

State of Oregon
Department of Environmental Quality

Memorandum

Date: July 3, 2018
To: Environmental Quality Commission
From: Richard Whitman, Director 
Subject: Agenda item F, Informational item: Cleaner Air Oregon updates
July 11-13, 2018, EQC meeting

Why this is important

DEQ staff will present an update on the Cleaner Air Oregon rulemaking process, including a summary of the updated rules that are currently out for public comment. The update will include a discussion of how DEQ revised the proposed draft rules in response to earlier public comments, legislative direction in Senate Bill 1541, and the most recent input from the Rules Advisory Committee.

Program background and timeline

Governor Kate Brown launched the Cleaner Air Oregon regulatory reform in April 2016 after gaps in existing federal and state air toxics programs became apparent. The program is a statewide initiative to assure that Oregonians are protected from harmful levels of industrial air toxics emissions.

Since April 2016, DEQ and the Oregon Health Authority have worked together with a rules advisory committee, a technical workgroup, and community and industry members to develop draft rules for a comprehensive health-based air toxics program. DEQ took public comment on draft CAO rules from October 2017 through January 2018, and the most recent draft rules incorporate suggestions from those earlier public comments as well as direction from Senate Bill 1541.

Recent advisory committee meeting

DEQ and OHA convened an eighth meeting of the CAO Rules Advisory Committee on May 8 and 9, 2018. The agencies presented an updated draft rules and fiscal impact statement for committee input. The committee provided input on areas including toxicity reference values, pollution control costs, the structure of fees proposed to support the program, and how the agency should foster community engagement in the program.

Second public comment period in process

DEQ published the new draft proposed rules and opened a second public comment period on June 25th. The public comment period will close at 4 p.m. on August 6th. DEQ, in conjunction with OHA, will hold two public hearings, one in Portland, in conjunction with the July 12 EQC meeting, and one in Eugene on August 1, in conjunction with a meeting of the Lane Regional Air Pollution Authority (LLRAPA). Comments from the previous comment period are part of the rulemaking record, and will be part of the materials considered by the commission as it works to finalize the rules for the program.

EQC involvement

DEQ staff will present an informational update and status report to the commission in September 2018. DEQ intends to bring final Cleaner Air Oregon rules for consideration and adoption by the commission in November 2018.

Links for supporting materials

- A. Cleaner Air Oregon homepage: <http://www.oregon.gov/deq/aq/cao/Pages/default.aspx>
- B. Draft rules: <http://www.oregon.gov/deq/Rulemaking%20Docs/cao-pn-Div245.pdf>
- C. Overview fact sheet: <http://www.oregon.gov/deq/FilterDocs/cao-overviewfs.pdf>
- D. Health fact sheet: <http://www.oregon.gov/deq/FilterDocs/cao-healthfs.pdf>
- E. Business fact sheet: <http://www.oregon.gov/deq/filterDocs/cao-businessfs.pdf>

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