

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

RULE IMPACT STATEMENT

**SUBCHAPTER 7. PERMITS FOR MINOR FACILITIES**

**PART 9. PERMITS BY RULE**

**252:100-7-60.6. [NEW]**

Before the Air Quality Advisory Council, June 10, 2015

Before the Environmental Quality Board, September 15, 2015

1. **DESCRIPTION:** The Department of Environmental Quality is proposing to append a new section to Subchapter 7, Permits for Minor Facilities, Part 9 thereby creating a new permit by rule (PBR) for sources subject to federal regulations solely due to the presence of an emergency generator engine. The PBR simplifies the permitting process, lowers the application fee, and reduces the reporting requirements for qualifying facilities.

The proposed PBR would be added as Section 252:100-7-60.6 and would cover all applicable requirements of NSPS 40 CFR Part 60, Subparts A for general provisions, IIII for stationary compression ignition internal combustion engines, and JJJJ for stationary spark ignition internal combustion engines; and NESHAP 40 CFR Part 63, Subparts A for general provisions and ZZZZ for reciprocating internal combustion engines.

2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities that are required to obtain a permit solely due to the installation of an emergency generator subject to a federal regulation and meet the requirements to qualify for this PBR.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The classes of persons who will bear costs are the owners and operators of facilities required to obtain an air quality permit because of the installation of an emergency generator and meet the requirements to qualify for this PBR.
4. **INFORMATION ON COST IMPACTS FROM PUBLIC/PRIVATE ENTITIES:** The Department has not received any information on cost impacts due to the proposed emergency generator PBR from public or private entities.
5. **CLASSES OF PERSONS BENEFITTED:** The classes of persons who would benefit from this rule are the owners and operators of emergency generator facilities that would qualify for this PBR. This PBR would simplify the permitting process while enabling owners and operators to obtain a permit at a much lower application fee, as well as reduce emission inventory reporting from annually to triennially (or less often depending on emission amounts).
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The

Department expects a positive economic impact on the affected classes of persons. With a simplified process, the PBR would reduce the amount of resources required to obtain a permit while the application fee of \$350 for the PBR, as opposed to \$1000 for a general permit, would save \$650 per qualifying facility.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department does not foresee any economic impact on political subdivisions due to this rule.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department anticipates no adverse effect on small business from this rule.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes associated with this rule.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** While the Department would receive less in permit application fees, the resources saved from the simplified permitting process should offset the reduction in collected fees.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There will be no other agencies implementing or enforcing this rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Implementation and enforcement of this rule will be funded by fees and federal grants.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The Department does not anticipate substantial loss or gain in revenue from this rule.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Implementation and enforcement of this rule would be handled solely by the Department, and no cooperation by other political subdivisions would be required.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** There would be no additional costs to comply with this new rule. Instead, this action would help to minimize the cost of obtaining the already required permit for facilities that qualify for this PBR by simplifying the process and utilizing the lower application fee.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** This rule would result in a less costly and less onerous method of obtaining the already required air permit. Therefore, the Department has determined there is no other method to achieve this action that would be considered less costly or nonregulatory or less intrusive.

17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The Department has determined this rule would have no effect on public health, safety and environment. This PBR would not alter the permitting requirements or standards of qualifying facilities but would merely simplify the process of obtaining the required permit.
  
18. **IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:** This rule is not intended to reduce significant risks to public health, safety, and environment. Simplifying the permitting process for facilities that qualify for this PBR may result in improved compliance with rules already in place.
  
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** The Department does not anticipate any detrimental effect on public health, safety, or the environment if the proposed rule is not implemented. The rule is designed to improve the permitting process, not to reduce risk to the public and environment.
  
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The Department anticipates a positive impact on business entities that own or operate facilities which qualify for this PBR. A simplified permitting process and reduced application fee would reduce the burden for businesses to comply with existing requirements.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** April 17, 2015