

## PROPOSED RULE COST/BENEFIT ANALYSIS

[Section 67-5223\(3\), Idaho Code](#), requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency: Department of Environmental Quality**

**Agency Contact: Tiffany Floyd      Phone: 208-373-0552**

**Date: June 1, 2022**

**IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho**

**Fee Rule Status:      X Proposed              \_\_\_ Temporary**

**Rulemaking Docket Number: 58-0101-2101**

### STATEMENT OF ECONOMIC IMPACT /REASONABLE ESTIMATED COSTS

The following fees authorized by Idaho Code § 39-115(3) remain unchanged:

The permit to construct fee outlined in 58.01.01.225.

The Tier II operating permit fee outlined in 58.01.01. 407.

The registration fee for rock crushers outlined in 58.01.01.800.

The Crop Residue Burn fees authorized by Idaho Code § 39-114 also remain unchanged:

The Crop Residue burn fee outlined in 58.01.01.620.

The crop residue spot and bale permit registration fee outlined in 58.01.01.624.

The following fee authorized by Idaho Code § 39-115(3), 39-118D, and 39-119 has changed.

The Title V Fees are outlined in 58.01.01.390. Major industrial sources of air pollution are required to have a Title V operating permit. In Idaho, the Title V permitting program is administered by DEQ. The Clean Air Act requires these industrial sources to pay on-going annual fees to cover all reasonable costs associated with the Title V permitting program (Clean Air Act 42 USC 7661a(b)(3) and implementation

regulation at 40 CFR 70.9). In January 2018, the Idaho National Laboratory (INL) decreased its emissions such that it no longer is required to have a Title V operating permit and, therefore, will no longer pay Title V permitting fees. Since the inception of the Title V permitting program, the INL has paid a Title V permitting fee of \$500,000, which covered far more than its share of program costs. Without this significant sum, it was necessary for DEQ to negotiate a revision to the current fee structure to ensure there is sufficient funding to cover the costs of administering the Title V program in Idaho. Collection of the fees is authorized by Sections 39-115(3), 39-118D and 39-119, Idaho Code. There are three components associated with the Title V fees: a fixed annual fee, a per-ton of emissions fee, and a fee for service. Each component was increased by roughly 1/3 to address the loss of the INL payment of \$500,000.

The motor vehicle inspection fee, as established in Idaho Code § 39-116B and outlined in IDAPA 58.01.01.524, will be removed on July 1, 2023, with the repeal of Idaho Code § 39-116B by [Senate Bill No. 1254 \(2022\)](#)

Estimated Costs to the Agency to Implement the Rules in FY22:

Rule Chapter	General Funds	Dedicated Funds	Federal Funds	Total
58.01.01	\$4.1M	\$2.5M	\$4.6M	\$11.2M