Air Quality Division

Indirect Source Rules Petition
Decision Recommendation

Environmental Quality Commission meeting
March 18, 2020
Teleconference meeting
Applicable Statute and Rule - Excerpts

ORS 183.390

• (1) An interested person may petition an agency to adopt, amend, or repeal a rule...Not later than 90 days after the date of submission of a petition, the agency either shall deny the petition in writing or shall initiate rulemaking proceedings in accordance with ORS 183.335 (Notice).

OAR 137-001-0070

• (1)(a) The rule petitioner requests the agency to adopt, amend, or repeal. When a new rule is proposed, the petition shall set forth the proposed language in full.
The Problem: Attracted Air Pollutants

Indirect Source of Air Pollution

Particulate Matter
Nitrogen Oxides
Carbon Monoxide

Carbon Dioxide
Methane
Black Carbon

Diesel exhaust
Dust
Gasoline exhaust

Oregon Department of Environmental Quality
<table>
<thead>
<tr>
<th>Current Applicability</th>
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<td>CO maintenance areas with 50,000+ population</td>
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<td>More than 1,000 parking spaces</td>
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<td>Likely to exceed a federal standard?</td>
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Petition: Elements of Proposed Regulations

Scope
- Expanded applicability
- Criteria and GHGs
- Construction and Operation

Thresholds
- Project extent
- Associated emissions
- Activity

Requirements
- Air Impact Analysis
- Emission Reduction
- Other Measures
DEQ’s Petition Analysis

- Estimate Current Pollutant Loading
- Estimate Potential Reductions
- Estimate Regulatory Impact
- Estimate Resource Needs
- Consider Public Comment
Which regions and cities affected?

What benefits would be achieved and where?

Where are pollutants violating standards?

How would other DEQ programs be affected?

Are models and technical capability available?

How would facilities comply and mitigate?
Current Emissions from Indirect Sources?

- Amount Emissions
- Size of Development

Threshold

- National Emission Inventory
- Sectors: On-road Non-road
- Annual Total by County
- Construction Permits Issued
- Traffic Volume

Threshold

- Vehicle Activity
Current Emissions from Indirect Sources?

Annual Diesel Particulate

- >75 tons
  Jackson, Deschutes, Linn, Umatilla

- >100 tons
  Multnomah, Clackamas, Washington, Marion, Lane

- >10,000 sq. ft.
- > $1 million

Long-haul Heavy Duty Trucks

- Light duty diesel
- non-road agricultural

Non-road Construction and Mining

- ~400 construction sites over 5 years

- ~15,000 daily vehicle trips
- ~20% heavy duty

~100 tons

- Jackson, Deschutes, Linn, Umatilla

- Multnomah, Clackamas, Washington, Marion, Lane

- ~100 tons

- ~75 tons
- ~10,000 sq. ft.
- > $1 million

- Near indirect sources
Filling Knowledge Gaps

• Portland State – Reed College Air Toxics Ambient Monitoring Study

• Non-road Diesel Emission Inventory
Emission Reductions Achievable Through Mitigation Measures?

**Diesel Emissions**
- Engine retrofits
- Engine replacements
- Newer, cleaner on-road fleets
- Alternative fuels - including electrification
- Reduce fuel consumption

**Greenhouse Gasses**
- Reducing vehicle trips, e.g.
  - Convenient public transit
  - Commuter travel options
- Increase electric vehicle infrastructure
Several hundred locations likely affected each year
DEQ Resource Implications

- Financial Services
- Permit Administration
- Information Services
- Regional Permitting
- Technical Services and Planning
- Compliance and Enforcement
Public Comment Themes for Consideration

Supporting Opinions
• Diesel adverse health effects
• High public health costs
• Burdens on low-income and people of color
• Black carbon climate change effects
• OR regulations less stringent than neighbor states
• Indirect sources responsible for majority of diesel emissions.

Opposing Opinions
• Process burdensome and cause delay
• Regulations costly for economy and housing
• Regulations too broad
• Consequences for non-compliance too severe
• Likely litigation
• Regulations not likely to have significant health/climate effects
Emission Reduction Programs Underway and Planned

- HB 2007 Implementation
- Volkswagen Environmental Mitigation Fund
- Diesel Non-road Emission Inventory
- Clean Vehicle Standards and Rebates
- Clean Fuels Program
- Vehicle Inspection Program
- Statewide Transportation Strategy Coordination
- CA and EPA Low NO\textsubscript{x} Rules
- Multi-state Efforts: heavy duty truck electrification
Recommendations in the Near Term

Accelerate and add public accountability to several actions underway:

• Results and policy implications of the completed non-road diesel equipment emission inventory, including responsive regulatory and non-regulatory actions.

• Policy implications of the final report to the Legislature from the Supporting Businesses in Reducing Diesel Emissions Task Force.

• Planned actions in response to EPA, California and other states’ development of low NOx and electrification standards for medium and heavy duty diesel vehicles.

• Opportunities DEQ is pursuing to accelerate the pace of zero-emission vehicle adoption.

• Participation of large indirect sources in the Clean Fuels Program.

• Multi-agency coordination around the Statewide Transportation Strategy implementation.
DEQ recommends that the Environmental Quality Commission, per the statutory requirements of ORS 183.390, deny the Indirect Source Rule Petition in writing.