

# Attachment E

## Oregon Department of Environmental Quality

Proposal to increase Oregon Air Contaminant Discharge Permit Fees by 20 percent

### **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).**

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

The Air Contaminant Discharge Permit (ACDP) program is part of Oregon's federally approved State Implementation Plan to achieve national air quality standards. Through ACDPs, DEQ implements numerous federal regulations and emission control requirements. The effectiveness of the ACDP program strongly influences the level of compliance with federal standards in Oregon.

The proposed rulemaking would increase Oregon's ACDP fees for all permit categories. There are no direct federal requirements for adequate funding of the ACDP program.

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

This question is not applicable to this rulemaking because there are no federal requirements for ACDP funding.

**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?**

The proposed rule changes incorporate no new federal requirements.

**4. Will the proposed requirement (rulemaking) 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?**

By providing adequate resources to implement the ACDP program, the proposed rule changes will provide increased certainty of timely and accurate permit processing for new facilities and facilities modifying their operations. Adequate ACDP resources will also allow DEQ to provide adequate technical assistance and cross media assistance, increasing the certainty that facilities operate in compliance with DEQ regulations.

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

There are no timing issues associated with clarifying federal requirements in the proposed rule revisions.

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

This question is not applicable to this rulemaking because it would not impose new standards.

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

Fees were established in their current form in a 2001 fee overhaul that improved equity among sources. The proposed rulemaking maintains equity among sources because it would raise fees 20% for all permit categories, rather than disproportionately affecting various categories.

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

The proposed rules do not increase stringency. There would be no increased costs to others in the absence of more stringent rules.

**9. Does the proposed requirement (rulemaking) 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?**

The proposed rules do not differ from applicable federal requirements.

**10. Is demonstrated technology available to comply with the proposed requirement (rulemaking)?**

The proposed rules impose no new standards or compliance requirements.

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

The proposed rule will help prevent pollution by providing adequate ACDP resources for technical assistance and cross media assistance.