

Summary / Status of Title V Fee Rulemaking
Docket No. 58-0101-1902

As previously noted, DEQ was asked what the administrative and indirect costs associated with running the Title V fee permitting program totaled.

Over the past few weeks, DEQ investigated the answer to this question and also discussed whether some of the costs could legally be funded by another funding source.

The Clean Air Act at 42 USC 7661a(b)(3) and implementing regulation at 40 CFR 70.9 require Title V sources to pay on-going annual fees to cover all reasonable costs, including direct and indirect costs, associated with implementing the Title V permitting program.

Upon review, DEQ determined certain administrative costs, while necessary to administer the air division in Idaho, need not be funded by Title V permitting fees. To that point, DEQ believes roughly \$270,000 in costs can legally be shifted to another funding source, such as general funds, as suggested in the last negotiated rulemaking meeting.

Therefore, it is anticipated that DEQ will request roughly \$270,000 in general funds during the 2020 Legislative session. This should partially offset the \$500,000 loss in Title V funding from Department of Energy (DOE), which resulted in the need for this rulemaking. This still leaves a loss of \$230,000, which may be needed to administer the Title V program. Over the next year, DEQ intends to evaluate overall program costs, implement additional cost saving efforts, and review fee structure options that result in a long term sustainable fee structure.

As a result, DEQ is postponing the current Title V fee rulemaking until spring of next year at which time DEQ will know the outcome of the legislative request and what revenue is left to address and/or whether a more sustainable fee structure is warranted. No other meetings are scheduled at this time.