

Air Toxics Programs Alignment and Updates

Rules Advisory Committee Charter

Oct. 30, 2020

Keith Johnson, Cleaner Air Oregon Program Manager



**Cleaner Air Oregon and
Air Toxics Programs**
700 NE Multnomah St.,
Suite 600
Portland, OR 97232

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



State of Oregon
Department of
Environmental
Quality

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

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Objectives and Scope

Policy Objectives

DEQ is conducting a rulemaking to better integrate its two programs that address toxic air contaminants:

- Cleaner Air Oregon [[OAR 340-245](#)]
- The Oregon State Air Toxics Program [[OAR 340-246](#)]

Cleaner Air Oregon, adopted in 2018, is a regulatory program that reduces health risk from industrial sources by setting health-based emission limits. The Oregon State Air Toxics Program, adopted in 2003, is an advisory program that assesses health risks from all sources of toxic air contaminants. This rulemaking seeks to integrate aspects of each program and address redundancies created in Division 246 when DEQ established the Cleaner Air Oregon program in late 2018. Proposed updates and changes should help address inefficiencies within DEQ's overall air toxics program and ensures consistent application of the best available science in current and future air toxics regulatory and reduction efforts.

The priorities for this rulemaking include

- Aligning the process for setting and revising toxicity values for toxic air contaminants
- Updating and integrating the Oregon State Air Toxics Program and the recently established Cleaner Air Oregon Program to promote clarity and use of best science to protect the health of all Oregonians, including sensitive and vulnerable populations.
- Clarifying certain CAO requirements for facilities and addressing inefficiencies in the risk assessment process.

Fiscal and Economic Impact

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

Roles

DEQ Facilitator

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Facilitates the conversation so the committee stays focused on the agenda and on intended outcomes of the meeting;
- Ensures that all perspectives are heard;
- Ensures that all members adhere to the process and ground rules;
- Facilitates comments and input from the public; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

Committee Members

The members have committed to attend two full-day committee meetings. Since these are virtual meetings and not in-person, DEQ divided these full day meetings into two 4-hour sessions to reduce “screen fatigue.” Members who cannot attend each session may send an alternate.

DEQ will hold the first committee meeting sessions on Tuesday, November 10 and Tuesday, November 17 from 8 a.m. - 12 p.m. via Zoom.

DEQ will consider all recommendations made by individuals during the RAC meeting. There will be no formal voting or consensus required. In addition to considering the content, members will be asked to consider any potential fiscal impacts of the proposed updates, as outlined in the next section. After hearing and considering the committee’s recommendations, DEQ will propose rules for public comment. Upon completion of the public comment period and consideration of all comments received, DEQ will recommend draft rules for consideration and adoption by the Oregon Environmental Quality Commission. The EQC has the authority to adopt, modify, or decide not to adopt the proposed rules.

Important Dates

November RAC Meetings:

- Tuesday, Nov. 10, 2020 from 8 a.m. - 12 p.m.
- Tuesday, Nov. 17, 2020 from 8 a.m. - 12 p.m.

Last day for RAC members to provide feedback on meeting topics:

- Dec. 4, 2020

January RAC Meeting:

- The date and timing for the January meeting will be determined after the first RAC meeting.

Advisory committee members should attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member’s responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member’s absence is unavoidable, please notify the DEQ project manager and identify the name of the alternate who will be attending.

The committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and their opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and

- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

Non-Committee Member Attendees

Those who attend the committee meetings, but are not members of the committee, are there only to observe and not to participate. DEQ may allow time during the meeting for their comments.

DEQ and OHA Staff

DEQ and OHA are committed to making the most effective use of committee members' time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Providing accurate and useful information prior to each meeting to help committee members come prepared to each meeting;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

DEQ Support and Website

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee section of the [Air Toxics Programs Alignment rulemaking](#) webpage.

Committee Meetings

1. All committee meetings will be:
 - Open to the public and community members may attend but only to observe, not to actively participate
 - Advertised on DEQ's webpage calendar two weeks before the meeting at [DEQ Event Calendar](#) and on the [Cleaner Air Oregon](#) website
 - Noticed by email to the Air Quality and Cleaner Air Oregon GovDelivery list
 - Accessible via a call-in number or webinar
2. The RAC committee is expected to meet four times via video teleconference.
 - The RAC will also serve as the rulemaking Fiscal Advisory Committee. The RAC will be allotted time to consider the fiscal and economic impact of the proposed rules during the January meeting, dates to be determined.

- Meeting materials and agenda will be posted to the [Air Toxics Programs Alignment rulemaking](#) webpage.

Decision Making

Recognizing the complexity of DEQ’s Air Toxics Programs, DEQ will not seek consensus on recommendations from the committee or ask the committee to vote on specific issues. DEQ (with support from OHA) will ask for input from each individual committee member and evaluate each committee member’s input. DEQ and OHA will consider the committee’s discussions in forming the draft rule for broader public review and comment as part of DEQ’s rulemaking process.

A meeting summary will document the perspectives and recommendations of committee members.

Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

Advisory Committee Membership	
Committee Members	
Name	Affiliation
Steven Anderson	City of Salem Neighborhood Associations
Lisa Arkin	Executive Director, Beyond Toxics
Dr. George Conway	Conference of Health Officials; Deschutes County
Chad Darby	Maul, Foster and Alongi
Dr. Linda George	Professor of Environmental Science, PSU
Kathleen Johnson	Washington County
Dr. Christine Kendrick	Air Quality Lead/Smart Cities Coordinator, City of Portland
Daniel Lee	Cascade Steel Rolling Mills
Sharla Moffett	Director, Energy, Environment, Natural Resources, and Infrastructures at Oregon Business & Industry
Mary Peveto	Neighbors for Clean Air
Dr. Diana Rohlman	Oregon Public Health Association
Jessica Applegate	Eastside Portland Air Coalition <i>Alternate: Katharine Salzman</i>

Kathryn VanNatta	Northwest Pulp and Paper Association <i>Alternate: Toby Smith, Cascade Pacific Pulp</i>
Thomas Wood	Co-Chair Air and Energy Committee, Oregon Business & Industry
Mark Riskedahl	Northwest Environmental Defense Center, representing the Oregon Environmental Justice Task Force

Public Records and Confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

Information Exchange

The members will share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

Public Involvement

All meetings will be open to the public. The committee can choose whether to allow public input during a committee meeting. DEQ may set aside time for the public to speak.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration at its meeting.

DEQ Contacts

Primary Contact: Hannah Wilkinson, (503) 229-6270

Alternate Contact: Keith Johnson, (503) 229-6431