implementation Plan for Northern Ada County, Idaho.

(i) Incorporation by reference.

(A) June 29, 1994 letter from Idaho Department of Health and Welfare to EPA Region 10 submitting the CO SIP for Northern Ada County, Idaho.

(B) Minor Revision of the Northern Ada County, Idaho 1984 State Implementation Plan for CO, June 1994 (including Ada County Ordinance 228, City of Boise Ordinance 5273, City of Meridian Ordinance 547, City of Garden City Ordinance 558, and City of Eagle Ordinance 177), as adopted by the Idaho Department of Health and Welfare on June 28, 1994.

(30) On January 7, 1994, the Administrator for the Idaho Department of

**Environmental Protection Agency**

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Health and Welfare, Division of Environmental Quality, submitted the State PROGRAM as a revision to the Idaho SIP.

(i) Incorporation by reference.

(A) The January 3, 1994 letter from the Administrator of the Idaho Department of Health and Welfare, Division of Environmental Quality, submitting the PROGRAM to EPA.

(B) The State Implementation Plan Revision to Establish a State Small Business Stationary Source Technical and Environmental Compliance Assistance Program (which includes the text of Idaho Code 39-118E, Small Business Assistance, signed into law Senate bill 1236 by Idaho Governor, Cecil D. Andrus, on March 29, 1993), dated December 29, 1993, and adopted on January 3, 1994.

(31) On November 14, 1991, and on December 30, 1994, the Idaho Department of Health and Welfare (IDHW) submitted revisions to the Idaho State Implementation Plan (SIP) for the Northern Ada County/Boise Particulate (PM<sub>10</sub>) Air Quality Improvement Plan.

(i) Incorporation by reference.

(A) November 14, 1991, letter from the IDHW Administrator to the EPA Region 10 Regional Administrator submitting a revision to the Idaho SIP for the Northern Ada County/Boise Particulate Air Quality Improvement Plan; The Northern Ada County Boise Par-

ticulate (PM<sub>10</sub>) Air Quality Improvement Plan adopted on November 14, 1991.

(B) December 30, 1994, letter from the IDHW Administrator to the EPA Region 10 Regional Administrator including a revision to the Idaho SIP for the Northern Ada County/Boise PM<sub>10</sub> Air Quality Improvement Plan; Appendix C-1, Supplemental Control Strategy Documentation, Northern Ada County/Boise PM<sub>10</sub> Air Quality Improvement Plan, adopted December 30, 1994, with the following attachments: Garden City Ordinances #514 (May 14, 1987), #533 (January 10, 1989) and #624 (September 13, 1994); Meridian Ordinance #667 (August 16, 1994); Eagle Ordinance #245 (April 26, 1994); Ada County Ordinance #254 (November 3, 1992); and Table Ordinance-1 (December 30, 1994).

[37 FR 10861, May 31, 1972, as amended at 41 FR 8959, Mar. 2, 1976; 41 FR 23202, June 9, 1976; 45 FR 70261, Oct. 23, 1980; 46 FR 15136, Mar. 4, 1981; 47 FR 32533, July 28, 1982; 49 FR 18833, May 3, 1984; 50 FR 23811, June 6, 1985; 51 FR 22810, June 23, 1986; 53 FR 48540, Dec. 1, 1988; 58 FR 39447, July 23, 1993; 59 FR 43751, Aug. 25, 1994; 59 FR 47804, Sept. 19, 1994; 59 FR 61549, Dec. 1, 1994; 60 FR 27893, May 26, 1995; 61 FR 27023, May 30, 1996]

**§ 52.671 Classification of regions.**

The Idaho plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutants				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Eastern Idaho Intrastate .....	I .....	II .....	III .....	III .....	III.
Eastern Washington Northern Idaho Interstate (Idaho) .....	I .....	II .....	III .....	III .....	III.
Idaho Intrastate .....	I .....	III .....	III .....	III .....	III.
Metropolitan Boise Intrastate .....	II .....	III .....	III .....	I .....	III.

[37 FR 10861, May 31, 1972, as amended at 45 FR 70261, Oct. 23, 1980; 47 FR 32534, July 28, 1982]

**§ 52.672 [Reserved]**

**§ 52.673 Approval status.**

With the exceptions set forth in this subpart, the Administrator approves Idaho's plan for the attainment and maintenance of the national standards.

**§ 52.674 Legal authority.**

(a) The requirements of § 51.230(f) of this chapter are not met since the authority to release emission data to the

public could be precluded in certain circumstances by section 39-111 of the Idaho Code annotated.

(b) Delegation of Authority: Pursuant to section 114 of the Act, Idaho requested a delegation of authority to enable it to collect, correlate, and release emission data to the public. The Administrator has determined that Idaho is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates