

# Idaho Department of Environmental Quality

Air Quality Division



# 58.01.01- Rules for the Control of Air Pollution

- State rules which meet Clean Air Act requirements
- State implementation in lieu of EPA
- Protect Idaho's air quality and human health

# Rule Docket 58.0101.2101

- Docket contains three parts:
  - Negotiated Title V Fee permitting structure
  - Zero-Based Regulation
  - Annual Incorporation by Reference

# Title V Fee Rule Structure Revised

- Title V fee program is a requirement of the Clean Air Act
- Facilities started paying fees in 1993
- Current fee structure updated in 2006
- Number of paying facilities fluctuates
- Cost to implement program is \$1-1.5M

# Title V Fee Program Background

- Idaho National Laboratory (INL) paid \$500K in annual fees for many years
- 2018: INL decreased its emissions to no longer need a Title V permit or to pay annual fees
- Fiscal evaluation of program indicated an increase was necessary

# Title V Fee Rule Structure

The existing fee structure:

- 1) Fixed annual fee based on emissions
- 2) Annual fee based on consumer price index/presumptive minimum
- 3) Fee for service capped at \$20,000 per facility/year

# Title V Fee Rule Goals and Proposal

- Keep the 3 components
- Have 8-10 year sustainability
- Adjust components equally
- Presented proposal to stakeholders

# Proposed Rule: Fixed annual fee

<b>Emissions (tons/year)</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<b>4,500 and above</b>	\$42,900	\$ 70,785
<b>3,000- 4,499</b>	\$28,600	\$ 47,190
<b>1,000 – 2,999</b>	\$22,750	\$ 37,540
<b>500 - 999</b>	\$11,050	\$ 18,235
<b>200 – 499</b>	\$7,150	\$ 11,800
<b>0-199</b>	\$3,575	\$ 5,900



# Proposed Rule: Fee based on a rate

Current Rule: Rate was \$39.48 in 2006 written in Rule

Proposed Rule: Rate is \$52.79 in 2021 (changes annually)

Emissions (tons/year)	Current Max Fee	Proposed Max Fee
4,500 and above	\$143,000	\$ 181,000
3,000- 4,499	\$71,500	\$ 91,000
1,000 – 2,999	\$35,100	\$ 44,400
500 - 999	\$25,025	\$ 31,500
200 – 499	\$10,725	\$ 13,500
0-199	\$3,575	\$ 4,550

# Proposed Rule: Fee for service

Fee for service cap	Current Max	Proposed Max
	\$20,000	<del>\$50,000</del> \$45,000

# Zero Based Regulation Rulemaking

DEQ initiated this rulemaking to comply with Governor Little's Executive Order 2020-01: Zero-Based Regulation (ZBR)



# Zero Based Regulation and Incorporation by Reference Review

- Highlight examples of changes made during the zero-based rulemaking
- Provide incorporation by reference of federal regulations overview