



# Hazardous Waste Phase 2 Rulemaking – NPDES Rule Fiscal Impact Statement

Oregon Department of Environmental Quality  
Headquarters Office  
811 SW Sixth Avenue  
Portland OR 97204

Contact: Jeannette Acomb – [acomb.jeannette@deq.state.or.us](mailto:acomb.jeannette@deq.state.or.us) – 503-229-6303

## Fiscal and Economic Impact

If adopted, DEQ anticipates the *Amendments to Streamline the National Pollutant Discharge Elimination System Program Regulations: Round Two (NPDES)* federal rule will have no fiscal or economic impact as it applies only to the Environmental Protection Agency and is not applicable to State programs.

EPA is revising a formerly three-step decision process for terminating a permit for a hazardous waste treatment, storage, or disposal facility into a two-step decision process. The proposed rule also modifies the conditions of when a permit under appeal will take effect.

This rule is a result of an agency-wide response to the President directive issued February 21, 1995, directing Federal agencies to review their regulatory programs to eliminate any obsolete, ineffective, duplicative or unduly burdensome regulations. This amendment removes duplicative language from the NPDES regulations as it relates to Resource Conservation and Recovery Act (RCRA) permitting procedures.

## Assumptions

DEQ assumes the fiscal and economic impacts identified in federal rulemaking are accurate and will have no impact on Oregon facilities.

## Statement of Cost

### **State and federal agencies**

The proposed rule is an EPA-only administrative amendment and is anticipated to have no adverse fiscal and economic impacts on state or other federal agencies.

### **Local governments**

DEQ anticipates no adverse fiscal and economic impacts to local governments.

### **Public**

DEQ anticipates no adverse fiscal and economic impacts to the general public.

### **Large and Small Business**

A small business is one with 50 or fewer employees.

The Regulatory Flexibility Act requires EPA to conduct economic assessments for small businesses before adopting rules. EPA determined the proposed rule would not have a significant economic impact on small businesses.<sup>1</sup>

a. Estimated number and type of small businesses subject to proposed rule.	None. Rule amendment is EPA-only in how they administer permit terminations, condensing a three-step process into a two-step process. Rule is not applicable to State programs.
b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.	None.
c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.	None.
d. Describe how DEQ involved small businesses in developing this proposed rule.	DEQ included small business representatives on the Hazardous Waste Rulemaking Advisory Committee who will advise DEQ on the cost of compliance for small businesses.

Documents relied on for fiscal and economic impact

Document title	Document location
Federal Register entries for the incorporated rule and amendments	<a href="#">Federal Register</a>
Oregon Annual Hazardous Waste Reporting for NAICS 22112 code in 2014	Oregon Department of Environmental Quality Hazardous Waste Program 811 SW Sixth Avenue Portland, OR 97204
Oregon Department of Employment 3 <sup>rd</sup> quarter 2015 data	Employment Department 875 Union Street NE Salem OR 97311

#### Advisory committee

DEQ appointed an advisory committee.

As ORS 183.333 requires, DEQ will ask for the committee's recommendations on:

- Whether the proposed rule would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rule would have a significant, adverse impact on small businesses and if so, how DEQ can comply with ORS 183.540.

<sup>1</sup> Source: Federal Register (65FR 30886-30913, F. Regulatory Flexibility Act, p.30903)

The committee will review the draft fiscal and economic impact statement and its findings will be in the record for this rulemaking.

If the committee determines there would be a significant impact to small businesses, as ORS 183.333 and 183.540 require, the committee will consider how DEQ could reduce the rule's fiscal impact on small businesses by:

- Establishing differing compliance or reporting requirements or time tables for small business;
- Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
- Utilizing objective criteria for standards; or
- Establishing less intrusive or less costly alternatives applicable to small business.

#### Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rule would have an effect on the development cost of a 6,000 square-foot parcel and construction of a 1,200 square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rule would have no effect on the development costs because the proposed rule only affects businesses under the hazardous waste regulations.

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