

Implementation

February 2, 2017

Questions on Implementation

How do we implement Cleaner Air Oregon?

- Which sources should be evaluated first?
- Where should DEQ look for potential sources of air toxics that are unpermitted?
- How can we encourage opportunities for meaningful public involvement?



Questions on Implementation

How do we implement Cleaner Air Oregon?

- How should DEQ ensure compliance with new air toxics requirements?
- How can DEQ ensure that the regulatory costs are covered?
- How should DEQ/OHA measure program effectiveness?



Program Element 20: Phasing

New vs.
Existing?



Highest
Risk?



Industry
Type?



Area of
the state?



Program Element 20: Phasing



Technical Workgroup input:

- Start with large sources based on an initial emissions inventory but balance workload over time
- Elevate areas based on hotspots or risk
- Try a pilot program with volunteers

Program Element 20: Phasing



Policy Forum input:

- Start with sources posing the highest risk
- Start by areas of highest risk to the most people

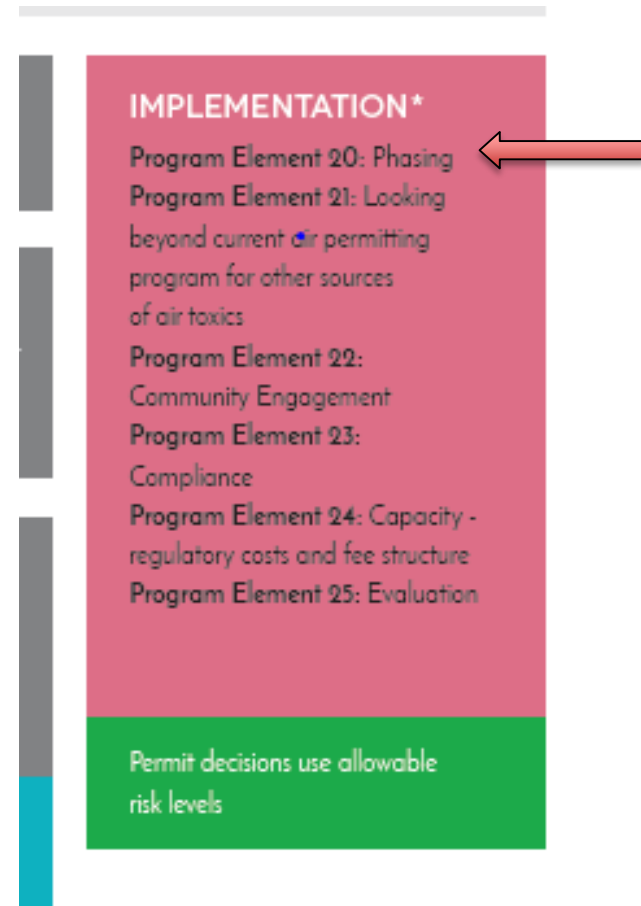
Program Element 20: Phasing

Potential elements for phasing

The following are potential elements for which DEQ and OHA are seeking additional discussion and input from the Advisory Committee. If there are additional elements not included below, please raise them.

Potential Elements
A. Implement at permit renewal
B. Prioritize by industry type
C. Prioritize by emissions
D. Prioritize by concern affecting most people
E. Prioritize by concern in each area or environmental justice areas
F. Prioritize by areas of the state
G. Start with new permits, then existing, then non-permitted sources
H. Placeholder for elements developed by advisory committee members

Page 5 of Implementation Discussion Paper



Program Element 21: Looking Beyond Current Air Program

How should DEQ and OHA look beyond our current air permitting program for possible sources of air toxics?



Program Element 21: Looking Beyond Current Air Program



Technical Workgroup input:

- Look at sources that do not have permits
- Look at DEQ's list of hazardous waste generators
- Look at EPA's Toxics Release Inventory (TRI) reporters

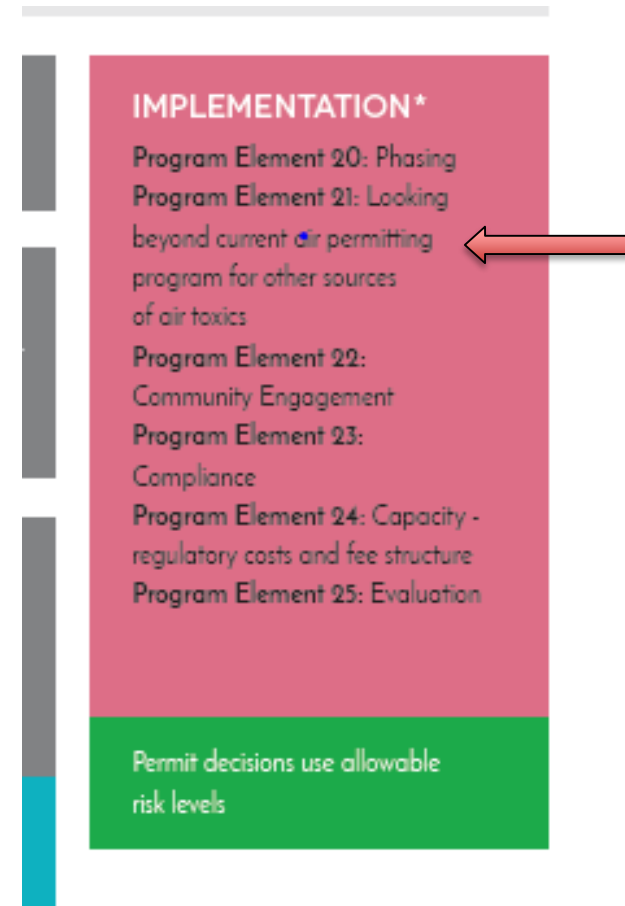
Program Element 21: Looking Beyond Current Air Program

Potential elements for looking beyond the current air permitting program for other sources of air toxics

The following are potential elements for which DEQ and OHA are seeking additional discussion and input from the Advisory Committee. If there are additional elements not included below, please raise them.

Potential Elements
A. DEQ hazardous waste generators as potential sources
B. Toxics Release Inventory (~660 chemicals) reporters as potential sources
C. Non-permitted businesses that have the same NAICS/SIC codes as permitted businesses as potential sources
D. State Fire Marshall (~800 chemicals) reporters as potential sources
E. Industrial NPDES Water Quality Permittees and those covered by the NPDES 1200-Z and 1200-COLS stormwater general permits with runoff that could include heavy metals
F. Placeholder for elements developed by advisory committee members

Page 7 of Implementation Discussion Paper



Program Element 22: Community Engagement



How can DEQ ensure opportunities for meaningful public involvement?

Program Element 22: Community Engagement



Technical Workgroup input:

- Communication goes two ways so listening is critical
- Communication should start early in the process: small groups, large meetings, multiple meetings
- Try to involve and educate the public every step of the way.

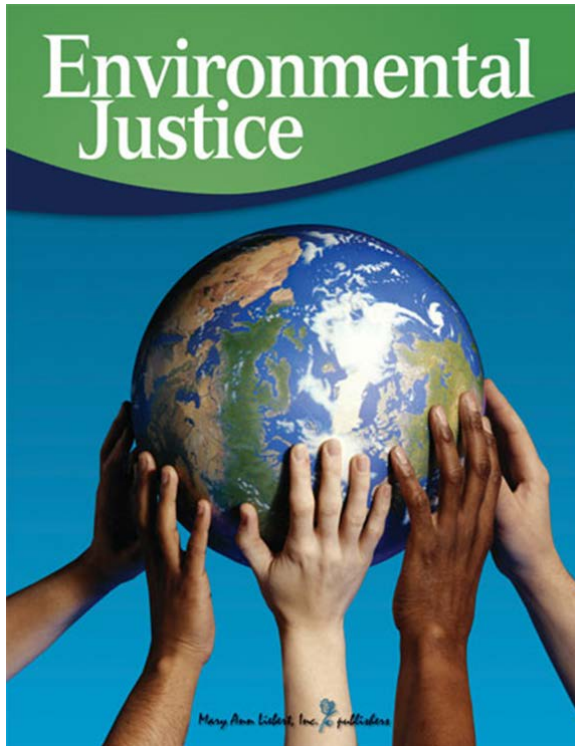
Program Element 22: Community Engagement



Technical Workgroup input:

- You need communications staff as well as technical staff
- Use translators when necessary
- EJSCREEN model is the best way to map geographic areas and EJ populations.
- At SCAQMD, if source is above risk threshold, source is required to do all public notification

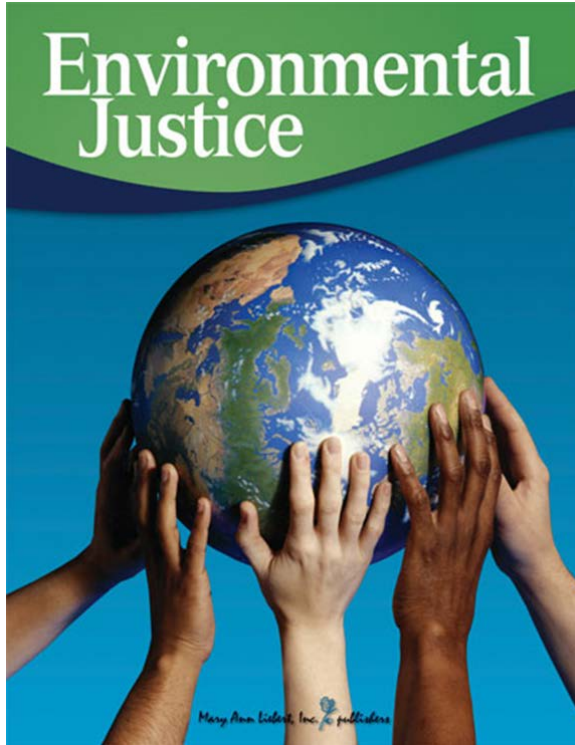
Program Element 22: Community Engagement



Environmental Justice Task Force input:

- Conduct all community engagement, including enhanced engagement in EJ communities, in plain and concise language with translation if appropriate.
- Provide EJ stakeholders with targeted technical assistance to weigh in on the commensurate exposure from different emission sources.

Program Element 22: Community Engagement



Environmental Justice Task Force

input:

- Consider a comprehensive approach to addressing air toxics and begin with clearer communication to EJ stakeholders about the relative likely cumulative risks from multiple emission sources, as well as disproportionate vulnerability to health impacts from air toxics and other social determinants of health.

Program Element 22: Community Engagement

STATE OF OREGON
ENVIRONMENTAL JUSTICE
TASK FORCE

*Environmental Justice: Best Practices for Oregon's
Natural Resource Agencies*

Identifying Environmental Justice Issues and Engaging in Capacity
Building for Environmental Justice Communities

Bringing Government Closer to Community
January 2016

Environmental Justice: Best Practices for Oregon's Natural Resource Agencies

- Techniques to reach community stakeholders (both formal and informal)
- Checklists for outreach event planning
- Capacity building
- Transparency of governance and process

Program Element 22: Community Engagement

Public Participation Spectrum

Increasing Impact on the Decision 

	INFORM	CONSULT	INVOLVE	COLLABORATE
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
PROMISE TO PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

Adapted from the International Association of Public Participation (IAP2)

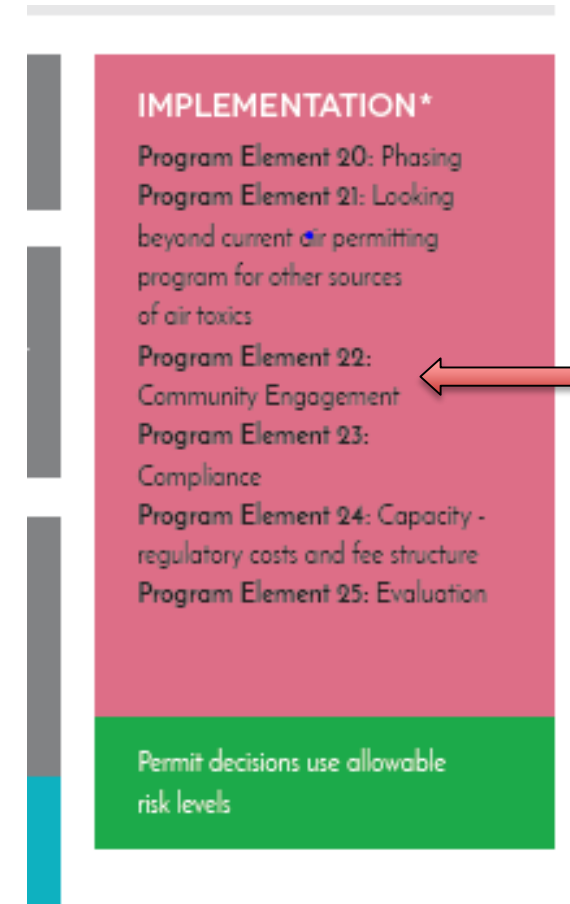
Program Element 22: Community Engagement

Potential elements for community engagement

The following are potential elements for which DEQ and OHA are seeking additional discussion and input from the Advisory Committee. If there are additional elements not included below, please raise them.

Potential Elements
Elements for DEQ
A. Explore ways to reach out to the affected community in coordination with relevant staff, including permit writers, environmental justice coordinators, public affairs staff
B. Meet regularly with representatives from communities with environmental justice concerns
C. Identify and prioritize the most highly impacted communities based on criteria that are relevant to air quality, health, and demographic markers. Solicit potential partnerships among community and business members around air quality-related impacts and potential mitigation strategies.
D. Send regular notifications to communities with environmental justice concerns regarding application submissions and stack test results
E. Consult with the chief elected official or officials of the town or towns in which the affecting facility is proposed to be located or expanded to evaluate the need for a community environmental benefit agreement
F. Consider holding information meetings for the public in addition to formal public comment sessions.
G. Offer translation services for communities with multi-lingual populations, including interpreters at public meetings

Page 11 of Implementation Discussion Paper



Program Element 23: Compliance



How can DEQ ensure compliance with the new health risk-based permitting requirements?

Program Element 23: Compliance

Permit Type	Number of Permittees	Inspection cycle (every X years)	Reporting Requirements
Title V permit	109	2	Semi-annual
Standard ACDP	133	3	Annual
Simple ACDP	147	4	Annual
General ACDP	2083	5	Annual
Basic ACDP	104	10	Annual
TOTALS	2576		

Program Element 23: Compliance

Different Reporting Requirements for Different Air Toxics?

For SCAQMD:

- Annual reporting for 24 Toxic Air Contaminants and Ozone Depleting Compounds
- Quadrennial reporting for streamlined process of 177 Toxic Air Contaminants
- Detailed inventory of approximately 450 Toxic Air Contaminants for facilities that prepare an Air Toxics Inventory Report and Health Risk Assessment



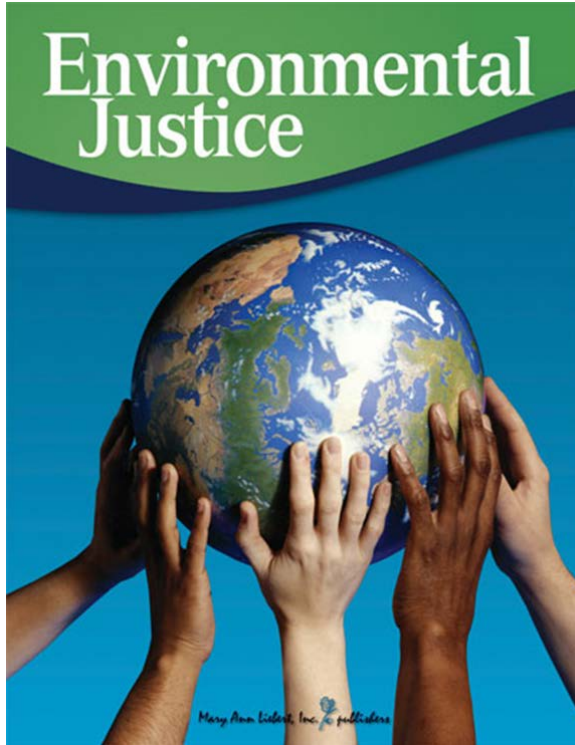
Program Element 23: Compliance (using ambient monitoring)



Technical Workgroup input:

- Real-time monitoring or fenceline monitoring can change the regulatory approach. Monitoring requirements can:
 - show that air toxics concentrations are consistently below thresholds; and
 - be used to take corrective action if high levels are measured.

Program Element 23: Compliance

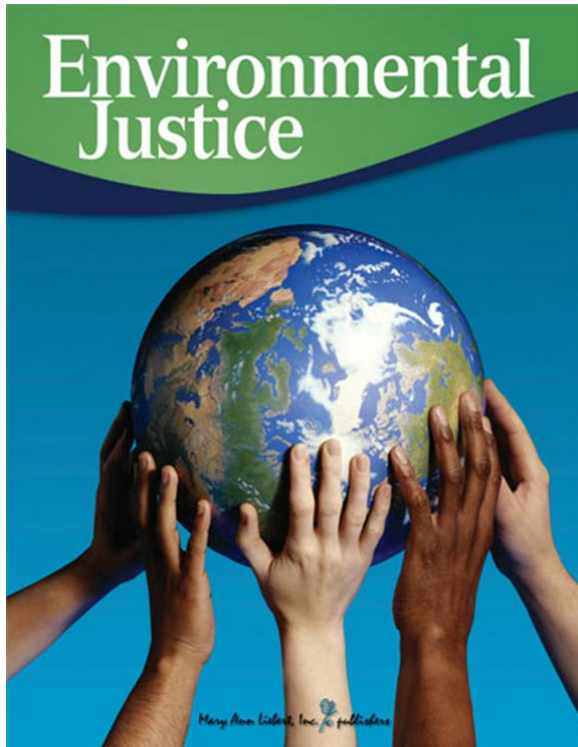


Environmental Justice Task Force

input:

- Ensure that inspection, monitoring and enforcement strategies are equitable and feasible, incorporating citizen monitoring where appropriate
- Apply enhanced permitting requirements to all permits, with shorter permit terms to account for changing demographics, health science, and technology

Program Element 23: Compliance



Environmental Justice Task Force

input:

- The lack of pollution monitoring has long been a barrier to achieving EJ, particularly in the area of air toxics. Use conservative health protective modeling to project likely exposure to air toxics.
- Use monitoring and modeling to better identify toxic “hot spots”

Program Element 23: Compliance

Potential elements for compliance

The following are potential elements for which DEQ and OHA are seeking additional discussion and input from the Advisory Committee. If there are additional elements not included below, please raise them.

Potential Elements
A. Inspect sources with higher air toxics emissions more frequently than other sources
B. Inspect sources in overburdened communities or communities with environmental justice concerns more frequently than other sources
C. Provide additional resources and assistance to facilities in disadvantaged areas.
D. Require less frequent inspections for sources that reduce health impacts by pollution prevention or process changes
E. Require ambient monitoring for sources with the highest risk or in communities with environmental justice concerns
F. Shorter renewals to account for changing demographics, health science, and technology
G. Placeholder for elements developed by advisory committee members

Page 15 of Implementation Discussion Paper

IMPLEMENTATION*

Program Element 20: Phasing
Program Element 21: Looking beyond current air permitting program for other sources of air toxics

Program Element 22: Community Engagement

Program Element 23: Compliance

Program Element 24: Capacity - regulatory costs and fee structure
Program Element 25: Evaluation

Permit decisions use allowable risk levels

Program Element 24: Regulatory Costs

Fee structure options for Cleaner Air Oregon:

- Annual base fee
- Tiered activity fee
- Modeling fee
- Risk assessment review fee
- Emission fees
- % of existing fees
- Combination of above



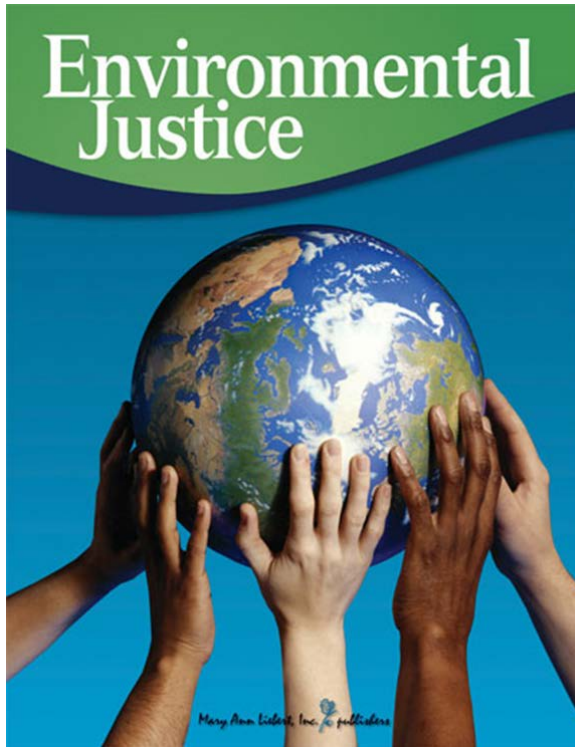
Program Element 24: Regulatory Costs



Technical Workgroup input:

- Fees are established based on the existing permitting program
- WA charges an activity fee with an additional hourly fee if needed
- SCAQMD has a complicated fee structure based on the level of work
- Consider potential financial burden to small businesses

Program Element 24: Regulatory Costs



Environmental Justice Task Force input:

- Provide sufficient resources to build trust with communities with EJ concerns.
- Address issue of resources comprehensively and holistically to ensure equal protection and fair treatment of all communities.

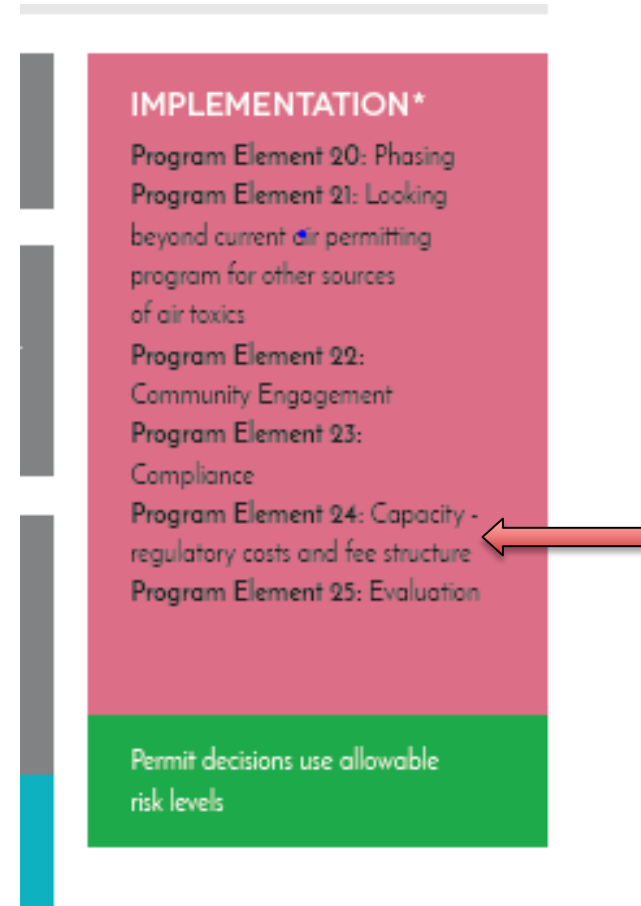
Program Element 24: Regulatory Costs

Potential elements for capacity - regulatory costs and fee structure

The following are potential elements for which DEQ and OHA are seeking additional discussion and input from the Advisory Committee. If there are additional elements not included below, please raise them.

Potential Elements
A. Annual fee + activity fee
B. Annual fee + \$/ton fee
C. One-time base fee + activity fee or \$/ton fee
D. Equipment fee
E. Application fee
F. Risk fee
G. Permit applicant funds environmental justice activities
H. Environmental justice position at DEQ assists with environmental justice activities. Request and allocate sufficient resources to build trust with EJ communities and implement this approach.
I. Placeholder for elements developed by advisory committee members

Page 17 of Implementation Discussion Paper



Program Element 25: Program Effectiveness

What are the different ways to measure program effectiveness?

- Tracking reductions in emissions or risk?
- Ambient monitoring if resources available?



Program Element 25: Program Effectiveness



Technical Workgroup input:

- Use emissions inventory
- Use monitoring whenever possible
- Do not use National Air Toxics Assessment (NATA) data
- Using only human health outcomes as a measurement tool is difficult because there are many factors that contribute to health

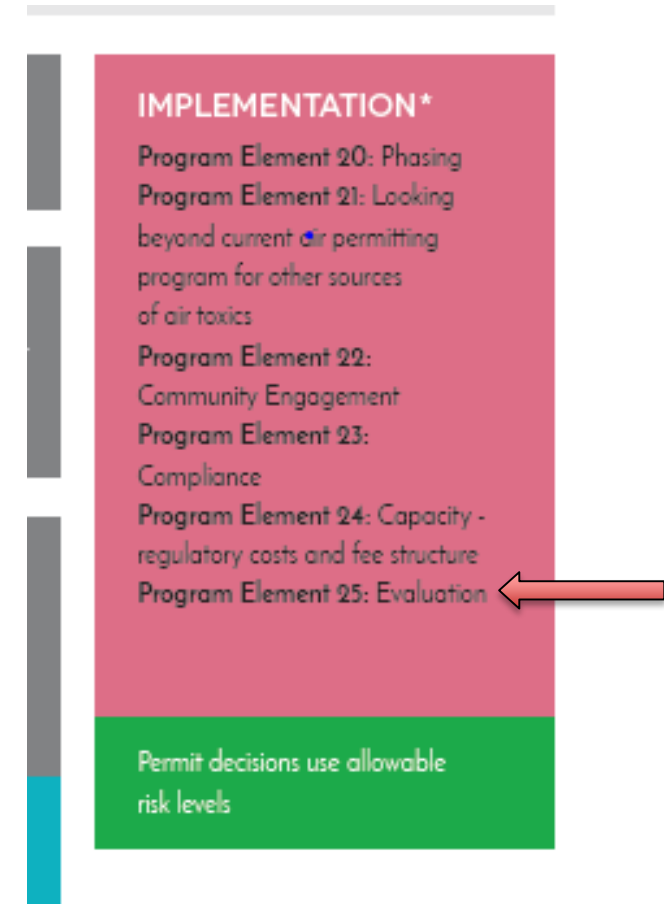
Program Element 25: Program Effectiveness

Potential elements for evaluation

The following are potential elements for which DEQ and OHA are seeking additional discussion and input from the Advisory Committee. If there are additional elements not included below, please raise them.

Potential Elements
A. Track program effectiveness by air toxics emissions inventories
B. Track program effectiveness by air toxics ambient monitoring if funding is available
C. Placeholder for elements developed by advisory committee members

Page 19 of Implementation Discussion Paper



Implementation

Discussion

- Which *existing* sources should be evaluated first? (page 5)
- Where should DEQ look for potential sources of air toxics that are unpermitted? (page 7)
- How can we encourage opportunities for meaningful public involvement? (page 11)
- How should DEQ ensure compliance with new air toxics requirements? (page 15)
- How can DEQ ensure that the regulatory costs are covered? (page 17)
- How should DEQ/OHA measure program effectiveness? (page 19)

