

Fee Approval Form

REQUEST FOR FEE INCREASE/ESTABLISHMENT/DECREASE

PART 1 (State agencies: Complete when requesting authority to increase or establish fees administratively, or when notifying DAS of a fee decrease.)
Agency Name: Department of Environmental Quality Agency Number: 34000

Division/Program: Air Quality/Program Operations Contact: Uri Papish (503) 229-6974
(Name and phone number.)

Brief Description of Fee Change:
This rulemaking proposes to add two new lower-cost General Air Contaminant Discharge Permit categories for sources with limited requirements and where existing Department resources can be leveraged to reduce the cost needed to implement the standards.

Check one:
[ ] Fee Increase [x] Fee Establishment [ ] Fee Decrease Statutory Authority for fee: ORS 468.065

Please check all statements that apply and provide the anticipated date(s) below:

- [x] Date proposed rule(s), or rule(s) change, to be filed with the Secretary of State: July 15, 2008
[x] Anticipated rule adoption date: December 12, 2008
[x] Date fee schedule becomes effective: July 1, 2009
[ ] Date of proposed E-Board Action:

REQUIRED - Attach Form 107BF22 and cover letter, with information on each fee affected. (See instructions on back.)

Approved: [x] Denied: [ ] Date: 08/06/08 By: [Signature] Director, Department of Administrative Services
Reviewed by: \_\_\_\_\_

PART 2 (State agencies: Complete following rule adoption or fee effective date.)
Administrative Rule Reference: \_\_\_\_\_ Date rule adopted or fee effective: \_\_\_/\_\_\_/\_\_\_\*\*

Actual fee amount(s) adopted: \_\_\_\_\_
Authorized agency signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

\*\* Form must be returned to DAS within 10 days of the date rule is adopted or fee is effective.
Note: Approval good only through July 1 of the next odd-numbered year or sine die, whichever is later, unless approved in legislation by the Regular Session of the Legislative Assembly.

## Instructions for completing the Fee Approval Form (107BF21)

### When to complete form 107BF21

ORS 291.055 requires agencies to get approval from DAS to establish, increase or decrease fees in certain cases, before the fees take effect. This requirement was originally passed by the 1995 Legislature in SB 333, and is still commonly known as the "SB 333 process". Form 107BF21 must be completed, with few exceptions, any time an agency is establishing or changing fee amounts. However, DAS approval and form 107BF21 is **not** required for fees anticipated in the legislative budget process. Other exceptions can be found in ORS 291.055(2).

### Reporting Requirements

Once it has been determined that form 107BF21 is required, an agency must submit the following information to their Budget and Management Analyst:

1. Form 107BF21 – with Part 1 fully completed.
2. Form 107BF22 – Fee Change Detail Report fully completed.
3. A cover letter on agency letterhead that provides an overview of and provides context for the impact of the change or establishment. The cover letter should include the following information, when relevant, in order for DAS to review the proposal:
  - a. An explanation of why the fee change or new fee is required. For example, was the fee change necessary due to:
    - Changes in Federal or Other Funds revenues?
    - Increased program costs? If so, please overview what the increased costs were.
    - Changes in transaction volumes or number of base fee payers? Please provide trend information and FTE workload statistics.
    - New fee created by statute?
    - Policy changes? Regulatory streamlining? Please explain.
    - Other?

- b. A summary of program funding. For example, how much of the program is covered by fee revenues? How much by General Fund? Will the new fee level allow replacement of General Fund? How much? Do statutes/rules require General Fund to constitute a minimum proportion of overall program funding?
- c. How long is the proposed fee estimated to sustain the program?
- d. If the fee is based on a sliding scale provide a spreadsheet showing calculations.
- e. A summary of who pays the fee and who are the stakeholders in the program.
- f. An overview of stakeholder/fee payer participation including a summary of stakeholder impacts; any outreach done to garner stakeholder input prior to setting the new fee level; and whether there is stakeholder approval or opposition to the new rate. If opposition, summarize those comments. If the only outreach done was via public comment during rulemaking please state so. Also, please identify if the fees relate to policy discussions/concerns raised during the Legislative session, and provide a summary of those discussions/concerns if fees are related.

### Process

After submission of required information, your BAM Analyst will draft a recommendation memo and route it, along with forms 107BF21 and 107BF22 and the cover letter, through the DAS approval process. Once approved or denied, form 107BF21 will be returned to the agency. If approved, the agency must complete Part 2 and submit the form to DAS within 10 days of the date the rule is adopted or the proposed fee is effective.

# FEE CHANGE DETAIL REPORT

| Fee Title/Description   | ORS/OAR      | Who pays fee        | Increase, Establish, Decrease? | Date/Amount of Last Change | Date Fee Expected to be Changed | Current fee | Proposed fee | Proposed fee change | Number 09 transactions with new fee | Impact on 2007-09 revenue | Total 2007-09 revenue | Number 2009-11 transactions with new fee | Impact on 2009-11 revenue | Total 2009-11 revenue | Leg Concept Number | Policy Package Number |
|-------------------------|--------------|---------------------|--------------------------------|----------------------------|---------------------------------|-------------|--------------|---------------------|-------------------------------------|---------------------------|-----------------------|--|---------------------------|-----------------------|--------------------|-----------------------|
| General ACDP/Class 4    | 340-216-0060 | NESHAP Area Sources | Establish                      | N/A                        | 12/12/2008                      | \$ -        | \$ 360       | \$ 360              | -                                   | \$ -                      | \$ -                  | 742                                      | \$ 267,120                | \$ 267,120            | N/A                | 114                   |
| General ACDP/Class 5    | 340-216-0060 | NESHAP Area Sources | Establish                      | N/A                        | 12/12/2008                      | \$ -        | \$ 120       | \$ 120              | -                                   | \$ -                      | \$ -                  | 2,608                                    | \$ 312,960                | \$ 312,960            | N/A                | 114                   |
| Stage I Vapor Recovery  | 340-232-0070 | Gasoline Stations   | Decrease                       |                            | 12/12/2008                      | \$ 50       | \$ -         | \$ (50)             | 1,248                               | \$ -                      | \$ 62,400             | 1,248                                    | (62,400)                  | (62,400)              | N/A                | 114                   |
| Stage II Vapor Recovery | 340-242-0520 | Gasoline Stations   | Decrease                       |                            | 12/12/2008                      | \$ 100      | \$ -         | \$ (100)            | 738                                 | \$ -                      | \$ 73,800             | 738                                      | (73,800)                  | (73,800)              | N/A                | 114                   |

This form and accompanying cover letter must be completed and submitted for three separate purposes:

- 1) Submitted to DAS with the Fee Approval Form (107BF21) when requesting DAS approval to change a fee administratively (Leg Concept/Policy Pkg columns not relevant).
- 2) Submitted to DAS with a Legislative Concept, if that concept would increase a fee or assessment (2007-09 columns not relevant).
- 3) Submitted electronically to BAM analyst, at same time as Agency Request Budget, if budget includes any fee establishment, increase, or decrease (2007-09 columns not relevant).

A cover letter is required that provides an overview of and provides context for the impact of the change or establishment. See instructions below for more information.

Note: Shaded fields are reported on the Detail of Fee, License, or Assessment Revenue Increase in the budget binder (107BF08).

**The cover letter should include the following information, when relevant, in order for DAS to review the proposal:**

- a. An explanation of why the fee change or new fee is required. For example, was the fee change necessary due to:
  - Changes in Federal or Other Funds revenues?
  - Increased program costs? If so, please overview what the increased costs were.
  - Changes in transaction volumes or number of base fee payers? Provide trend information and FTE workload statistics.
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