

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

Subchapter 7. PERMITS FOR MINOR FACILITIES

PART 1. GENERAL PROVISIONS

252:100-7-1.1. [AMENDED]

PART 9. PERMITS BY RULE

252:100-7-60.7. [NEW]

Before the Air Quality Advisory Council, June 7, 2017
Before the Environmental Quality Board, September 12, 2017

RULE IMPACT STATEMENT

1. **DESCRIPTION:** The gist of the proposed rulemaking is to add 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 a gasoline dispensing facility, or gasoline dispensing facility with emergency engine(s). 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 7-60.7 and would cover all applicable requirements of 40 CFR Part 63, Subpart A for general provisions and Subpart CCCCC for gasoline dispensing facilities. The proposed PBR would also cover all applicable requirements for emergency engines at gasoline dispensing facilities in 40 CFR Part 60, Subparts A, IIII, and JJJJ, and 40 CFR Part 63, Subparts A and ZZZZ.

A definition for “gasoline dispensing facility” would also be added to Section 7-1.1.

2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of gasoline dispensing facilities subject to a federal regulation and who 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 gasoline dispensing facilities, or gasoline dispensing facilities with emergency engine(s) who are required to obtain an air quality permit.
4. **INFORMATION ON COST IMPACTS FROM PUBLIC/PRIVATE ENTITIES:** The Department has not received any information on cost impacts as of this date.
5. **CLASSES OF PERSONS BENEFITTED:** The classes of persons who would benefit from this rule are the owners and operators of gasoline dispensing facilities, or gasoline dispensing facilities with emergency engine(s) that 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. Owners and operators of facilities required to obtain an air quality permit for a gasoline dispensing facility, or gasoline dispensing facility with emergency engine(s), will benefit from the simplified permitting process of a PBR and a reduced application fee of \$350, as opposed to \$1000 for a general permit.
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:** The proposed rule is one measure the DEQ is taking to minimize compliance costs associated with rules already in place. The proposed PBR reduces the amount of reporting necessary for qualifying facilities and the cost of applying for the permit.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE**

PURPOSE OF THE PROPOSED RULE: The Department has determined this method to be the least intrusive and least costly for each category of affected facility to achieve the purpose of the proposed rule. This rule would result in a less costly and less onerous method for facilities to obtain the already required air quality permit.

17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The Department has determined this rule would have little to no effect on public health, safety, and environment. The new PBR would not alter the permitting requirements or standards applicable to 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 proposed rule is not intended to reduce significant risks to public health, safety, and environment.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** There would be no detrimental effect on public health, safety, or environment if the new PBR were not implemented. The federal regulatory requirements for qualifying facilities are already in place.
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 that 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 19, 2017