



Considerations

Workbook Summary

Stringency review of LRAPA's PM2.5/GHG titles

Title V and ACDP - air quality

Brief description of rule proposal

This is a joint rulemaking between DEQ and LRAPA. DEQ is to oversee and coordinate 2011 PM2.5/GHG LRAPA rulemaking to ensure it meets state stringency requirements.

Worksheets

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Do
nothing
severity
rating

Risk rating low → high

3	Stakeholders		
4	Program		
5	Environmental		
6	Timing		
7	Financial		
8	Legal		
9	Technical		
10	Policy		
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12	Implementation		

Schedule



legislative session

2012				2013				2014			
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
			<Start	Effective>							
				<AdvCom>							
			<Notice	End>							
				EQC							



Environmental

The proposed rules address an environmental problem indirectly. The environmental reach of the proposal is regional Oregon. The proposal aligns with 3 actions identified in the 2011-2015 EPA Strategic Plan and with 1 action identified in the Natural Step. The environmental consequence of doing nothing is: delay in public health protection.

The proposed rules involve

Compliance		not involved
Penalties		not involved
Permits, certifications		not involved
Fees		not involved
State Implementation Plan		involved
Land use rules		not involved

Ideal

What we want to happen.

Present rulemaking to EQC to adopt into Oregon SIP.

Reality

What we are trying to change.

To bring LRAPA's SIP submissions current with EPA.

Consequences

What will happen if we don't change.

DEQ would fail to meet PPA commitments; LRAPA rules would not be federally enforceable.

Alternatives considered

none.

Research/data needed

Review of rulemaking packages received from LRAPA.

Models


Joint rulemaking contract between DEQ and LRAPA.

Public involvement


Interest in this proposal is low/medium. DEQ does not plan to appoint an advisory committee. We plan to ask the committee to provide advice.

Affected parties


Business

 not affected


Manufacturing

 not affected


City/county/state

 not affected


Individuals

 not affected

Custom entry

 not affected

Custom entry

 not affected

Monday, October 15, 2012

1 Warmed up

Action	Object	Driver
carry out	a commitment in PPA	federal regulations

Optional discussion

Process improvement

Monday, October 15, 2012

2 Basics

Stringency review of LRAPA's PM2.5/GHG titles

Brief description of rule proposal

This is a joint rulemaking between DEQ and LRAPA. DEQ is to oversee and coordinate 2011 PM2.5/GHG LRAPA rulemaking to ensure it meets state stringency requirements.

Rulemaking type permanent

Chapter 340 divisions 200

Strengths/weaknesses going into rulemaking









The proposed rule...

Had prior public input
Is backed by science
Is backed by data
Supports sustainability
Supports strategic directions
Furtheres DEQ priorities
Would make DEQ's work easier
Would reduce DEQ costs

option

definitely true
definitely true
definitely true
definitely true
definitely true
definitely true
somewhat true
somewhat true

Riskometer

	6
	6
	6
	6
	6
	6
	6
	6

Risk average

	6
---	---

Ideal - What do we envision?

Short Present rulemaking to EQC to adopt into Oregon SIP.

Long blank

Reality - What are we trying to change?

Short To bring LRAPA's SIP submissions current with EPA.

Long blank

Consequences - What will happen if we do nothing?

Short DEQ would fail to meet PPA commitments; LRAPA rules would not be federally enforceable.

Long blank

Alternatives to rulemaking already considered or to explore

Short none.

Long blank

Research or data needed to develop proposal

Short Review of rulemaking packages received from LRAPA.

Long

blank

Models that could be leveraged for this proposal

Short

Joint rulemaking contract between DEQ and LRAPA.

Long

blank

Land Use/SIP

Land use rules

State Implementation Plan

Y

Out of the scope for this proposal

Topic	Reasoning

Compliance, penalties, permits, certifications, registrations and licensing

	Extent that proposal addresses listed items				
	n/a	Reduced	Involved	New	Expanded
Compliance	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Penalties	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Does not apply					
	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
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	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Enter custom item here	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Enter custom item here	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Enter custom item here	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>

Reminders

Process improvement

3 Stakeholders and public involvement

Stringency review of LRAPA's PM2.5/GHG titles

"The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule." ORS 183.333

Affected parties

	Not involved	Involved	Previously unregulated	Number affected		
				10s	100s	1,000s
Business						
Manufacturing						
City/county/state						
Individuals						
Custom entry						
Custom entry						

Stakeholder complexity

Straight forward stakeholder considerations or no opposition expected

Multiple stakeholder considerations or some stakeholder oppositions expected

Complex stakeholder considerations or significant opposition expected



External stakeholder interest

Selecting an interest level indicates the group to the left is a stakeholder.

Group

Regulated community
Business and industry
Environmental groups
Public
State legislators
Federal environmental regulators
Other state and federal agencies
Local governments
Tribal nations

Interest

minor interest

minor interest

minor interest

minor interest

minor interest

moderate interest

minor interest

moderate interest

does not apply

Riskometer

Custom entry

does not apply

6 7 8 9

Custom entry

does not apply

6 7 8 9

Interest average

6 7 8 9

Optional stakeholder information

Advisory committee appointment



No advisory committee



Use a standing committee



Reconvene a committee



Convene a new committee

Type of committee (check all that apply)



Fiscal



Scientific



Policy



Rule language



Technical



Legally required



Implementation



Custom entry

No. of meetings

0

Describe appointment strategy

Describe how DEQ will use their input

Information meetings/hearings during public notice

Information meetings/hearings



Portland area



Regional

No. of meetings

0

Public notice



No public notice



Public notice, no hearing



Public notice with hearing



Re-notice

Optional hearing information

Provide authority to LRAPA to hold a hearing on behalf of EQC.

Reminders

Process improvement

October 15, 2012

4 Program

Stringency review of LRAPA's PM2.5/GHG titles

Program name Title V and ACDP

Media air

Program consequences of doing nothing

Severity

low

6

- ☐ Loss of delegation
- ☒ Failure to keep commitment
- ☐ Failure to respond to legislature
- ☐ Increased difficulty doing business
- ☐ Unclear administrative rules
- ☐ Loss of reputation
- ☐ Enter custom consequences here
- ☐ Enter custom consequences here

Subject program considerations

Reviewing for stringency (at least as stringent as DEQ rules).

Other DEQ program considerations

To determine if OARs need amendment.

Dependencies

Not dependent on
success of other
projects/programs or
no legislation

Some dependence on
success of other
projects/programs or
legislation required

Fully dependent on
success of other
projects/programs or
potentially controversial
legislation needed

☒ Low



☐ Medium



☐ High

Optional dependency information

Include program considerations in:

Committee charter
Message map
Proposal

☐
☐
☐

Complexity

definitely not complex

6

Reminders



5 Environmental

Stringency review of LRAPA's PM2.5/GHG titles

The proposed rules address an environmental problem indirectly.

Environmental consequences of doing nothing

Severity

low

6

- ☐ Science does not apply to Oregon
- ☒ Delay in public health protection
- ☐ Adverse effect on vulnerable populations
- ☐ Adverse effect on environmental justice communities
- ☐ Enter custom environmental consequence here
- ☐ Enter custom environmental consequence here

Describe environmental considerations

Environmental reach

Select the most expansive environmental reach of this proposed rule.

Local

Regional OR

Statewide

Regional US

National

Beyond



Links

[2011-2015 EPA Strategic Plan](#)

The proposed rules align with actions in the EPA Strategic Plan:

- ☒ Taking Action on Climate Change/Improving AQ
- ☐ Protecting America's Waters
- ☐ Ensuring Safety of Chemicals/Preventing Pollution
- ☒ Enforcing Environmental Laws
- ☒ Cleaning Up Communities/Advancing Sustainable Development

[the Natural Step](#)

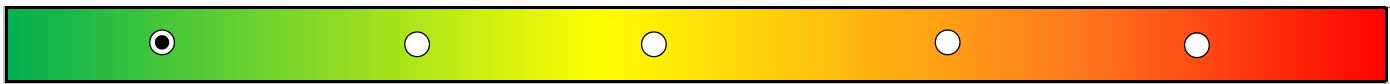
The proposed rules support the elimination of Oregon's contribution to:

- ☒ The progressive buildup of substances extracted from the Earth's crust (for example, heavy metals and fossil fuels)
- ☐

- ☐ The progressive buildup of chemicals and compounds produced by society (for example, dioxins, PCBs, and DDT)
- ☐ The progressive physical degradation and destruction of nature and natural processes (for example, over harvesting forests and paving over critical wildlife habitat)
- ☐ Conditions that undermine people's capacity to meet their basic human needs (for example, unsafe working conditions and not enough pay to live on)

Environmental data

No new data; Leverage existing data or methods; No accuracy, applicability or reliability uncertainties; Easy to explain in common language	Some uncertainty about leveraging existing data, it's accuracy or applicability; Data or methods need translating into common language; Potential for stakeholder mistrust	Original or unique data; Potential sources of error; Challenging translation to common language; High probability for
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Include environmental consideration in:

Committee charter ☐

Message map ☐

Proposal ☐

Complexity

definitely not complex

6

Reminders

Process Improvement

Monday, October 15, 2012

6 Timing

Rationale for developing proposal now - drivers

LRAPA needs to be brought current with their SIP submissions.



Consider any challenges to the rulemaking for each activity below that may occurs during a legislative session (Q1 of even years, Q1 and Q2 of odd years.)

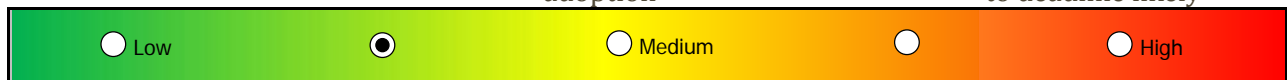
	START		END		
	Year	Qtr	Year	Qtr	
Start	2012	4			
Advisory committee	2013	1	2013	1	not involved
Rulemaking notice	2012	4	2013	1	not involved
EQC Action	2013	1			
Effective	2013	1			

Timing challenges

No challenge in meeting rule adoption

Compressed or extended timeframe for rule adoption

Difficult schedule, no contingencies allowed, uncontrolled changes to deadline likely



Include timing rationale above in:

Committee charter	<input type="checkbox"/>
Message map	<input type="checkbox"/>
Proposal	<input type="checkbox"/>

Complexity

potential for minor complexity					
1	2	3	4	5	6

Reminders

Research multiple simultaneous SIP amendments and how to handle 200-0040.

Process Improvement

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Monday, October 15, 2012

Funding source

Rulemaking	General
Implementation	n/a

Financial consequences of doing nothing

- ☐ Loss of program funding
- ☐ Failure to address costs
- ☐ Loss of federal funding
- ☐ Insufficient funding
- ☐ Failure to address undue burden
- ☐ Enter custom financial consequence here
- ☐ Enter custom financial consequence here

Severity

does not apply
6

Optional notes

Fees

<p>Action</p> <div><input type="checkbox"/> Establish new fees</div> <div><input type="checkbox"/> Increase existing fees</div> <div><input type="checkbox"/> Decrease existing fees</div>	<div><div><div><div></div></div><div><div></div></div><div><div></div></div></div></div> <div>DAS Fee Approval</div> <div>Does not apply</div> <div>Exempt under ORS 291.55(2)(d)</div> <div>Exempt under ORS 291.55(2)(m)</div>
--	--

Authority to adopt, amend or repeal fees:

ORS

Fiscal impact on:

	Impact	Riskometer
Regulated community	no fiscal impacts	6
Small business (50 emp or less)	no fiscal impacts	6
Business and industry	no fiscal impacts	6
Local governments	no fiscal impacts	6
Other state or federal agencies	no fiscal impacts	6
Public	no fiscal impacts	6
DEQ	no fiscal impacts	6
Program -Air Quality	no fiscal impacts	6
Custom entry	no fiscal impacts	6
Custom entry	no fiscal impacts	6
Fiscal impact average		6

Optional fiscal discussion

Invoicing system

- | | | |
|--|---|--|
| <input type="checkbox"/> Develop new | <input type="checkbox"/> CHRIS | <input type="checkbox"/> TRAACS |
| <input type="checkbox"/> Access database | <input type="checkbox"/> HazWaste Invoicing | <input type="checkbox"/> UST Invoice.new |
| <input type="checkbox"/> Access template | <input type="checkbox"/> SWIFT | <input type="checkbox"/> WQSIS |
| <input type="checkbox"/> Custom entry | <input type="checkbox"/> Custom entry | <input type="checkbox"/> Custom entry |

Description

Include description above in:

Committee charter

Message map

Proposal

Complexity

definitely not complex



6

Reminders

Process improvement

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8 Legal

Stringency review of LRAPA's PM2.5/GHG titles

Current authority

468.020, 468A.035 & 468A.070

links

links

Requirement

Review LRAPA titles for OAR stringency.

Provide LRAPA authority to hold hearing on behalf of EQC.

Dependencies

Legal consequences of doing nothing

- ☒ Rules will not align with the law
- ☐ Risks noncompliance
- ☐ Failure to comply with Clean Water Act
- ☒ Failure to comply with Clean Air Act
- ☐ Failure to comply with Resource Conservation and Recovery Act
- ☐ Enter custom legal consequence here
- ☐ Enter custom legal consequence here

low to medium

Severity



Optional notes

LRAPA titles will not align w. OAR

Describe legal consideration

LRAPA's rulemakings are not currently federally enforceable.

Include description above in:

Committee charter

Message map

Proposal

potential for minor complexity

Complexity



Reminders

Process improvement



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9 Technical

Stringency review of LRAPA's PM2.5/GHG titles

Describe technical considerations

Innovation

No new technology, development, methods, production or tools

New techniques but with stable application, known techniques but with new application

New or untried technology, development, methods or tools, high degree of complexity or uncertainty



Infrastructure

No new infrastructure requirements

Infrastructure required, packaged software, data migration, some links to other internal or external systems

Significant infrastructure requirements, complex data migration, extensive or complex links to internal/external systems



Include technical considerations below in:

Committee charter

Message map

Proposal

☐
☐
☐

Complexity

does not apply

6

Reminders

Process improvement

Monday, October 15, 2012

10 Policy

Stringency review of LRAPA's PM2.5/GHG titles

Describe policy considerations

Policy risks

Policy is very clear, high assurance policy will be developed or no need for policy

Developing clear policy, some assurance clear policy will be developed

Policy lacks clarity, low assurance that clear policy will be developed



Include policy consideration below in:

Committee charter

Message map

Proposal

☐
☐
☐

Complexity

does not apply

6

Reminders

Process improvement

Monday, October 15, 2012

11 Political

Stringency review of LRAPA's PM2.5/GHG titles

Describe political considerations

Maintain working partnership between DEQ, EPA and LRAPA.

Include political consideration below in:

Committee charter

Message map

Proposal

Complexity

potential for minor complexity

1 2 3 4 5 6

Reminders

Process improvement

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Describe implementation considerations

does not apply
6

Include description below in:

Complexity

Committee charter	<input type="checkbox"/>
Message map	<input type="checkbox"/>
Proposal	<input type="checkbox"/>

Reminders

Process improvement