



Air Toxics Alignment and Updates Rulemaking: Public Notice

Last year, the Department of Environmental Quality initiated a rulemaking to update DEQ’s two programs addressing toxic air contaminants and provide limited updates to Cleaner Air Oregon based upon experiences from implementing the program since it was adopted by the Environmental Quality Commission in 2018.

DEQ proposes to amend existing program rules relating to DEQ’s toxic air contaminant programs: Cleaner Air Oregon (Division 245) and the Oregon State Air Toxics Program (Division 246). Additionally, DEQ proposes to move rules related to toxicity values to a new division (Division 247).

The proposed rules are now available online for public comment until August 20, 2021. The public notice and proposed rules can be found on the rulemaking web page at ORDEQ.org/AirToxics2021.

Public Hearing

Comment Deadline
4 p.m. on August 20, 2021

Public Hearing
Tuesday, July 20, 2021
5:30 p.m., PST

- [Join online with Zoom](#)
- Join by phone:
833-548-0282 (Toll free)
Meeting ID: 858 9922 2339
Passcode: 423310

Rulemaking Contact
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503-229-5269

Rulemaking Objectives

Aligning the Oregon State Air Toxics Program and Cleaner Air Oregon	<p>These two programs have separate lists of chemicals and values that determine how harmful they are to health. DEQ and OHA are proposing to create one list of toxicity values. DEQ also proposes to remove rules made redundant by the passage of Cleaner Air Oregon in 2018.</p>
Strengthening the process for setting and reviewing toxicity values for toxic air contaminants	<p>DEQ also proposes updates to the process for future changes to the list of chemicals and their toxicity values. This includes input from an independent science committee, the Air Toxics Science Advisory Committee, to provide technical consultation and recommendations.</p>
Clarifying CAO requirements and addressing inefficiencies in the risk assessment process	<p>Implementation of Cleaner Air Oregon has revealed unintended gaps and unclear requirements of facilities in the risk assessment process. DEQ proposes updates to existing rules to address identified inefficiencies before more facilities are called in to the program.</p>

Principal Proposed Rule Updates by Rule Objective

Aligning the Oregon State Air Toxics Program and Cleaner Air Oregon

- Creating a new rule division that will house the single complete list of toxic air contaminants and their toxicity values for future use by DEQ's toxic air contaminant programs
- Removing Safety Net Program Rules, made redundant by the adoption of Cleaner Air Oregon, while maintaining the intent for future development of a Safety Net Program that would address toxic air contaminants from non-CAO sources

Strengthening the process for setting and reviewing toxicity values for toxic air contaminants

- Improving and updating the future process for setting and revising toxicity values by updating rule language from both of DEQ's toxic air contaminant programs
- Re-scoping the Air Toxics Science Advisory Committee (ATSAC) to advise this process

Clarifying CAO requirements and addressing inefficiencies in the risk assessment process

- **Immediate Curtailment Requirements:** Outlining a clear, transparent process to address the highest tier of health risk from industrial facilities in Cleaner Air Oregon; Reduce the time allotted for facilities to complete risk assessments if potential risks exceed curtailment levels
- **Timeline Reduction:** Reducing the time that facilities have to complete required risk reductions
- **New Source Definition:** Re-evaluating facilities that relocate as new sources that must meet more health-protective standards
- **Toxics Emissions Units:** Including risk from Aggregated TEUs and revising the list of Categorically Exempt TEUs
- **New Source Review Modifications:** Requiring an emissions inventory for larger modifications at a facility that could increase emissions; Removing mandatory call in requirement for the largest modifications
- **Post-Permit Modifications:** Providing flexibility around fees and public notice requirements for modifications at a facility that has already obtained an operating permit under Cleaner Air Oregon

Rulemaking Materials

The public notice packet includes the public notice: with an overview of the rulemaking, a statement of need for the rulemaking, a fiscal impact statement, as well as information on the advisory committee and the public

hearing. The notice materials also include all proposed rule language and tables for Division 245, 246, and 247.

How to Submit a Comment on the Rulemaking



Public hearing: Provide comment during the public hearing on July 20, 2021.



Email: Email written comments to CAOAT2021@deq.state.or.us



Mail: Send written comments to Oregon DEQ
Attn: Tori Heroux
700 NE Multnomah St., Room 600
Portland, OR 97232-4100



For More Information, Visit
ORDEQ.org/AirToxics2021

- Find the public notice and other rulemaking resources
- Review proposed rule language
- Find an up-to-date timeline for the rulemaking
- Sign up for email or text updates on this rulemaking via GovDelivery

Alternate formats

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.

Si usted necesita, DEQ puede proveer materiales en formatos alternativos o en lenguajes aparte de inglés. Por favor llame a 800-452-4011 o mande un email a deqinfo@deq.state.or.us.