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November 22, 2019

Mark Boyle
Smoke Management Supervisor
DEQ Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, ID 83814
paula.wilson@deq.idaho.gov

RE: DEQ Negotiated Rule **Draft No. 2** - Rules for the Control of Air Pollution in Idaho/prescribed burning, Docket No. 58-0101-1901

Dear Mr. Boyle,

Thank you for the continued opportunity to participate and submit comments on the proposal referenced above. The Associated Logging Contractors of Idaho (ALC) is a non-profit trade association representing 481 member businesses in Idaho. Our members are logging, equipment, and wood products hauling contractors located across Idaho. Our members harvest timber in Idaho's forests. Idaho law requires that material generated during the harvest of timber – slash – be treated in order to minimize the danger of wildfire. Our logging contractors are held responsible for treating this slash. It is with this background that we are continuing to participate in this process.

The ALC respectfully offers these comments on Draft No. 2. We may revise these comments as we continue to participate and submit additional comments as the rulemaking continues. Our concerns are as follows.

- 1.) We continue to be concerned that the DEQ has not acknowledged or adequately addressed the conflict between the proposed rule and the legal requirement that slash be treated.
- 2.) We remained concerned that there is no proposal for carrying out the 'smoke management' training requirements indicated by the proposed tiers of major and minor burners.
- 3.) We are adamantly opposed to any of this new process being offloaded into an internal guidance document out of the purview and legal processes of Idaho law and rulemaking.
- 4.) We remain concerned that no apparent evaluation of the costs to putting a framework and staff in place to administer this huge new regulatory scheme at DEQ has been conducted.
- 5.) We remain concerned that no apparent evaluation of the regulatory cost and burden placed upon those who will be compelled to participate has been completed and published to the public.
- 6.) We are concerned that the timeframes for submitting plans for burning of slash piles and for acquiring permission to burn are not realistic and could result in non-compliance as well as financial penalties to the logging contractor for not fulfilling contractual and law required slash treatment. Frankly, we believe the DEQ completely underestimates the number of slash piles that are burnt each year in Idaho.

- 7.) We are concerned about the burden of record keeping on slash pile burning.
- 8.) We are concerned that logging contractors are not named as participants in the proposed Advisory Committee. Logging contractors are and will be personally liable and financially responsible for operating under this proposal and as such should be included in the Advisory Committee.

For the reasons outlined above, the ALC is currently in opposition to these proposed rules. We do acknowledge and thank DEQ for responded to our questions that were submitted June 24, 2019.

We look forward to our continued participation in this rulemaking process.

Thank you for your time and consideration.

Sincerely,



Shawn Keough
Executive Director

cc: John Tippetts, Director, Idaho Dept. of Environmental Quality
Sam J. Eaton, Office of Governor Little
Jerry Deckard, CapitolWest Public Policy