



Considerations

Workbook Summary

2008 LRAPA Industrial Streamlining

Permitting programs - specifics known later - air quality

Brief description of rule proposal

Reviewing LRAPA's permitting titles for streamlining and stringency.

Worksheets

	Do nothing severity rating	Risk rating low → high
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		

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 have no direct correlation to the environment.

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.

Carrying out PPA commitment to bring LRAPA's SIP submissions current with EPA and determining stringency is at least equivalent to OARs.

Alternatives considered

LRAPA can remain past due for another year or so.

Public involvement

There is no expressed interest in this proposal at this time. DEQ does not plan to appoint an advisory committee. We plan to ask the committee to provide advice.

Reality

What we are trying to change.

Bringing LRAPA current with their SIP submissions.

Research/data needed

Review of rulemaking package submitted by LRAPA to DEQ - for stringency.

Affected parties

Business

Manufacturing

City/county/state

Individuals

Custom entry

Custom entry


Consequences


What will happen if we don't change.


LRAPA will remain past due that could potentially lead to federally unenforceable rules


Models


Previous joint LRAPA / DEQ rulemaking: Eugene/Springfield PM10 LMP, Oakridge PM10 and joint


 not affected

 not affected

 not affected

 not affected

 not affected

 not affected



1 Warmed up

Action	Object	Driver
carry out	a commitment in PPA	EPA direction

Optional discussion

Process improvement

Monday, October 15, 2012

Brief description of rule proposal

Reviewing LRAPA's permitting titles for streamlining and stringency.

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
does not apply
does not apply
does not apply
definitely true
definitely true
does not apply
does not apply

Riskometer

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Risk average**Ideal - What do we envision?**

Short Carrying out PPA commitment to bring LRAPA's SIP submissions current with EPA and determining stringency is at least equivalent to OARs.

Long blank

Reality - What are we trying to change?

Short Bringing LRAPA current with their SIP submissions.

Long blank

Consequences - What will happen if we do nothing?

Short LRAPA will remain past due that could potentially lead to federally unenforceable rules

Long If LRAPA remains past due, that may lead to additional work for DEQ staff in the event a lawsuit occurs, strains the partnership between LRAPA, DEQ and EPA.

Alternatives to rulemaking already considered or to explore

Short LRAPA can remain past due for another year or so.

Long blank

Research or data needed to develop proposal

Short	Review of rulemaking package submitted by LRAPA to DEQ - for stringency.
Long	blank

Models that could be leveraged for this proposal

Short	Previous joint LRAPA / DEQ rulemaking: Eugene/Springfield PM10 LMP, Oakridge PM10 and joint rulemaking contract between LRAPA and DEQ.
Long	blank

Land Use/SIP

Land use rules

☐

State Implementation Plan

Out of the scope for this proposal

Topic	Reasoning
Amending OARs to be as stringent as LRAPA's titles	not necessary/not applicable

Compliance, penalties, permits, certifications, registrations and licensing

Extent that proposal addresses listed items

n/a	Reduced	Involved	New	Expanded
Compliance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Penalties	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Air quality

Asbestos License	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Air Contaminant Discharge Permit	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Air Quality Registrations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Open Burning Letter Permit	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tanker Certification	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Title V permit	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle Emissions Certification	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enter custom item here	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enter custom item here	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Reminders

Will know more about overall impact to OARs once rulemaking package is reviewed (after EMT approval).

Process improvement











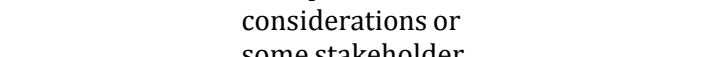
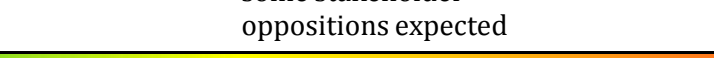




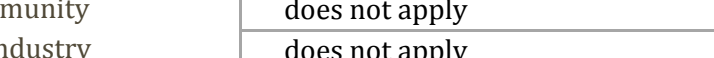
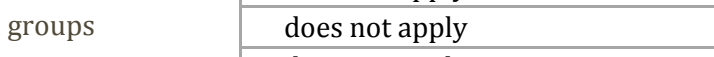
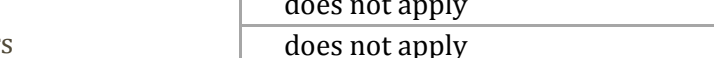
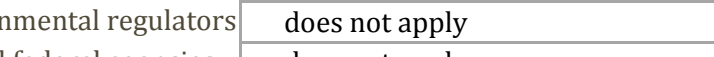
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3 Stakeholders and public involvement

2008 LRAPA Industrial Streamlining

"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	Interest	Riskometer
Regulated community	does not apply	6 7 8 9
Business and industry	does not apply	6 7 8 9
Environmental groups	does not apply	6 7 8 9
Public	does not apply	6 7 8 9
State legislators	does not apply	6 7 8 9
Federal environmental regulators	does not apply	6 7 8 9
Other state and federal agencies	does not apply	6 7 8 9
Local governments	does not apply	6 7 8 9
Tribal nations	does not apply	6 7 8 9

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

LRAPA is responsible for engaging stakeholders, therefore these do not apply to DEQ.

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

LRAPA will need to re-notice the rulemaking package. Hearing and newspaper ad will be up to LRAPA and decided later - at minimum, SOS notice, govdelivery.

Reminders

Process improvement

October 15, 2012

4 Program

2008 LRAPA Industrial Streamlining

Program name

Media

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.

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

<input checked="" type="radio"/> Low	<input type="radio"/>	<input type="radio"/> Medium	<input type="radio"/>	<input type="radio"/> High
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Optional dependency information

Include program considerations in:

Committee charter
Message map
Proposal

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

Complexity

potential for minor complexity
6

Reminders

Process Improvement



Monday, October 15, 2012

The proposed rules

The team does not need to complete this worksheet.

Environmental consequences of doing nothing

Severity

- ☐ 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

does not apply

6

Reminders

This is a streamlining rulemaking; need to review package if anything more; LRAPA has already implemented their amendments into their daily operations so the environment is not really affected.

Process Improvement

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6 Timing

2008 LRAPA Industrial Streamlining

Rationale for developing proposal now - drivers



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	2	not involved
EQC Action	2013	2			
Effective	2013	2			

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

☒ Low
 ☐
☐ Medium
 ☐
☐ High

Include timing rationale above in:

Committee charter ☐
 Message map ☐
 Proposal ☐

Complexity

does not apply

6

Reminders

Process Improvement

Monday, October 15, 2012

7 Financial

2008 LRAPA Industrial Streamlining

Funding source

Rulemaking

Implementation

does not apply

Financial consequences of doing nothing

Severity

6

Optional notes

- ☐ 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

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

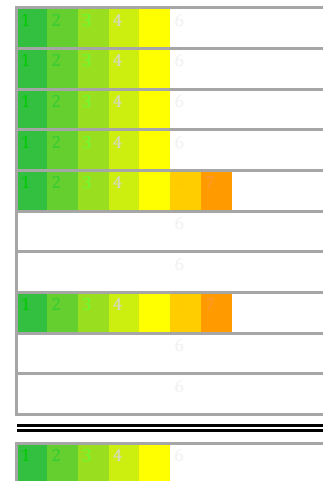
Fiscal impact on:

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

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

Riskometer



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

2008 LRAPA Industrial Streamlining

Current authority

links

links

Requirement

Dependencies

Legal consequences of doing nothing

Severity

does not apply

6

- ☐ 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

Optional notes

Describe legal consideration

--

Include description above in:

Committee charter

Message map

Proposal

Complexity

does not apply

6

Reminders

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Process improvement

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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

2008 LRAPA Industrial Streamlining

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

<input checked="" type="radio"/> Low	<input type="radio"/>	<input type="radio"/> Medium	<input type="radio"/>	<input type="radio"/> High
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Include policy consideration below in:

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

Complexity

does not apply
6

Reminders

Process improvement

Monday, October 15, 2012

Describe political considerations

Include political consideration below in:

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

Complexity

does not apply

6

Reminders

Process improvement

Monday, October 15, 2012

Describe implementation considerations

does not apply

Include description below in:

Committee charter

Message map

Proposal

Complexity

6

Reminders

Process improvement