

Attachment D

Oregon Department of Environmental Quality Proposed Rule Change: Oregon Title V Operating Permit Program Fee Increase

Relationship to Federal Requirements

Answers to the following questions identify how the proposed rulemaking relates to federal requirements and potential justification for differing from federal requirements. The questions are required by OAR 340-011-0029.

1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?

Yes. The Title V portion of the federal Clean Air Act and EPA rules (40 CFR Part 70) requires Title V fees to fully pay for the cost of the Title V program. Federal law allows fees to be increased annually to keep pace with inflation. Federal law also specifies which sources must obtain Title V permits. This rulemaking does not differ from federal requirements.

2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?

Not Applicable

3. Do the applicable federal requirements specifically address the issues that are of concern in Oregon? Was data or information that would reasonably reflect Oregon's concern and situation considered in the federal process that established the federal requirements?

Yes. The federal fee requirement assures that sources subject to Title V pay for the permitting program.

4. Will the proposed requirement improve the ability of the regulated community to comply in a more cost effective way by clarifying confusing or potentially conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?

Not Applicable

5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?

Not Applicable

6. Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?

Not Applicable

7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)

Not Applicable

8. Would others face increased costs if a more stringent rule is not enacted?

Not Applicable

9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, Why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?

Not Applicable

10. Is demonstrated technology available to comply with the proposed requirement?

Not Applicable

11. Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?

Not Applicable