

# Idaho Department of Environmental Quality

Air Quality

Docket 58-0101-2101



# AQ Rule Docket 58-0101-2101

- Docket contains three parts:
  - Zero-Based Regulation (ZBR)
  - Annual Incorporation by Reference Update
  - Negotiated revised Title V Fee structure

# ZBR Rulemaking Purpose

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



# ZBR Review Process

- Initial screening
- Programmatic/legal review
  - Primacy
  - Impact to other agencies
  - DFM guidance
- Initiated negotiated rulemaking meetings

## IDAHO ADMINISTRATIVE BULLETIN

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Office of the Governor  
Division of Financial Management  
Office of the Administrative Rules Coordinator



# ZBR Rulemaking Statistics

- **3** meetings with stakeholders
- **~26,000** total words removed
- **No** substantive changes

# ZBR and IBR Review

- Highlight examples of changes made during the ZBR rulemaking
- Provide Incorporation by Reference of federal regulations overview

# Title V Fee Rule Structure Revised

- Negotiated rulemaking held to increase fees
- Title V fee program is a requirement of the Clean Air Act

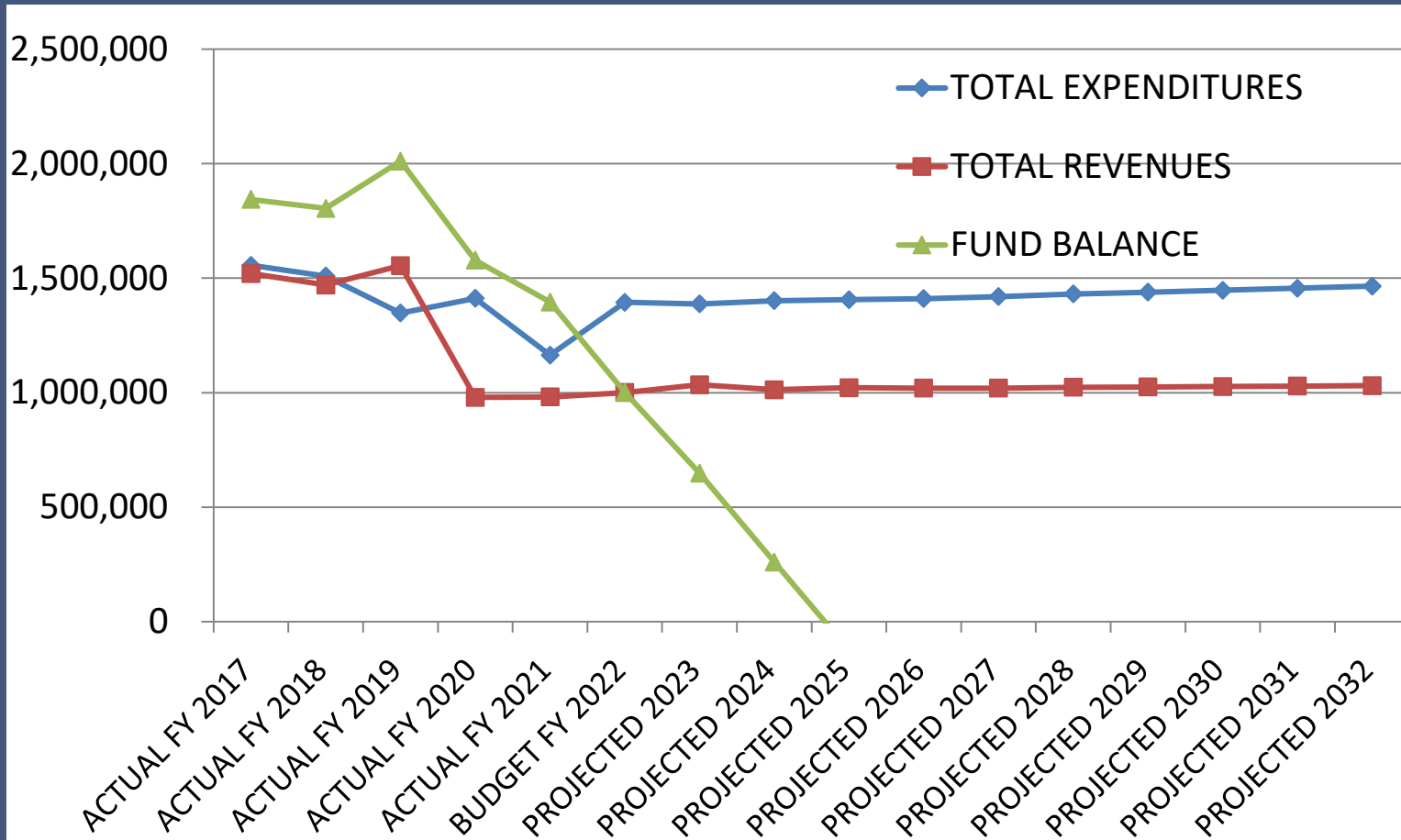
# Title V Fee Rule History

- Facilities started paying fees in 1993
- Current fee structure updated in 2006
- Number of paying facilities fluctuates
- Emissions have decreased over time

# Title V Fee Rule History

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

# Title V Fee Projected Fund Balance



# Title V Existing Fee Rule Structure

The existing fee structure:

- A fixed annual fee based on emissions
- A per ton annual fee based on consumer pricing index (CPI)
- A fee for service capped at \$20,000 per facility/year

# Title V Fee Rule Goals

- Keep 3 tiers
- Equal distribution amongst the tiers
- 8-10 year sustainability
- Implement in 2024 for CY 2023 emissions

# Title V Fee Rule Proposal

- Presented goals and proposal to stakeholders
- Industry requested an additional evaluation of expenses
- Fiscal evaluation estimated \$300,000 in fees annually would suffice

# 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>3000- 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: Per/ton fee based on CPI

**Current Rule: Per/ton fee \$39.48 in 2006**

**Proposed Rule: Per/ton fee \$52.79 in 2021 (changes annually)**

<b>Emissions (tons/year)</b>	<b>Current Max Fee</b>	<b>Proposed Max Fee</b>
<b>4,500 and above</b>	<b>\$143,000</b>	<b>\$ 181,000</b>
<b>3000- 4,499</b>	<b>\$71,500</b>	<b>\$ 91,000</b>
<b>1,000 – 2,999</b>	<b>\$35,100</b>	<b>\$ 44,400</b>
<b>500 - 999</b>	<b>\$25,025</b>	<b>\$ 31,500</b>
<b>200 – 499</b>	<b>\$10,725</b>	<b>\$ 13,500</b>
<b>0-199</b>	<b>\$3,575</b>	<b>\$ 4,550</b>

# Proposed Rule: Fee for service

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

Questions?

