DEQ Response to Comments on Docket 58-0101-2602 Negotiated Rulemaking Draft 2

Commenter: Idaho Small Business Development Center

#	Section	Comment	Response/ Notes
1	253. Receipt and Usage of Fees	Both the first draft and the second draft are too restrictive. From the second meeting it was clear that the intent is that funds remain in DEQ stationary source permitting and not a state general fund. The first sentence achieves this. Therefore, the best option is to strike the yellow highlighted language in the second draft. The overly restrictive language has unintended consequences. The concern is Title V fees support the Clean Air Act (CAA) Small Business Environmental Assistance Program (SBEAP). In the past DEQ has not limited program funding to originating from Title V fees. Idaho DEQ has used funding from other internal sources in the past. Past records show when 70% came from Title V fees and 30% of program funding came from other DEQ sources. That was when the SBEAP program was more adequately funded. SBEAP funding has still not recovered from the 2008 economic collapse. Before that time, the program consistently supported 1 FTE and sometimes more. The program is currently under funded. This language appears to unnecessarily limit the support for small business assistance.	Thank you for the comment. DEQ has removed the language from this section regarding Title V fee and has deemed it unnecessary.
2	253. Receipt and Usage of Fees	The application and permit by rule registration fees payable under Section 251 will be retained by the Department regardless of whether	Thank you for this comment. For clarification, the proposed fee applies only when a facility voluntarily requests DEQ concurrence on an

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		a permit is issued, or an exemption concurrence is issued. If a business is paying for a permit or exemption concurrence to be processed, they rightly expect the work to be done. For example, DEQ currently has a backlog of exemption concurrences that are not being processed. Collecting fees and continuing to not process exemption concurrences is unacceptable. This comment is closely tied to the previous comment on draft 1 asking if there would be a timeline in which exemption concurrences will be processed.	exemption determination. Facilities retain the ability to self-exempt without seeking DEQ concurrence, and no fee would apply in that case. DEQ acknowledges the concern about the existing backlog of exemption concurrence requests and agrees that it needs to be addressed. DEQ is actively exploring options to prioritize workload and improve processing efficiency to better serve applicants. While specific processing timelines will not be incorporated into the rule language at this time, DEQ is committed to continuing to prioritize incoming requests as they are received and working toward reducing the existing backlog.