



Considerations

Workbook Summary

Address federal air quality regulations in Oregon rules

Program Operations - air quality

Brief description of rule proposal

The proposed rules would adopt new and amended federal air quality regulations and related permit rules.

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 3 actions 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		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.

Adopt new federal air quality regulations and reduce the number of permits.

Consequences

What will happen if we don't change.

Emissions reductions and fuel savings will not happen.

Alternatives considered

January 0, 1900

Research/data needed

Outreach to potential owner or operators of stationary internal combustion engines

Models

January 0, 1900

Public involvement

Interest in this proposal is 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

Thursday, September 06, 20



1 Warmed up

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

Optional discussion

Process improvement

Thursday, September 06, 2012

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 regulations and related permit rules.

Rulemaking type	permanent
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Chapter 340 divisions

200, 210, 216, 230,
238, 244

Strengths/weaknesses going into rulemaking

The proposed rule...	option	Riskometer
Had prior public input	somewhat true	<div><div></div><div></div><div></div><div></div><div></div></div> 6
Is backed by science	somewhat true	<div><div></div><div></div><div></div><div></div><div></div></div> 6
Is backed by data	somewhat true	<div><div></div><div></div><div></div><div></div><div></div></div> 6
Supports sustainability	somewhat true	<div><div></div><div></div><div></div><div></div><div></div></div> 6
Supports strategic directions	somewhat true	<div><div></div><div></div><div></div><div></div><div></div></div> 6
Furtheres DEQ priorities	somewhat true	<div><div></div><div></div><div></div><div></div><div></div></div> 6
Would make DEQ's work easier	somewhat true	<div><div></div><div></div><div></div><div></div><div></div></div> 6
Would reduce DEQ costs	somewhat true	<div><div></div><div></div><div></div><div></div><div></div></div> 6
	Risk average	<div><div></div><div></div><div></div><div></div><div></div></div> 6

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	Adopt new federal air quality regulations and reduce the number of permits.
Long	This rulemaking would adopt new national standards for sources such as boilers, solid waste incinerators, and stationary internal combustion engines. The rulemaking would also exempt some currently permitted gasoline dispensing facilities and metal fabrication and finishing operations from permitting and instead require them to register with DEQ.

Consequences - What will happen if we do nothing?

Short	Emissions reductions and fuel savings will not happen.
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	
Long	

Research or data needed to develop proposal

Short	Outreach to potential owner or operators of stationary internal combustion engines
Long	The Air Quality 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	
Long	

Land Use/SIP

Land use rules	Y
State Implementation Plan	Y

Out of the scope for this proposal

Topic	Reasoning

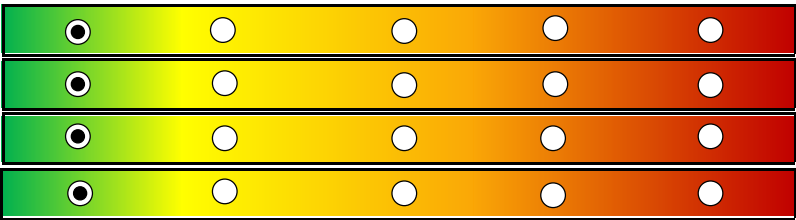
Compliance, penalties, permits, certifications, registrations and licensing

[illegible]

Enter custom item here

Enter custom item here

Enter custom item here



Reminders











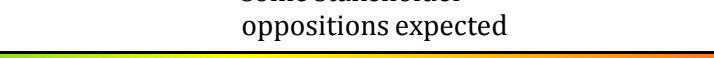




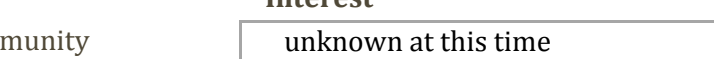
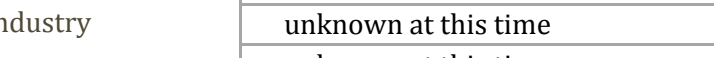
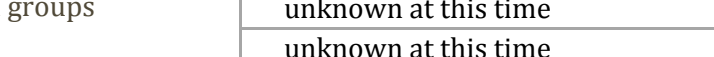
Process improvement

3 Stakeholders and public involvement

Address federal air quality regulations in Oregon 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.

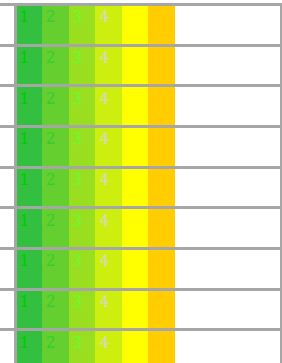
Group

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

Interest

unknown at this time
unknown at this time
unknown at this time
unknown at this time
unknown at this time
unknown at this time
unknown at this time
unknown at this time
unknown at this time
unknown at this time

Riskometer



Custom entry

does not apply

6 7 8 9

Custom entry

does not apply

6 7 8 9

Interest average



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

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

September 6, 2012

4 Program

Address federal air quality regulations in Oregon rules

Program name

Media

Program consequences of doing nothing

Severity

low to medium

123456

☐

- ☐ 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

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

☒ Low

☐

☐ Medium

☐

☐ High

Optional dependency information

Include program considerations in:

Committee charter
Message map
Proposal

☐

☐

☐

Complexity

unknown

12345

Reminders

Process Improvement

Thursday, September 06, 2012

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				
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

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



Links

[2011-2015 EPA Strategic Plan](#)

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

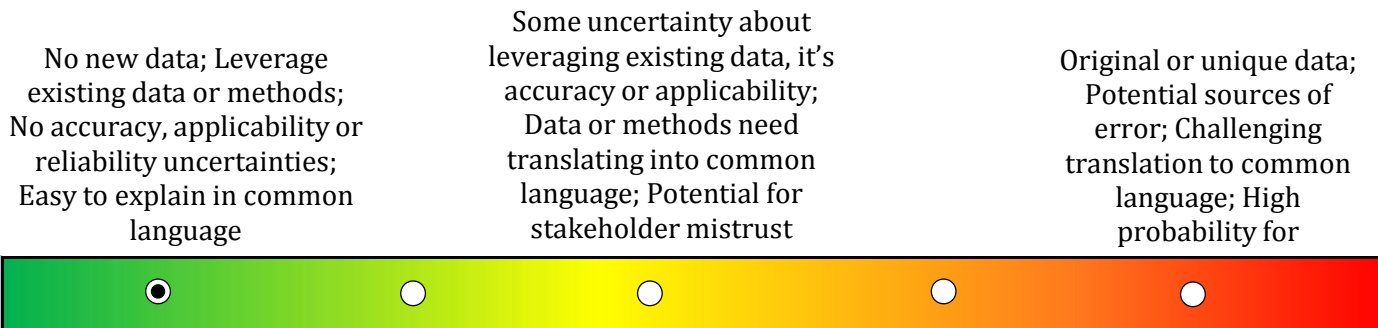
- ☒ Taking Action on Climate Change/Improving AQ
- ☐ Protecting America's Waters
- ☐ Ensuring Safety of Chemicals/Preventing Pollution
- ☒ Enforcing Environmental Laws
- ☐ Cleaning Up Communities/Advancing Sustainable Development

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)

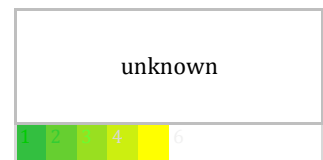
Environmental data



Include environmental consideration in:

Committee charter ☐
Message map ☐
Proposal ☐

Complexity



Reminders

Process Improvement

Thursday, September 06, 2012

6 Timing

Address federal air quality regulations in Oregon rules

Rational 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
Rulemaking notice	2013	3	2013	3
EQC Action	2013	4		
Effective	2013	4		

not involved

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 rational above in:

Committee charter ☐

Message map ☐

Proposal ☐

Complexity

potential for minor complexity

1 2 3 4 5 6

Reminders

Process Improvement

Thursday, September 06, 2012

Funding source

Rulemaking	Fee-funded
Implementation	Fee-funded

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

moderate cost decrease

moderate cost decrease

moderate cost decrease

moderate cost decrease

moderate cost decrease

moderate cost decrease

moderate cost increase

moderate cost increase

no fiscal impacts

no fiscal impacts

Riskometer

123456

6

123456

6

123456

6

123456

6

123456

6

123456

6

123456

456789

123456

456789

6

6

Fiscal impact average

123456

456789

Optional fiscal discussion

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 minor



Reminders

Process improvement

Thursday, September 06, 2012

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

medium

Severity



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:

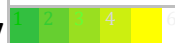
Committee charter

Message map

Proposal

unknown

Complexity



Reminders

Process improvement

Thursday, September 06, 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

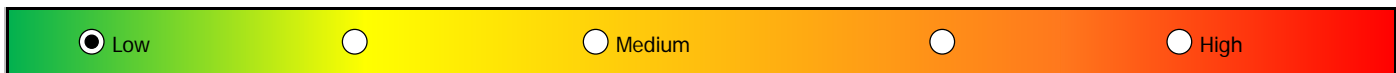


Infrastructure

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:

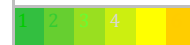
Committee charter

Message map

Proposal

Complexity

potential for moderate
complexity



Reminders

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Process improvement

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Thursday, September 06, 2012

10 Policy

Address federal air quality regulations in Oregon rules

Describe policy considerations

Policy risks

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

Developing clear policy, some assurance clear policy will be developed

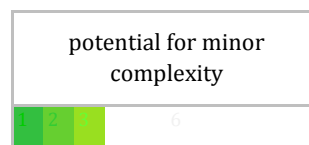
Policy lacks clarity, low assurance that clear policy will be developed



Include policy consideraion below in:

Committee charter ☐
Message map ☐
Proposal ☐

Complexity



Reminders

Process improvement

Thursday, September 06, 2012

11 Political

Address federal air quality regulations in Oregon rules

Describe political considerations

Include political consideration below in:

- Committee charter
- Message map
- Proposal
-

Complexity

potential for minor complexity

123456

6

Reminders

Process improvement

Thursday, September 06, 2012

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 will maintain the current permitting threshold for boilers and slightly lower the permitting threshold for stationary internal combustion engines to align with the more significant requirements in the federal regulations. Raising the permitting threshold for gasoline dispensing facilities and metal fabrication and finishing operations will require the cancellation of several hundred permits.

Include description below in:

Committee charter ☐
Message map ☐
Proposal ☐

Complexity

unknown				
1	2	3	4	5

Reminders

Process improvement

Thursday, September 06, 2012