MSD Proposed Rulemaking

**Pollution Control Facilities Tax Credit Certificate Administration**

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| **Rule Division** | 016 |
| **Rule Number** | New |
| **Rule Title** | Pollution Control Facilities Tax Credit Certificate Administration |
| **Rule Summary** | Sub-delegate PCTC certificate administration tasks from EQC to DEQ |
| **Program** | Cross media |
| **Manager** | Greg Aldrich |
| **Lead Staff** | Maggie Vandehey |
| **Rulemaking Need Description** | The Pollution Control Facilities Tax Credit (PCTC) program sunset date is December 31, 2007. It is a two-step sunset with construction completion by December 31, 2007, and application submittal by December 31, 2008.  The EQC and DEQ may be approving or denying applications through the 2009-2011 biennium and will have certificate administration responsibilities for ten years beyond the last certification.  When a certificate holders notifies DEQ that they have sold a pollution control facility, changed their legal name, or ceases operating the facility, DEQ includes certificate administration in the EQC Staff Report for tax credit considerations. The EQC transfers, reissues, revokes, or reinstates certificates accordingly.  After the EQC has certified the last PCTC, certificate administration alone is negligible and does not warrant a separate action item on the EQC’s agenda. For this reason, DEQ seeks the EQC’s sub-delegation of certificate administration to DEQ. |
| **Policy Issues/implications** | The sub-delegation rulemaking needs to protect certificate holders’ right to hearing before the EQC for certificate revocations and reinstatements initiated by DEQ. |
| **Identify Mandated Deadlines** | There are no mandated deadlines for this rulemaking. |
| **Legislative Connection** | No. |
| **Resources for Rule Development** | Tax credit program |
| **Resources for Rule Implementation** | Tax credit program - negligible  No impact on regulated community, small businesses, or local governments |
| **Who Is Affected** | No affect |
| **Will a 5 year review be required?** | No |
| **Relationship to Federal Requirements** | No relationship |
| **Type of Rulemaking (Major or minor)** | Minor |
| **DAS Approval of Fee Required?** | No |

Provide best estimates of dates for these rule activities.

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| **Activity** | **Date** |
| **EMT Start Rulemaking Proposal Mgt** | February 2009 |
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| **SOS Publication of Public Notice** | July 2009 |
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| **Rule Adoption EQC Meeting** | December 2009 |
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