



Considerations

Workbook Summary

Address federal air quality regulations in Oregon rules

Program Operations, ACDP, Title V - air quality

Brief description of rule proposal

The proposed rules would adopt new and amended federal air quality standards and related permit rules. This includes adopting new federal standards for boilers, solid waste incinerators, and stationary internal combustion engines.

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

2013				2014				2015			
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 directly. The environmental reach of the proposal is statewide. The proposal aligns with 2 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		new
Fees		not involved
State Implementation Plan		involved
Land use rules		involved

Ideal

What we want to happen.

Addressing changes to federal air quality regulations and reducing DEQ's workload and the regulatory burden on businesses.

Reality

What we are trying to change.

In the short term there will be additional work to implement the changes. There are ongoing discussions on how to minimize the impacts on staff.

Consequences

What will happen if we don't change.

The emissions reductions and fuel savings that would result from the implementation of the new federal standards would likely not happen.

Alternatives considered

Leave implementation of the new federal standards for non-Title V sources to EPA.

Research/data needed

Outreach to potential owner or operators of boilers and stationary internal combustion engines to better define the scope of the sources affected.

Models







N/A

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
Manufacturing
City/county/state
Individuals
Custom entry
Custom entry

 affects hundreds currently regulated
 affects hundreds currently regulated
 affects under 100 currently regulated
 affects previously unregulated
 not affected
 not affected

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1 Warmed up

Action	Object	Driver
align	existing regulatory program	federal regulations
carry out	a commitment in PPA	EPA direction
expand	existing regulatory program	program business decision
expand	existing regulatory program	federal regulations
implement	existing regulatory program	federal regulations

Optional discussion

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Process improvement

Itemize what regulatory programs are included

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2 Basics

Address federal air quality regulations in Oregon rules

Brief description of rule proposal

The proposed rules would adopt new and amended federal air quality standards and related permit rules. This includes adopting new federal standards for boilers, solid waste incinerators, and stationary internal combustion engines.

Rulemaking type permanent

Chapter 340 divisions

200, 216, 230, 238, 244

Strengths/weaknesses going into rulemaking

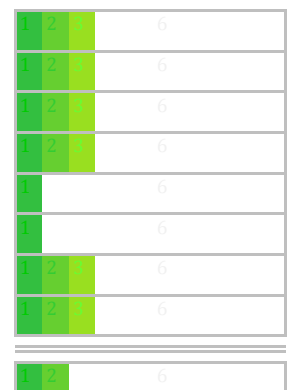
The proposed rule...

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

Riskometer



Risk average

Ideal - What do we envision?

Short	Addressing changes to federal air quality regulations and reducing DEQ's workload and the regulatory burden on businesses.
Long	The goal of this rulemaking is to address the following problems that relate to changes in federal air quality regulations: management of DEQ workload; regulatory burden on businesses; changes to existing federal regulations; and adoption of new federal regulations.

Reality - What are we trying to change?

Short	In the short term there will be additional work to implement the changes. There are ongoing discussions on how to minimize the impacts on staff.
Long	The adoption of new federal standards would require the permitting of hundreds of boilers and stationary internal combustion engines.

Consequences - What will happen if we do nothing?

Short	The emissions reductions and fuel savings that would result from the implementation of the new federal standards would likely not happen.
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Long EPA is not in a position to implement the new federal regulations for boilers, solid waste incinerators, and stationary internal combustion engines. It is estimated that these regulations will reduce hazardous air pollutant emissions by over 18 million pounds per year and fuel usage by over 86 trillion Btus per year nationally. If DEQ does not implement the new federal regulations, it is unlikely that emission reductions and fuel savings will happen in Oregon.

Alternatives to rulemaking already considered or to explore

Short Leave implementation of the new federal standards for non-Title V sources to EPA.

Long

Research or data needed to develop proposal

Short Outreach to potential owner or operators of boilers and stationary internal combustion engines to better define the scope of the sources affected.

Long The AQ Regional Management Team does not want to implement the federal stationary internal combustion engine standards until they know how many engines there are in the Oregon and that we have developed a comprehensive implementation plan.

Models that could be leveraged for this proposal

Short N/A

Long

Land Use/SIP

Land use rules

Y

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	<input checked="" type="radio"/>	<input 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"/>	<input type="radio"/>
Air quality					
Asbestos License	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Air Contaminant Discharge Permit



Air Quality Registrations



Open Burning Letter Permit



Tanker Certification



Title V permit



Vehicle Emissions Certification



Enter custom item here



Enter custom item here



Enter custom item here



Reminders

Process improvement

Why don't we have the option of choosing different questions under ideal, reality, consequences?

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Address federal air quality regulations in Oregon rules

Affected parties



Group

up	Interest	Riskometer
Regulated community	moderate interest	<div><div>1 2 3 4</div><div>6 7 8 9</div></div>
Business and industry	moderate interest	<div><div>1 2 3 4</div><div>6 7 8 9</div></div>
Environmental groups	minor interest	<div><div>1 2</div><div>6 7 8 9</div></div>
Public	minor interest	<div><div>1 2</div><div>6 7 8 9</div></div>
State legislators	minor interest	<div><div>1 2</div><div>6 7 8 9</div></div>
Federal environmental regulators	moderate interest	<div><div>1 2 3 4</div><div>6 7 8 9</div></div>
Other state and federal agencies	minor interest	<div><div>1 2</div><div>6 7 8 9</div></div>
Local governments	minor interest	<div><div>1 2</div><div>6 7 8 9</div></div>
Tribal nations	no interest	<div><div>1</div><div>6 7 8 9</div></div>

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

No. of meetings

0

Type of committee (check all that apply)



Fiscal



Scientific



Policy



Rule language



Technical



Legally required



Implementation



Custom entry

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

1

Public notice



No public notice



Public notice, no hearing



Public notice with hearing



Re-notice

Optional hearing information

Plan is to have one hearing in Portland, but allow teleconferencing into the hearing at DEQ's Bend and Medford offices.

Reminders

Process improvement

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4 Program

Address federal air quality regulations in Oregon rules

Program name

Media

Program consequences of doing nothing

Severity

low to medium



- ☐ 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

Whether to adopt federal standards for smaller boilers and stationary internal combustion engines. If opting to register small boilers and stationary internal combustion engines, whether to wait until the Land Use Compatibility Statement issue is addressed.

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

Adoption of RICE NSPSs/NESHAP dependent on outreach to potential RICE engine owners.

Include program considerations in:

- Committee charter ☐
- Message map ☐
- Proposal ☐

Complexity

potential for moderate complexity



Reminders

Process Improvement

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5 Environmental

Address federal air quality regulations in Oregon rules

The proposed rules address an environmental problem directly.

Environmental consequences of doing nothing

Severity

medium				
1	2	3	4	5

- ☐ 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

EPA identified boilers, solid waste incinerators, and stationary internal combustion engines as emitters of one or more of the 33 hazardous air pollutants that pose the greatest risk to public health in urban areas. Many of the hazardous air pollutants are also of particular concern in Oregon. For instance, boilers, solid waste incinerators, and stationary internal combustion engines emit mercury, which can impair neurological development and cause neurological damage, and is a toxic of concern in Oregon.

Environmental reach

Select the most expansive environmental reach of this proposed rule.

Local	Regional OR	Statewide	Regional US	National	Beyond
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Links

[2011-2015 EPA Strategic Plan](#)

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

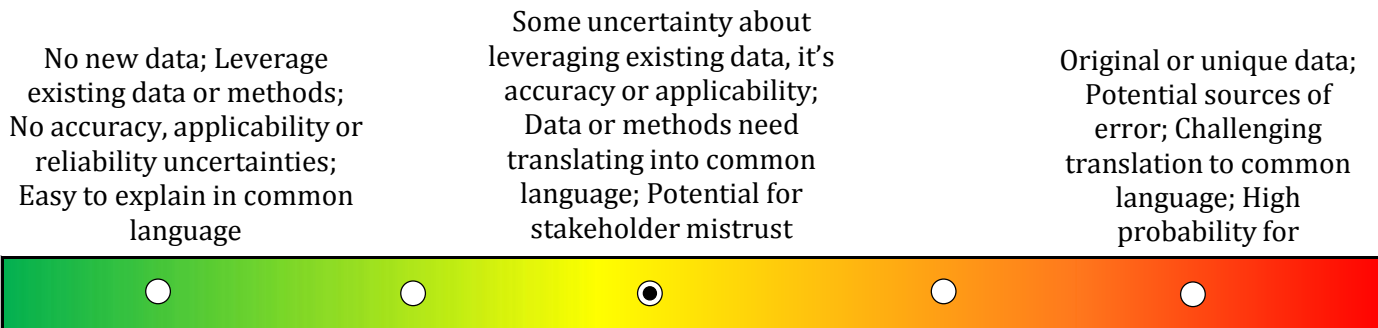
- ☒ Taking Action on Climate Change/Improving AQ
- ☐ Protecting America's Waters
- ☐ Ensuring Safety of Chemicals/Preventing Pollution
- ☒ Enforcing Environmental Laws
- ☐ Cleaning Up Communities/Advancing Sustainable Development

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)

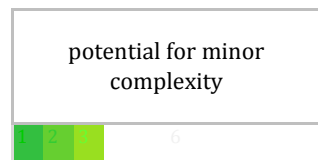
Environmental data



Include environmental consideration in:

Committee charter ☐
Message map ☐
Proposal ☐

Complexity



Reminders

Process Improvement

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6 Timing

Address federal air quality regulations in Oregon rules

Rationale for developing proposal now - drivers

Compliance dates of new federal standards.



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	2013	2			
Advisory committee	2013	1	2013	1	not involved
Rulemaking notice	2013	3	2013	3	
EQC Action	2014	1			
Effective	2014	1			

Timing challenges

No challenge in meeting rule adoption

Compressed or extended timeframe for rule adoption

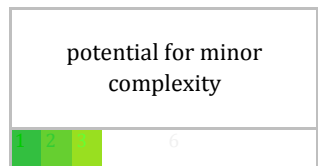
Difficult schedule, no contingencies allowed, uncontrolled changes to deadline likely



Include timing rationale above in:

Committee charter ☐
Message map ☐
Proposal ☐

Complexity



Reminders

Process Improvement

Why doesn't advisory committee go blank if one isn't involved

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7 Financial	Address federal air quality regulations in Oregon rules
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7 Financial	Address federal air quality regulations in Oregon rules
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Funding source

Rulemaking

Free-funded

Implementation

Free-funded

Financial consequences of doing nothing

Severity

low

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

- | | |
|----------------------------------|-------------------------------|
| <input checked="" type="radio"/> | Does not apply |
| <input type="radio"/> | Exempt under ORS 291.55(2)(d) |
| <input type="radio"/> | Exempt under ORS 291.55(2)(m) |

Authority to adopt, amend or repeal fees:

ORS

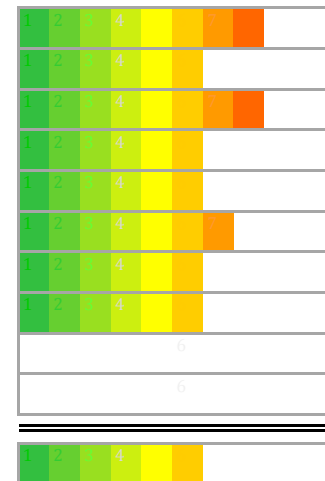
Fiscal impact on:

- 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

moderate cost increase
unknown at this time
moderate cost increase
unknown at this time
unknown at this time
minor cost increase
unknown at this time
unknown at this time
no fiscal impacts
no fiscal impacts

Riskometer



Fiscal impact average

Optional fiscal discussion

Moving gasoline dispensing facilities and metal fabrication and finishing operations from permits to registration would require the cancellation of hundreds of permits and result in lost revenue. However, the lost revenue would be offset because registration would allow DEQ to stop inspecting these facilities.

Invoicing system

- | | | |
|--|---|--|
| <input type="checkbox"/> Develop new | <input type="checkbox"/> CHRIS | <input checked="" 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 |

Since an invoicing system is involved with this rulemaking, please consult with resource system owner early in the rulemaking process.

Description

Include description above in:

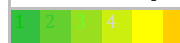
Committee charter

Message map

Proposal

Complexity

potential for moderate complexity



Reminders

Process improvement

No minor cost increase

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8 Legal

Address federal air quality regulations in Oregon rules

Current authority

ORS 468.020, 468A.025, 468A.035,
468A.040, 468A.050 and 468A.310

links

<http://www.deq.state.or.us/regulations/statutes.htm>

links

Requirement

ORS 468.020, 468A.025, 468A.035,
468A.040, 468A.050 and 468A.310

<http://www.deq.state.or.us/regulations/statutes.htm>

Dependencies

Legal consequences of doing nothing

low to medium

Severity

1 2 3 4 5 6

Optional notes

- ☒ 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

Describe legal consideration

Include description above in:

Committee charter

Message map

Proposal

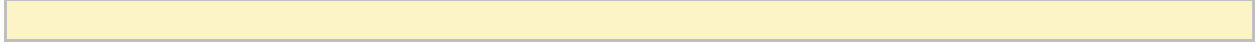
potential for minor
complexity

Complexity

1 2 3 4 5 6

Reminders

Process improvement



Monday, October 15, 2012

9 Technical

Address federal air quality regulations in Oregon rules

Describe technical considerations

Existing databases will support implementation of this rulemaking.

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

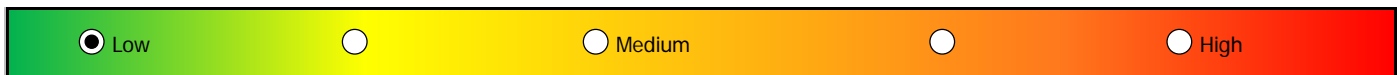


Infrastructure

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

potential for minor
complexity



Reminders

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Process improvement

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10 Policy

Address federal air quality regulations in Oregon rules

Describe policy considerations

Whether to delay or leave to EPA implementation of the federal standards for small boilers and stationary internal combustion engines. Whether to maintain the current permitting threshold for stationary internal combustion engines or drop it to 375 KW to align with the more significant federal standards.

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

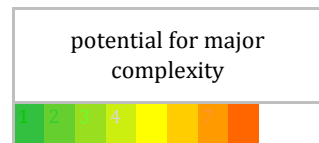
Policy lacks clarity, low assurance that clear policy will be developed



Include policy consideration below in:

Committee charter ☐
Message map ☐
Proposal ☐

Complexity



Reminders

Process improvement

Monday, October 15, 2012

11 Political

Address federal air quality regulations in Oregon rules

Describe political considerations

Negative backlash from new permittees.

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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12 Implementation

Address federal air quality regulations in Oregon rules

Describe implementation considerations

The adoption of new federal requirements will trigger a requirement that affected sources obtain a permit. To minimize the number of new permits, this rulemaking would maintain the current permitting threshold for boilers and slightly lower the permitting threshold for stationary internal combustion engines to align with the more significant federal standards.

Include description below in:

Committee charter

Message map

Proposal

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

Complexity

potential for major complexity									
1	2	3	4	5	6	7	8	9	10

Reminders

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Process improvement

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