



# Considerations

## Workbook Summary

### Stringency review of 2008 LRAPA open burning rules

LRAPA support - air quality

#### Brief description of rule proposal

Approve for stringency 2008 LRAPA open burning rules.

#### Worksheets

1 [Warm up](#)

2 [Basics](#)

3 [Stakeholders](#)

4 [Program](#)

5 [Environmental](#)

6 [Timing](#)

7 [Financial](#)

8 [Legal](#)

9 [Technical](#)

10 [Policy](#)

11 [Political](#)

12 [Implementation](#)

Do  
nothing  
severity  
rating

Risk rating low → high

3	<a href="#">Stakeholders</a>		
4	<a href="#">Program</a>		
5	<a href="#">Environmental</a>		
6	<a href="#">Timing</a>		
7	<a href="#">Financial</a>		
8	<a href="#">Legal</a>		
9	<a href="#">Technical</a>		
10	<a href="#">Policy</a>		
11	<a href="#">Political</a>		
12	<a href="#">Implementation</a>		

#### Schedule



legislative session

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



#### Environmental

The proposed rules address an environmental problem indirectly. The environmental reach of the proposal is regional Oregon. The proposal aligns with 2 actions identified in the 2011-2015 EPA

#### The proposed rules involve

Compliance

Penalties

Permits, certifications

Fees

State Implementation Plan

new

not involved

not involved

not involved

involved

mentioned in the 2011-2013 EPA Strategic Plan and with 2 actions identified in the Natural Step, and the consequences of doing nothing are: delay in public health protection, adverse effect on vulnerable populations and adverse effect on environmental justice communities.

Land use rules



not involved

## Ideal

What we want to happen.

Timely review and approval for stringency of LRAPA open burning rules.

## Reality

What we are trying to change.

Assurance that LRAPA adopted open burning rules are at least as stringent as state rules.

## Consequences

What will happen if we don't change.

LRAPA enforcement of open burning rules is jeopardized.

## Alternatives considered

No alternative available.

## Research/data needed

Review of LRAPA Board adopted rules.

## Models


None

## 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

 affects hundreds currently regulated


Individuals

 not affected

Custom entry

 not affected

Custom entry

 not affected

Monday, October 15, 2012

## 1 Warmed up

Action	Object	Driver
align	an external process	Oregon law

### Optional discussion

### Process improvement

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## 2 Basics

### Brief description of rule proposal

Approve for stringency 2008 LRAPA open burning rules.

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

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

#### Riskometer

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#### Risk average

### Ideal - What do we envision?

Short Timely review and approval for stringency of LRAPA open burning rules.  
Long blank

### Reality - What are we trying to change?

Short Assurance that LRAPA adopted open burning rules are at least as stringent as state rules.  
Long blank

### Consequences - What will happen if we do nothing?

Short LRAPA enforcement of open burning rules is jeopardized.  
Long DEQ SIP incomplete

### Alternatives to rulemaking already considered or to explore

Short No alternative available.  
Long blank

### Research or data needed to develop proposal

Short Review of LRAPA Board adopted rules.  
Long blank

Models that could be leveraged for this proposal

ShortNone

Longblank

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>
Air quality					
Asbestos License	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Air Contaminant Discharge Permit	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Air Quality Registrations	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Open Burning Letter Permit	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Tanker Certification	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Title V permit	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Vehicle Emissions Certification	<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>
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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

Difficult to differentiate impacts regarding actions taken by LRAPA, a partner agency subject to our oversight, from DEQ's direct impacts regarding action vs. no action.

### 3 Stakeholders and public involvement

agency review of 2008 LRAPA open burning rules

"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

no interest

minor interest

minor interest

minor interest

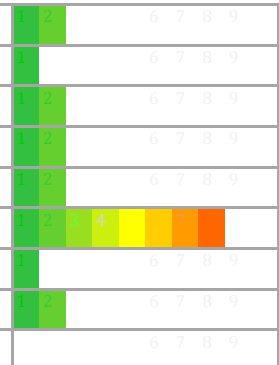
considerable interest

no interest

minor 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
- ☐ Policy
- ☐ Technical
- ☐ Implementation
- ☐ Scientific
- ☐ Rule language
- ☐ Legally required
- ☐ 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

To be held in Lane County by LRAPA.

## Reminders

## Process improvement

Heat bar at low should show up on summary page, otherwise it may be considered no impact.

October 15, 2012



## 4 Program

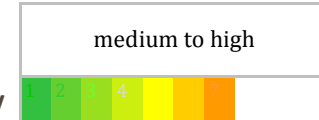
Stringency review of 2008 LRAPA open burning rules

Program name LRAPA support

Media air

### Program consequences of doing nothing

Severity



- ☐ Loss of delegation
- ☐ Failure to keep commitment
- ☐ Failure to respond to legislature
- ☐ Increased difficulty doing business
- ☐ Unclear administrative rules
- ☐ Loss of reputation
- ☒ LRAPA's ability to enforce adopted regulations is in doubt
- ☐ Enter custom consequences here

### Subject program considerations

LRAPA's ability to enforce adopted regulations is in doubt.

### Other DEQ program considerations

### 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



### Optional dependency information

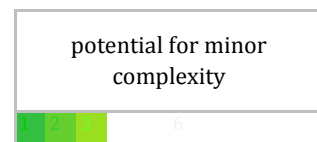
### Include program considerations in:

Committee charter ☐

Message map ☐ Y

Proposal ☐ Y

Complexity



### Reminders

**Process Improvement**



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## 5 Environmental

Stringency review of 2008 LRAPA open burning rules

The proposed rules address an environmental problem indirectly.

### Environmental consequences of doing nothing

Severity

medium				
2	3	4	5	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](#)

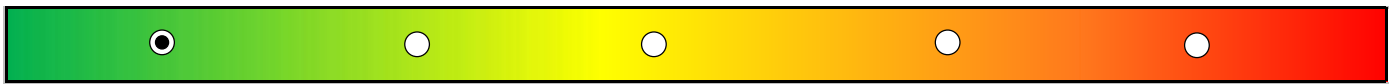
The proposed rules support the elimination of Oregon's contribution to:

- ☐ 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	<input type="checkbox"/>
Message map	<input type="checkbox"/>
Proposal	<input type="checkbox"/>

Complexity

definitely not complex



## Reminders

## Process Improvement

Monday, October 15, 2012

## 6 Timing

### Rationale for developing proposal now - drivers

LRAPA rules are unenforceable by LRAPA without approval by DEQ. Federal SIP approval delayed by inaction.



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.)

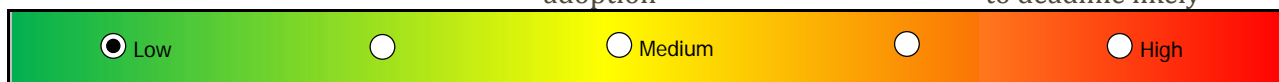
	START		END		
	Year	Qtr	Year	Qtr	
Start	2012	4			
Advisory committee	2013	1	2013	1	not involved
Rulemaking notice	2013	1	2013	1	
EQC Action	2013	2			
Effective	2013	3			

### 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 ☐  
Message map ☐  
Proposal ☐

Complexity

definitely not complex



### Reminders

### Process Improvement

Monday, October 15, 2012

## 7 Financial

Stringency review of 2008 LRAPA open burning rules

### Funding source

Rulemaking	General Fund
Implementation	General Fund

### 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

low

6

Optional notes


### Fees

#### Action

- ☐ Establish new fees
- ☐ Increase existing fees
- ☐ Decrease existing fees

#### DAS Fee Approval

☒

Does not apply

☐

Exempt under ORS 291.55(2)(d)

☐

Exempt under ORS 291.55(2)(m)

Authority to adopt, amend or repeal fees:

ORS

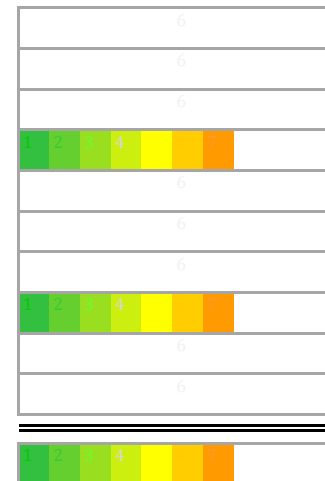
### Fiscal impact on:

Regulated community  
Small business (50 emp or less)  
Business and industry  
Local governments  
Other state or federal agencies  
Public  
DEQ  
Program -Air Quality  
Custom entry  
Custom entry

#### Impact

no fiscal impacts
no fiscal impacts
no fiscal impacts
minor cost increase
no fiscal impacts
no fiscal impacts
no fiscal impacts
minor cost increase
no fiscal impacts
no fiscal impacts

#### Riskometer



Fiscal impact average



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

Monday, October 15, 2012

## 8 Legal

### Stringency review of 2008 LRAPA open burning rules

#### Current authority

	links	links
ORS 468A.100 - .180	<a href="http://landru.leg.state.or.us/ors/468a.html">http://landru.leg.state.or.us/ors/468a.html</a>	

#### Requirement

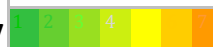

#### Dependencies


#### 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
- ☒ SIP is incomplete and not eligible for review by EPA
- ☐ Enter custom legal consequence here

Severity

medium to high



#### Optional notes


#### Describe legal consideration

SIP is incomplete and not eligible for review by EPA.

#### Include description above in:

Committee charter

Message map

Proposal

Y
Y

Complexity

definitely not complex



#### Reminders

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#### Process improvement



Cannot paste links to webpages into boxes above.

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## 9 Technical

Stringency review of 2008 LRAPA open burning rules

### Describe technical considerations

None

### 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

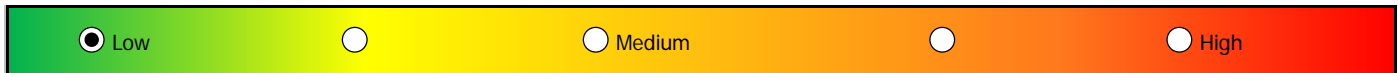


### Infrastructure

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

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Complexity

does not apply

6

### Reminders

### Process improvement

Monday, October 15, 2012

## 10 Policy

Stringency review of 2008 LRAPA open burning rules

### 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	<input type="checkbox"/>
Message map	<input type="checkbox"/>
Proposal	<input type="checkbox"/>

### Complexity

definitely not complex	
1	6

### Reminders

### Process improvement

Monday, October 15, 2012

## 11 Political

### Stringency review of 2008 LRAPA open burning rules

#### Describe political considerations

LRAPA's inability to enforce may trigger adverse political consequences in some situations.

#### Include political consideration below in:

Committee charter

Message map

Proposal

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

#### Complexity

potential for minor complexity



6

#### Reminders

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#### Process improvement

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Monday, October 15, 2012

## 12 Implementation

Stringency review of 2008 LRAPA open burning rules

### Describe implementation considerations

Post adoption by EQC, submittal as SIP to EPA.

definitely not complex

### Include description below in:

Committee charter

Message map

Proposal

Complexity

1

6

### Reminders

### Process improvement

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