

DEQ Air Permits and Cleaner Air Oregon Implementation

December 2018

The Environmental Quality Commission adopted the Cleaner Air Oregon rules on November 15, 2018. Other changes to existing DEQ Air Quality rules were also adopted to ensure consistency with the new rule requirements.

What is Cleaner Air Oregon?

Cleaner Air Oregon is a health-based air toxics regulatory program that closes gaps in DEQ's existing air permitting program that allowed some facilities to operate legally but still emit pollutants that could increase health risks to neighbors. Facilities are required to report emissions of toxic air contaminants and calculate potential health risks to people nearby. Facilities would have to reduce risk from their emissions of air toxics if the levels exceed health risk benchmarks, called Risk Action Levels.

What does this mean for facilities in Oregon?

Larger **new facilities** applying for an air permit need to identify potential air toxics emissions and assess associated risks before submitting their permit application. Most new facilities applying for coverage under Basic or General Air Contaminant Discharge Permits will not be required to perform assessments at this time.

Existing facilities are not required to perform risk assessments until DEQ notifies them that they are "called in" to the program, unless they are making a major modification to their facility. DEQ will call in the first group of existing facilities in early 2019 based on the results of a prioritization process currently underway. The process considers types and amounts of emissions, information about existing controls and the surrounding community, and other factors.

For additional information, please visit [DEQ's permitting website](#).

How will Cleaner Air Oregon affect permitting timelines?

New facilities that must incorporate CAO requirements in their permit application will need additional time prior to submitting the application to perform a risk screening and assessment. Not all new facility permits are currently required to perform these assessments, and DEQ will issue those permits within current timelines.

If an **existing facility** chooses to address CAO requirements during permit renewal or major modifications, DEQ will adjust permit timelines in

order to allow for completion of the risk assessment and related evaluations that may be necessary. Completing a complex risk assessment could require up to a year depending on the level of complexity required.

Applications for permit modifications do not trigger Cleaner Air Oregon requirements unless they are making a major modification to their facility, and those timelines remain unchanged

What is DEQ doing to implement Cleaner Air Oregon?

DEQ is working on several fronts to develop tools and resources to implement the program.

To implement CAO, [Senate Bill 1541 \(2018\)](#) established 11 new DEQ positions. DEQ is recruiting for the new staff who will write permits, engage communities, and provide technical assistance to facilities. The legislature also provided funding to the Oregon Health Authority to assist DEQ in evaluating facility risk and communicating health risks to communities.

Other efforts underway include:

- Training existing DEQ permitting staff on program requirements and procedures;
- Posting new and updated [forms](#) and guidance for permit applicants;
- Updating web-based resources and information; and
- Communicating with new facilities that are starting risk assessment.

What are the Cleaner Air Oregon program fees?

The 2018 legislature established initial, one-time Cleaner Air Oregon program fees. These fees are a percentage of a facility's existing permit fee and were assessed this fall.

The legislature also authorized and adopted rules that established ongoing fees. DEQ will assess facilities for these fees once the 2019 legislature approves agency budgets. Adopted fees include base fees (a percentage of existing permit fees) and specific activity fees.



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*DEQ is a leader in restoring,
maintaining and enhancing
the quality of Oregon's air,
land and water.*

How will communities be involved in Cleaner Air Oregon?

DEQ will hire a community coordinator to develop and implement a full set of procedures and guidelines for community involvement based on environmental justice and community engagement best practices. The community coordinator will work with communities to create and implement an engagement plan that meets the needs of the community.

Related rulemakings

SB 1541 established two additional efforts related to Cleaner Air Oregon.

The [Hazard Index rulemaking](#) will propose lower health benchmarks for certain air toxics with developmental or other severe health impacts. Agencies are currently consulting with a panel of national experts to evaluate which chemicals should be proposed for this list.

The Area Risk Pilot program looks at a unique area to study within the Portland Metro region to assess total risks from all air sources together. Risks from other sources such as cars, trucks and construction equipment will also be considered. Using this assessment, DEQ will then be able to determine and manage total risks posed by new or changed facilities in the area. DEQ scheduled this work to begin in the second quarter of 2019.

Where can I find more information?

Information about the program, including fact sheets and a link to the rules, can be found at cleanerair.oregon.gov. If you have questions about the program, please contact us at cleanerair@deq.state.or.us.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.