

Ballast Water 2016

Fiscal Impact Statement

Oregon Department of Environmental Quality

Northwest Region Office

2020 SW 4th Avenue

Portland OR 97204

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The sections and questions in this section are all specifically required by statute.

This rulemaking consists of two independent sets of rules. The primary and substantive rulemaking in this proceeding is to amend rules related to regulating the discharge of ballast water. The second element of this rulemaking is simply an administrative one that affects only DEQ’s noise regulations, found at OAR 340-035. Tables that are part of those noise rules, but which currently are not published with the official Secretary of State version of those rules, are being incorporated into the official published version of the administrative rules. There is no wording or substantive change to the noise rules or the tables and no change in the meaning or effect of the rules or tables. There is therefore no fiscal impact of any kind to any person or entity as a result of this administrative action concerning the noise rules.

**Fiscal and Economic Impact- Summary**

Briefly summarize what fiscal impact the proposed rules would or could create.

Ballast Water Rules

Noise Table Rules

This rulemaking makes no wording or substantive change to DEQ’s noise regulations and therefore has no fiscal impact on any person or entity.

**Statement of Cost of Compliance**

If unable to estimate or quantify the impact, say something like, “DEQ is unable to quantify the impact at this time because …” then explain why. It is OK to say we do not have available data to make this estimate. Rather than repeat identical impacts, its OK to reference the impact on other entities such as, “For large businesses, the cost to comply with the proposed rules is identical to costs described under small businesses. Do not change the order of the entities in the list below because it aligns with our electronic filing with Secretary of State.

**State and federal agencies**

Discuss impacts to DEQ in this section if different from other agencies.

Noise Table Rules

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**Local governments**

Noise Table Rules

This rulemaking makes no wording or substantive change to DEQ’s noise regulations and therefore has no fiscal impact on any person or entity.

Ballast Water Rules

TEXT

Direct Impacts

TEXT

Indirect Impacts

TEXT

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**Public**

Noise Table Rules

This rulemaking makes no wording or substantive change to DEQ’s noise regulations and therefore has no fiscal impact on any person or entity.

Ballast Water Rules

TEXT

Direct Impacts

TEXT

Indirect Impacts

TEXT

**Large businesses - businesses with more than 50 employees**

Noise Table Rules

This rulemaking makes no wording or substantive change to DEQ’s noise regulations and therefore has no fiscal impact on any person or entity.

Ballast Water Rules

TEXT

Direct Impacts

TEXT

Indirect Impacts

TEXT

**Small businesses – businesses with 50 or fewer employees**

Resources: DEQ can access the latest Department of Employment data that includes employer name, location, number of employees and North American Industry Classification System Code

Noise Table Rules

This rulemaking makes no wording or substantive change to DEQ’s noise regulations and therefore has no fiscal impact on any person or entity.

TEXT

Direct Impacts

TEXT

Indirect Impacts

TEXT

**a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.**

Noise Table Rules

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Ballast Water Rules

EXAMPLE: Assuming all manufacturers in the lowest fee tier are small businesses, these proposed rules could affect 109 small businesses.

EXAMPLE: Using recent employment data, DEQ compared the 64 businesses registered with the Clean Fuels Program to current employment data to determine how many people the business employs. Thirty-eight are small businesses. Of those 38, two are Oregon producers of fuels, nine are small importers of finished fuels and 24 are large importers.

**b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.**

Noise Table Rules

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Ballast Water Rules

EXAMPLE: No additional activities are required to comply with the proposed rules. All manufacturers already pay registration fees

**c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.**

Noise Table Rules

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Ballast Water Rules

EXAMPLE: No additional resources are required for compliance with the proposed rules. All manufacturers already pay registration fees.

**d. Describe how DEQ involved small businesses in developing this proposed rule.**

Noise Table Rules

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Ballast Water Rules

EXAMPLE: DEQ included small business representatives on the Oregon E-Cycles Registration Fee Advisory Committee that advised DEQ on the cost of compliance for small businesses. DEQ also provided rulemaking notice to all manufacturers registered with Oregon E-Cycles and fee-payers. These groups included small businesses.

**Documents relied on for fiscal and economic impact**

Noise Table Rules

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Ballast Water Rules

The requirement to list the documents relied on to determine fiscal impact is separate from and in addition to the similar list in the *Rules affected, authorities, supporting documents* section above.

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| --- | --- |
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**Advisory committee**

The requirement to discuss an advisory committee in this section is separate from and in addition to discussing the advisory committee in the *Stakeholder Involvement* section. The question to be addressed here is whether an advisory committee reviewed the fiscal impact statement.

DEQ appointed an advisory committee.

As ORS 183.33 requires, DEQ asked for the committee’s recommendations on:

* Whether the proposed rules would have a fiscal impact,
* The extent of the impact, and
* Whether the proposed rules would have a significant impact on small businesses and complies with ORS 183.540.

The committee reviewed the draft fiscal and economic impact statement and found:

Noise Table Rules

Ballast Water Rules

The advisory committee:

Choose one:

 -documented its recommendations in the (enter title and date of document)

or

- its findings are stated in the approved minutes dated DATE.

The committee Enter specifics about the committee’s fiscal impact review. The committee determined the proposed rules would/would not have a significant adverse impact on small businesses in Oregon.

Only if the committee determined there would be a significant adverse impact on small business, include the following:

As ORS 183.333 and 183.540 require, the committee considered how DEQ could reduce the rules’ fiscal impact on small business by:

* Establishing differing compliance or reporting requirements or time tables for small business;
* Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
* Utilizing objective criteria for standards;
* Exempting small businesses from any or all requirements of the rule; or
* Otherwise establishing less intrusive or less costly alternatives applicable to small business.

Ballast Water Rules

Noise Table Rules

Explain the outcome of DEQ’s review of these questions.

**Housing cost**

ORS 183.534 requires DEQ to consider the rules’ impact on the cost of housing. Include the applicable phrases and delete the others:

Noise Table Rules

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rules would have no effect on the development costs because the changes to the noise rules are administrative only and have no substantive effect.

Ballast Water Rules

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ determined

Choose one, delete the other:

would have no effect on the development costs because explain why.

or

would/could affect the development costs by explain why the rules raise these costs.