



# Air Toxics Alignment Rulemaking

November 17 – Rules Advisory Committee Session 2



# Connecting to Zoom



See visuals and hear audio online via webinar link



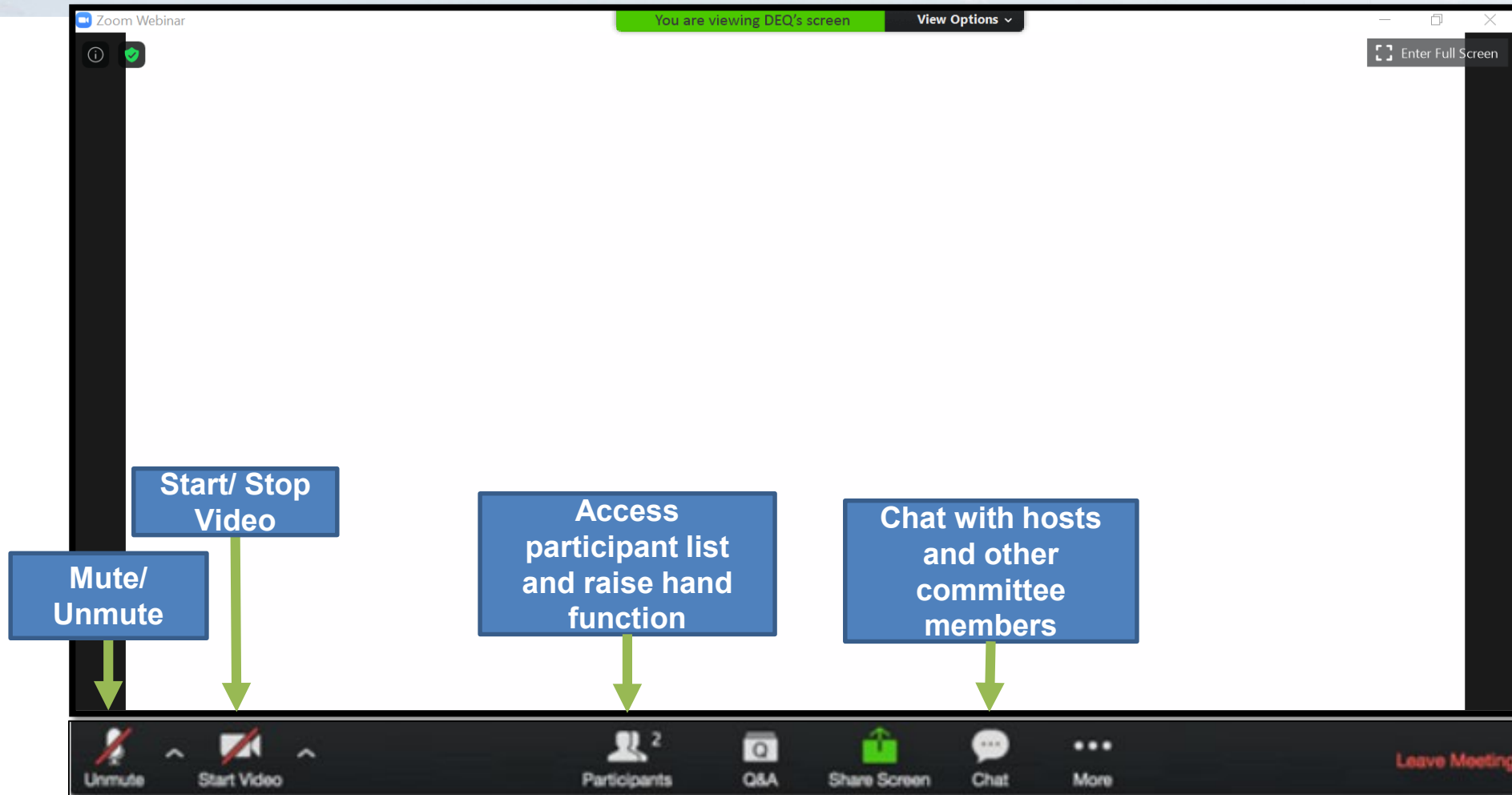
Or call the conference line by phone:

**Dial:** 888-475-4499

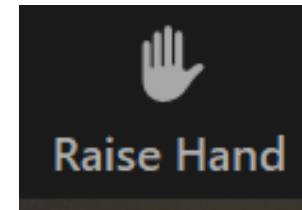
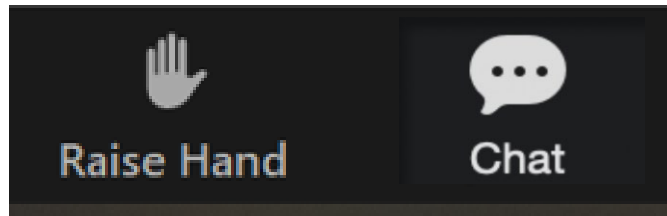
**Enter ID:** 858 9922 2339#

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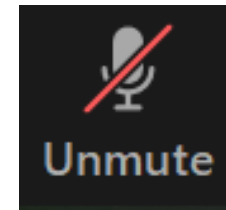
# Committee Member Participation



# Questions?



\*9



\*6

# Opportunities for Public Participation



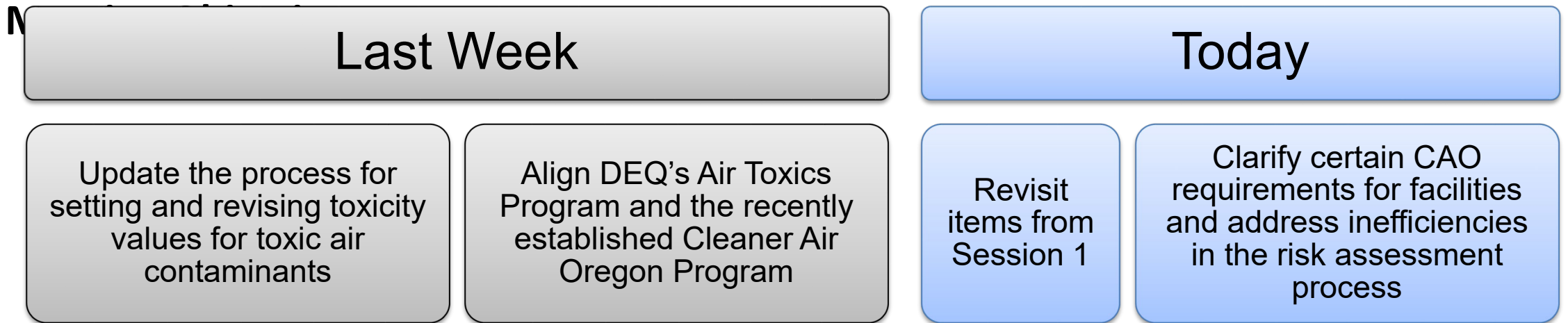
- Welcome! And thank you for your interest in attending today's committee meeting
- Limited participation today
- Public comment period during this session- approximately 10:30 a.m.
- Opportunities for public comment early next year

**More info:**  
**[ORDEQ.org/AirToxics2021](https://ORDEQ.org/AirToxics2021)**



# Meeting purpose

DEQ is seeking input from the advisory committee to better integrate Cleaner Air Oregon and the Oregon Air Toxics program.



# Today's Agenda

<b>8:00 a.m.</b>	<b>Welcome &amp; Introductions</b>
<b>8:05 a.m.</b>	<b>RAC Roundtable: Reflections from Session 1</b>
<b>8:25 a.m.</b>	<b>Framing the Day's Discussion</b>
<b>8:35 a.m.</b>	<b>Cleaner Air Oregon Overview</b>
<b>8:50 a.m.</b>	<b>Discussion Topics Part 1</b>
<b>9:50 a.m.</b>	<b>20-minute break</b>
<b>10:10 a.m.</b>	<b>Discussion Topics Part 2</b>
<b>10:40 a.m.</b>	<b>Public Comment</b>
<b>11:00 a.m.</b>	<b>RAC Roundtable</b>
<b>11:45 a.m.</b>	<b>Closing Remarks and Next Steps</b>

# Meeting Protocols

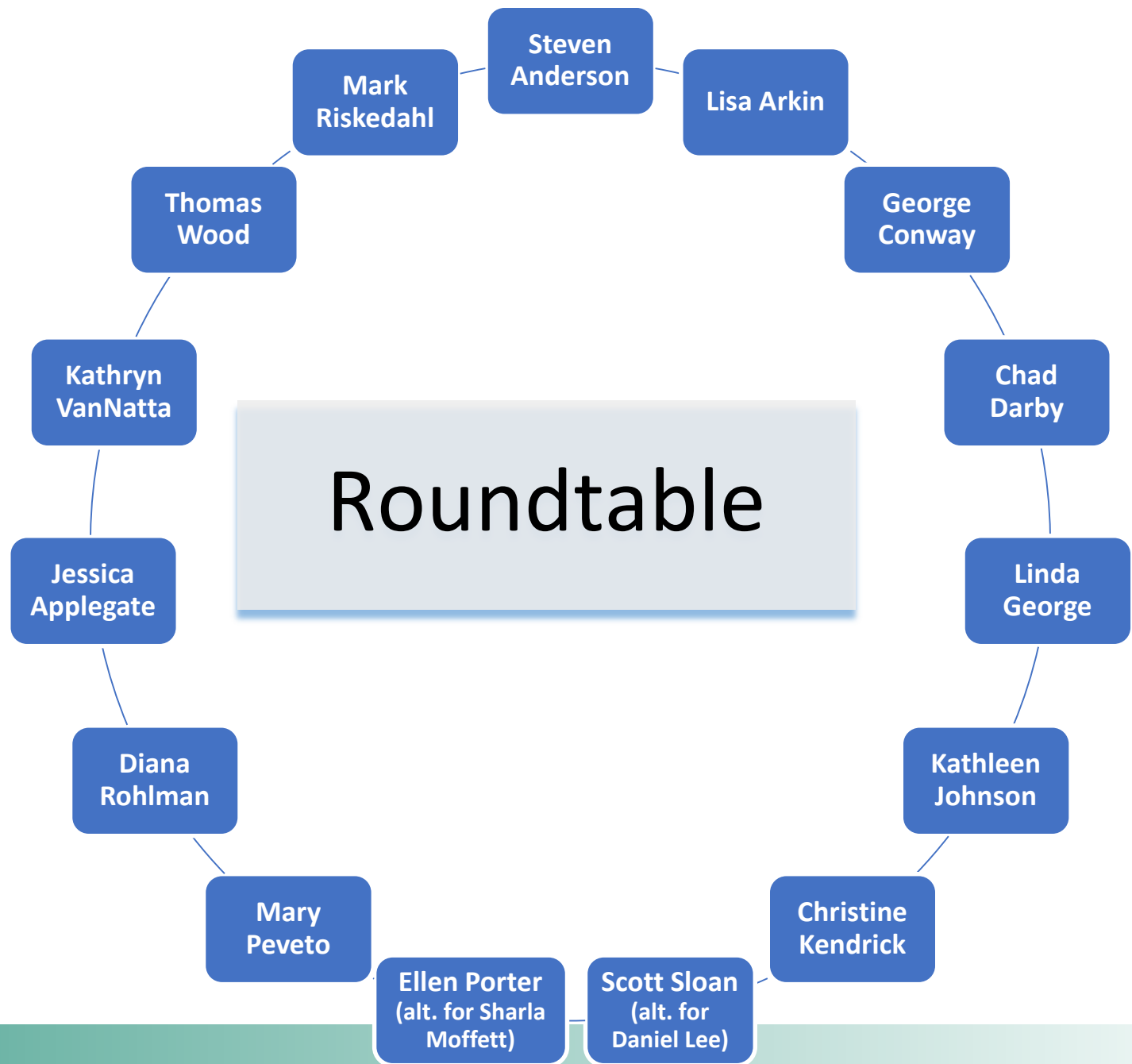


- Mute your phone/computer when you are not speaking
- Share video during introductions and discussions, disable during presentations
- Be respectful
- Listen so we can solve problems together
- Raise your virtual hand to speak
- Speak for yourself
  - Speak as though you are right, listen as though you *may be wrong*.
- Let others speak without interrupting them





# Session 1 Reflections





# **Framing Today's Discussion**

Keith Johnson, Cleaner Air  
Oregon Program Manager

# Discussion Topics

Scope of topics discussed today include items that:

- are confusing to DEQ and sources
- have led to unintended outcomes
- are needed to ensure risk assessments consider all risks that may be relevant
- allow more flexibility and may improve program efficiency

# Housekeeping & Minor Updates

## Simple housekeeping fixes

- Correcting spelling/grammar
- Reorganizing or restructuring rule language for clarity (no change of intent)
- Adding rule references

## Minor updates

- Clarifying requirements for providing supplemental technical information

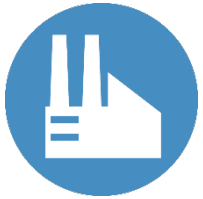




# **Cleaner Air Oregon Overview**

J.R. Giska, Cleaner Air Oregon  
Program Engineer

# The Cleaner Air Oregon Program



## **Report air toxics**

Companies to report use of over 600 pollutants to state regulators



## **Assess risk**

Facilities calculate potential health risks to people who live, work, and go to school nearby

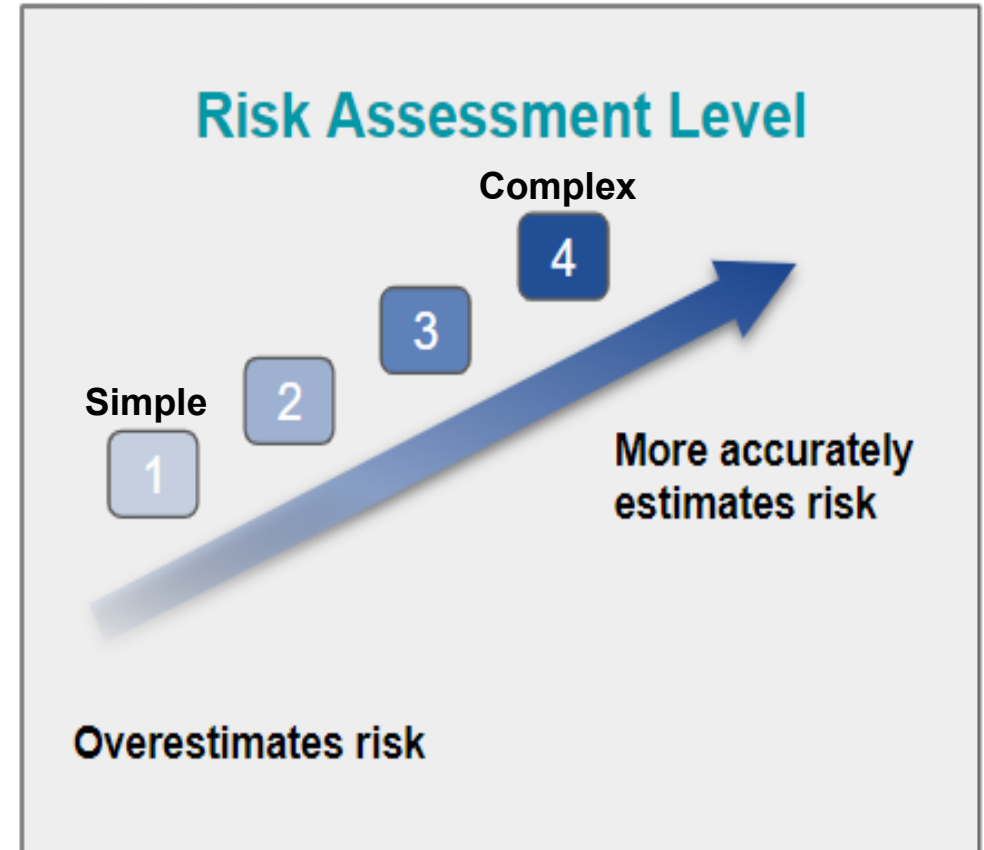


## **Regulate to reduce risk**

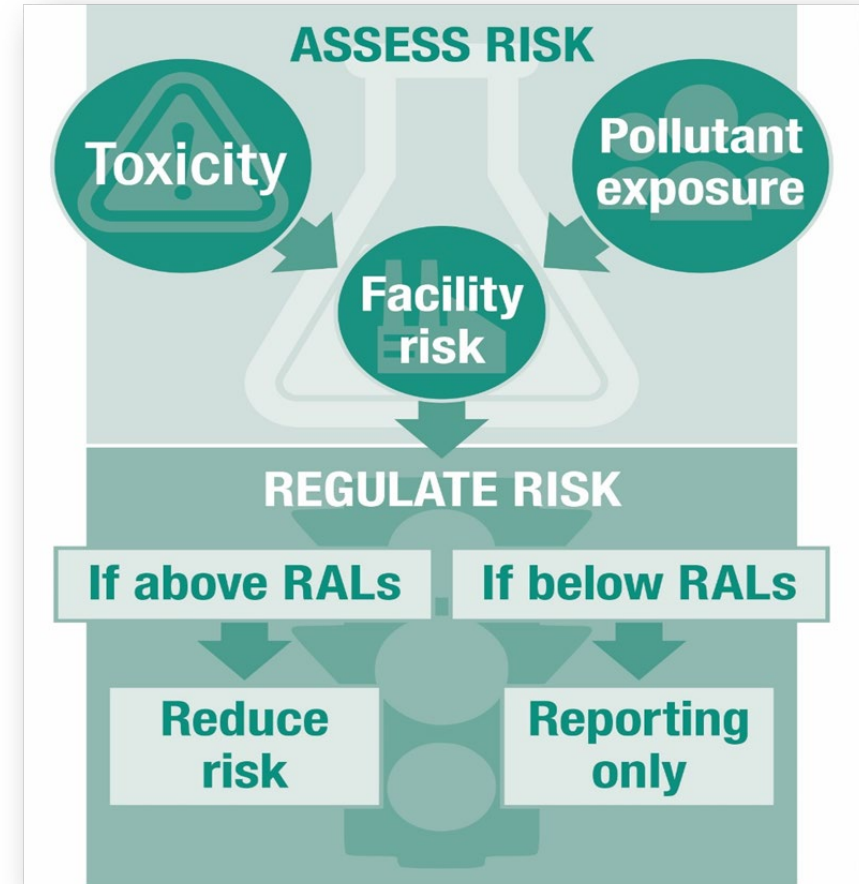
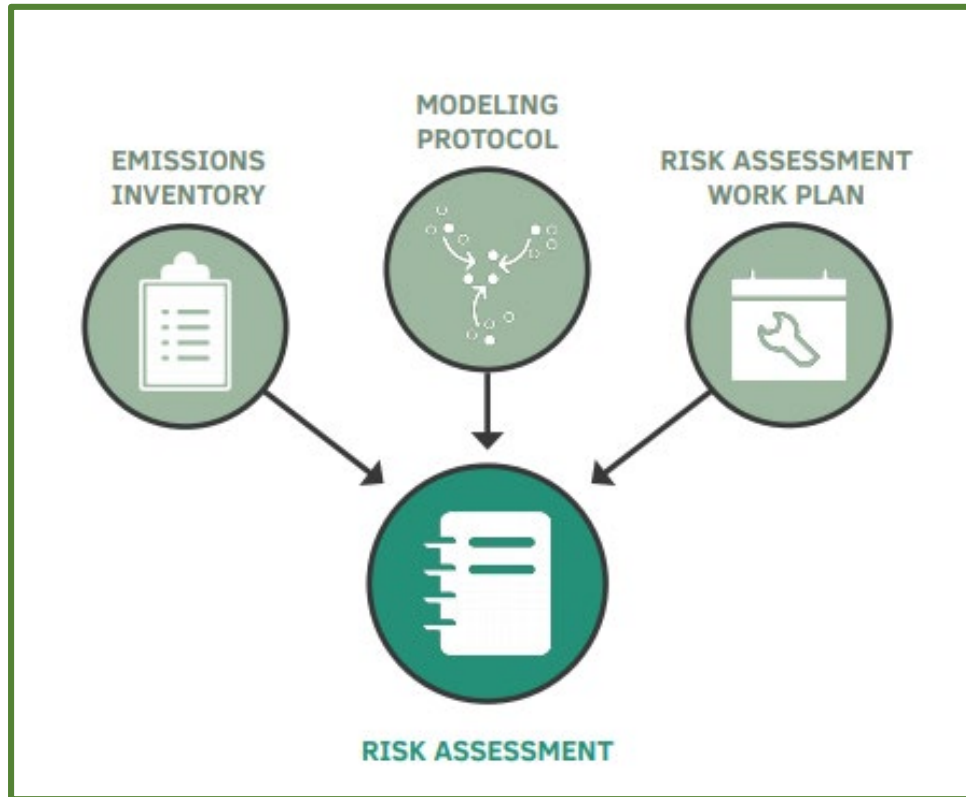
Companies would have to act if the levels of air toxics they emit exceed health risk action levels (RALs)

# Scope of CAO Program

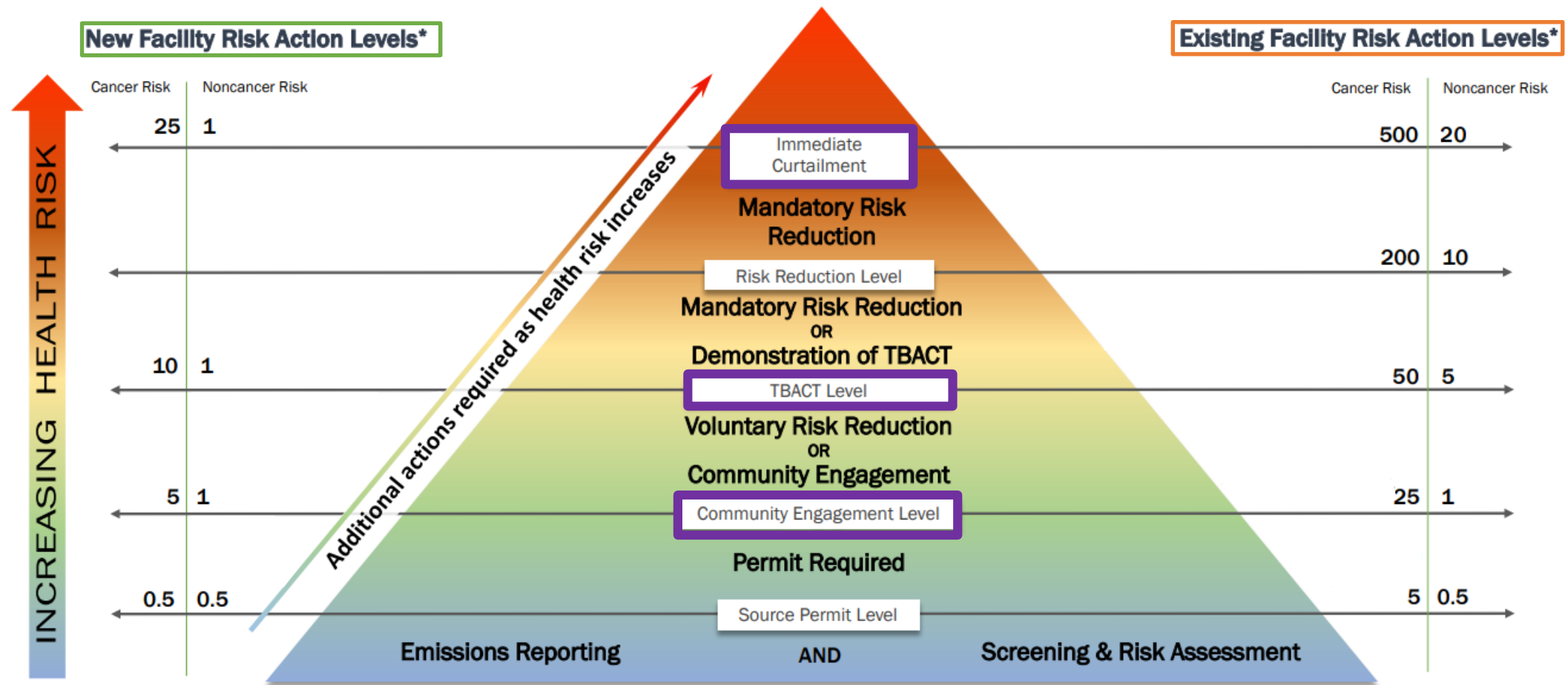
- ☐ Applies to “new” and “existing” facilities with AQ permits.
- ☐ Cumulative, facility-wide risk assessment
- ☐ Health risks evaluated:
  - ❖ Cancer (annual)
  - ❖ Noncancer - acute (24 hour) and chronic (annual)
  - ❖ Multipathway exposure for persistent and bioaccumulative chemicals
- ☐ Exposure locations considered – based on zoning:
  - ❖ Residential
  - ❖ Non-residential adult and/or child
  - ❖ Acute
- ☐ 4 “tiers” of risk assessments (simple to complex)



# CAO Risk Assessment

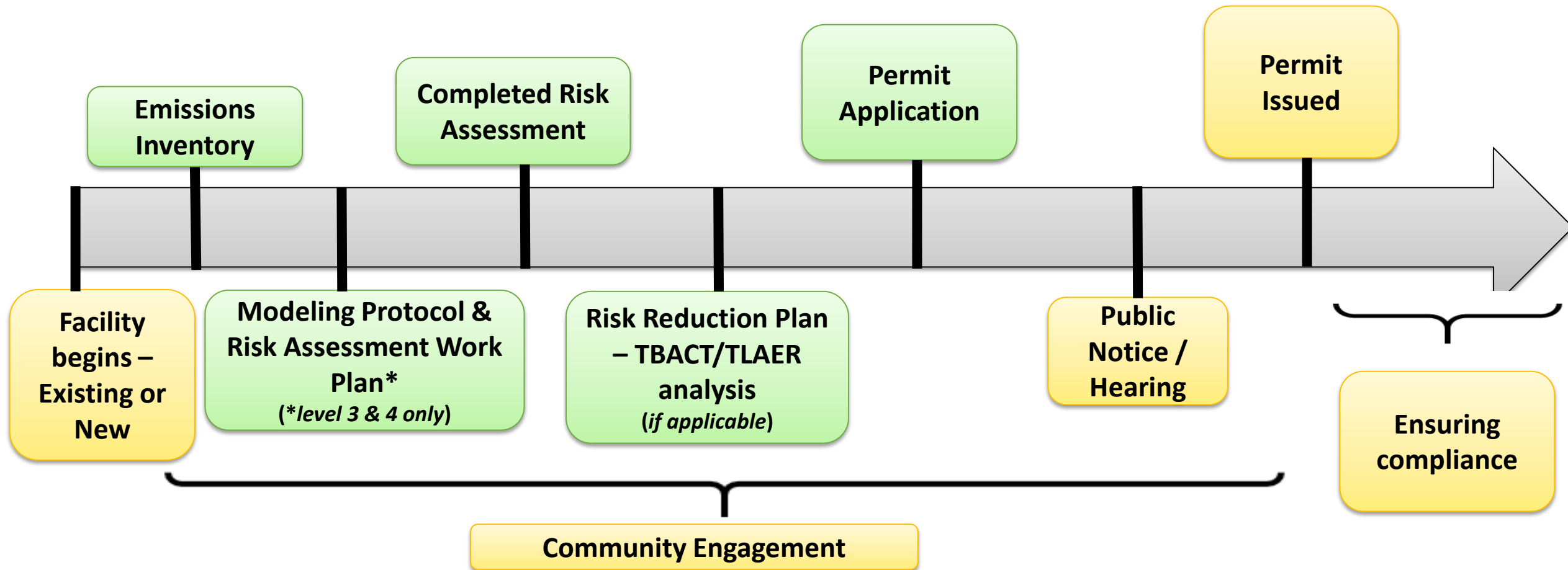


# Risk Action Levels






# CAO Risk Assessment Process





# Questions?





# **Division 245 Challenges**

J.R. Giska, Cleaner Air Oregon  
Program Engineer

# Division 245 Discussion Topics

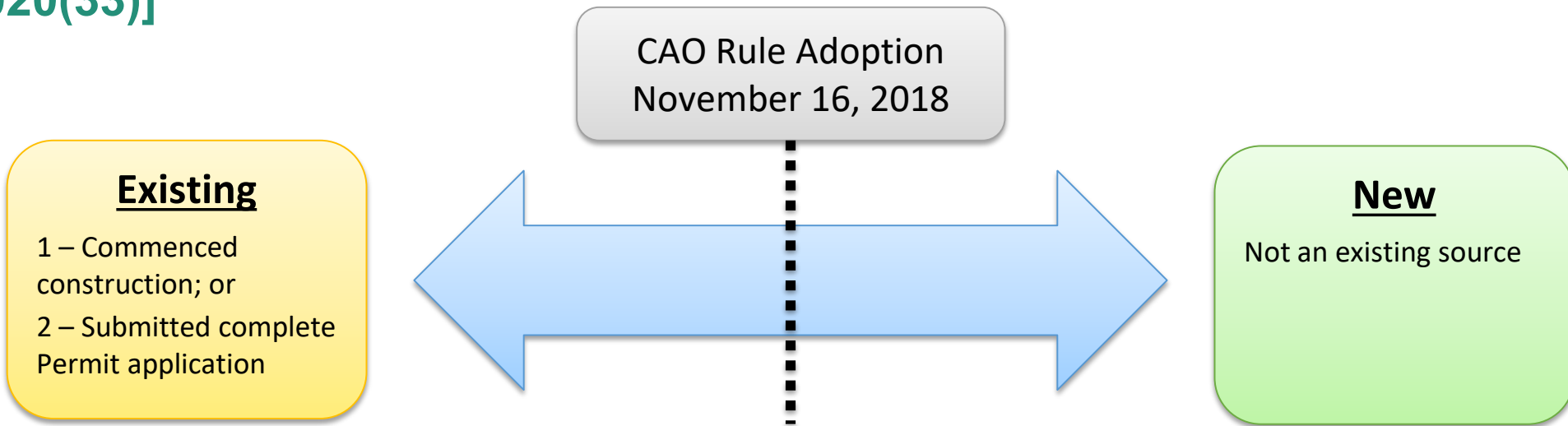
- 1) New vs. Existing Source Determination
- 2) Submittal Timelines for Existing Sources
- 3) Toxics Emissions Units: Aggregated & Exempt
- 4) Post-Permit and Major Modifications
- 5) Immediate Curtailment Requirements

# 1. New vs. Existing Source Determination

## Challenge

More clarity is needed for determining when a source is considered “New” vs. “Existing”

[245-0020(33)]

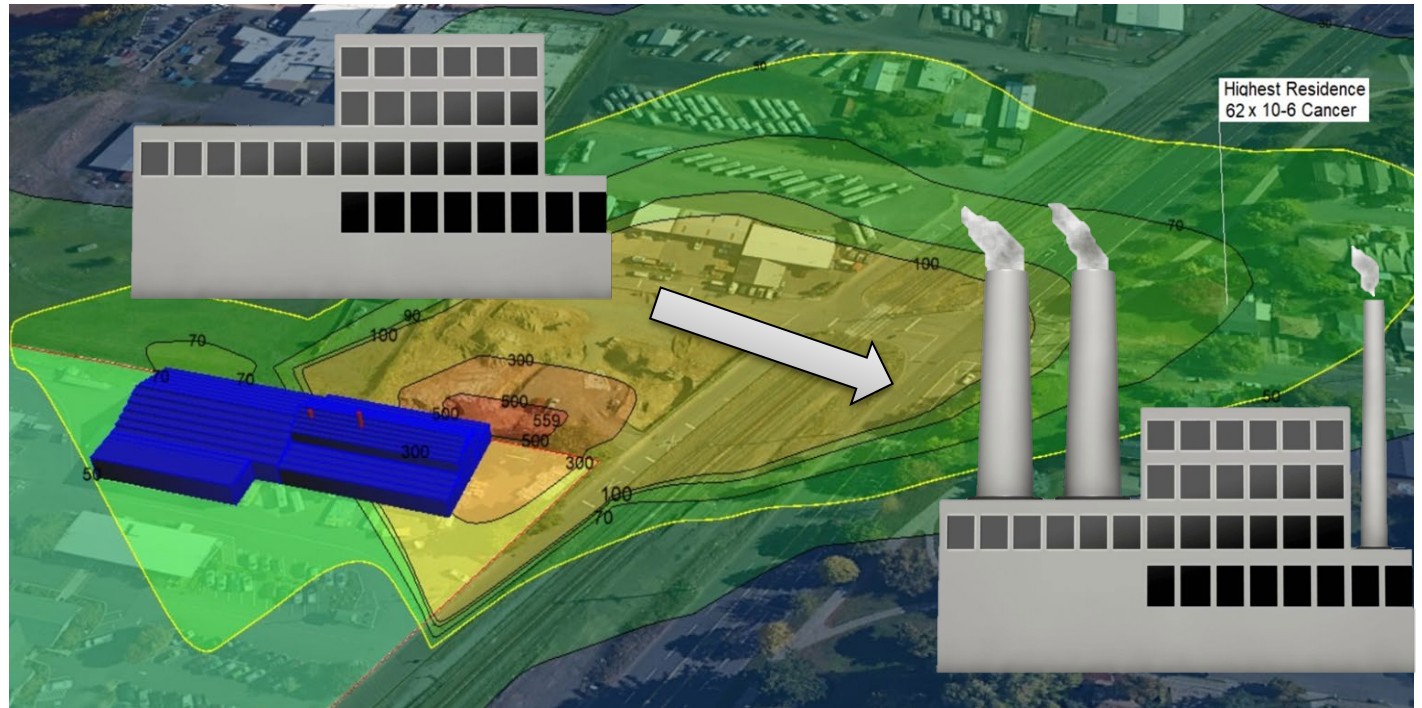




# 1. New vs. Existing Source Determination

## Why is DEQ seeking to clarify “New” source definition?

- ☐ Sources that move to a new location
- ☐ Sources that change operations or construct new TEUs



# 1. New vs. Existing Source Determination

## Challenge

More clarity is needed for determining when a source is considered “New” vs. “Existing”

[245-0020(33)]

## Proposal

Update “New” source definition to include sources that:

- ☐ Relocation of source
- ☐ Change primary permitted emissions-producing activities or industrial sector classification (SIC/NAICS)

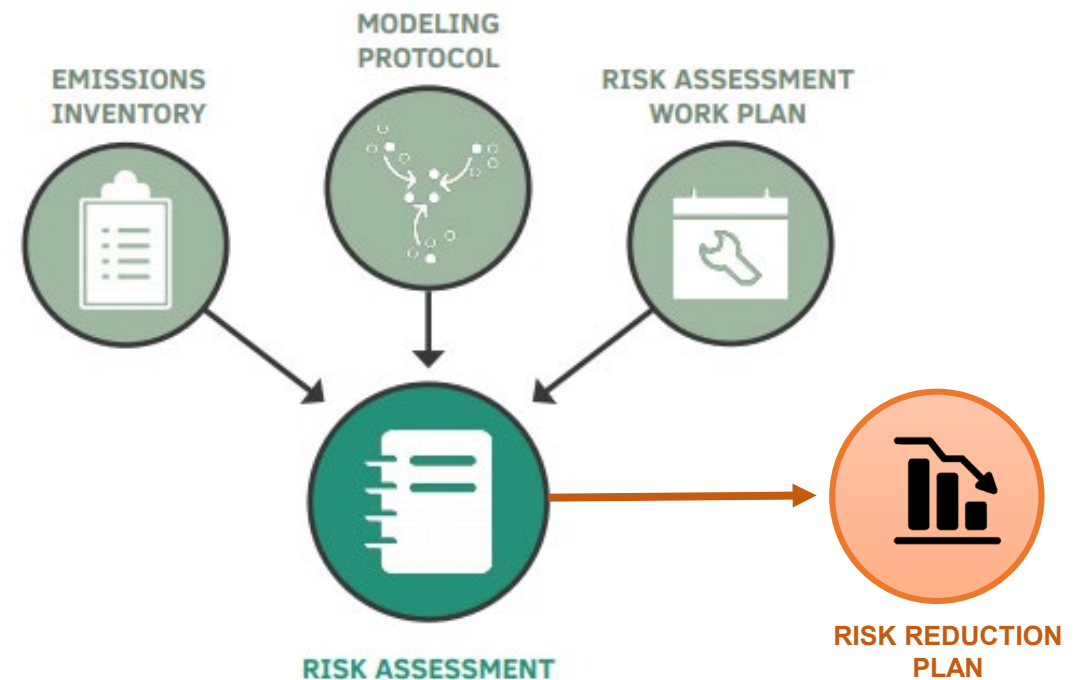


# Clarifying Questions?

# 2. Submittal Timelines for Existing Sources

## Challenge

- ❑ Submittal timelines outlined in rule do not match up with the process, based on lessons learned from implementation [245-0030]



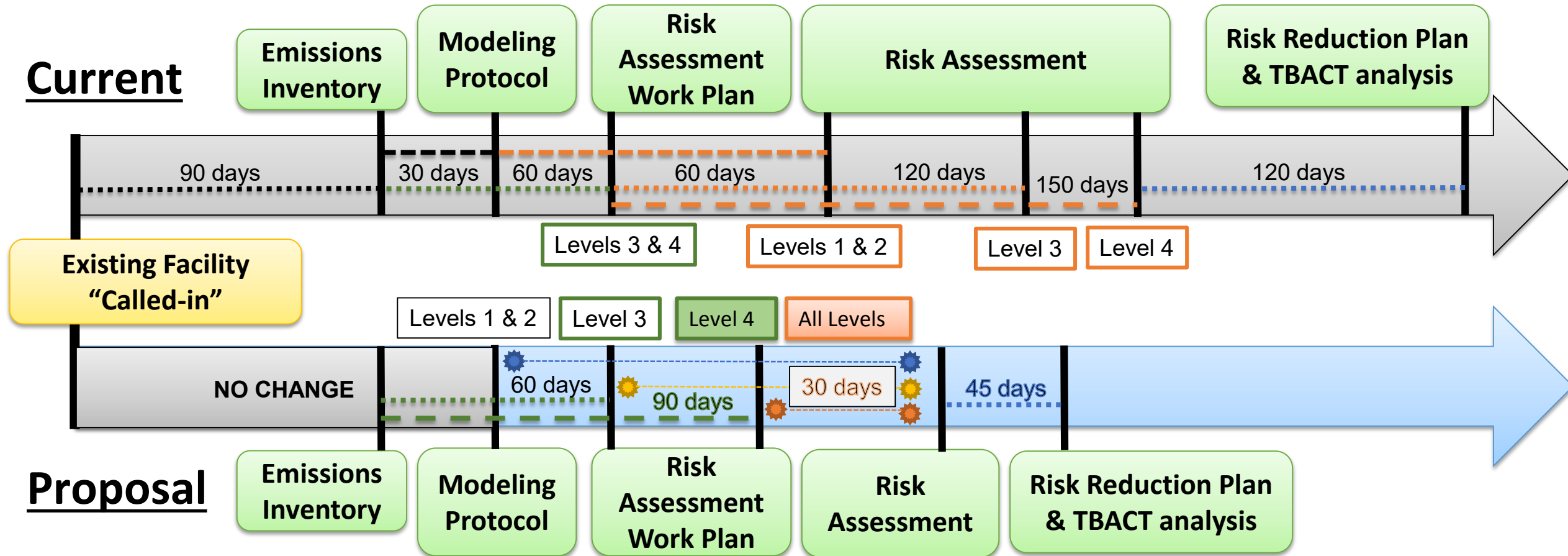
# 2. Submittal Timelines for Existing Sources

## Why is DEQ proposing updated submittal timelines?

- ☐ Majority of time spent on Emissions Inventory
- ☐ Majority of work completed once Risk Assessment Work Plan approved
- ☐ “Existing” facility process average timeline much longer than anticipated
- ☐ Program allows for extension requests



## 2. Submittal Timelines for Existing Sources



## 2. Submittal Timelines for Existing Sources

Document	RA Level	Current	Proposed	Timeline
Risk Assessment Workplan (RAWP)	L3	60 days after MP	No Change	No Change
	L4		90 days after MP	Increase
Risk Assessment (RA)	L1 or L2	60 days after MP	30 days after MP	Decrease
	L3 or L4	120 or 150 days after RAWP	30 days after RAWP	Decrease
Risk Reduction Plan (RRP)	Any	120 days after RA	45 days after RA	Decrease

[245-0030]



# Clarifying Questions?

# 3.Toxics Emissions Units (TEUs)

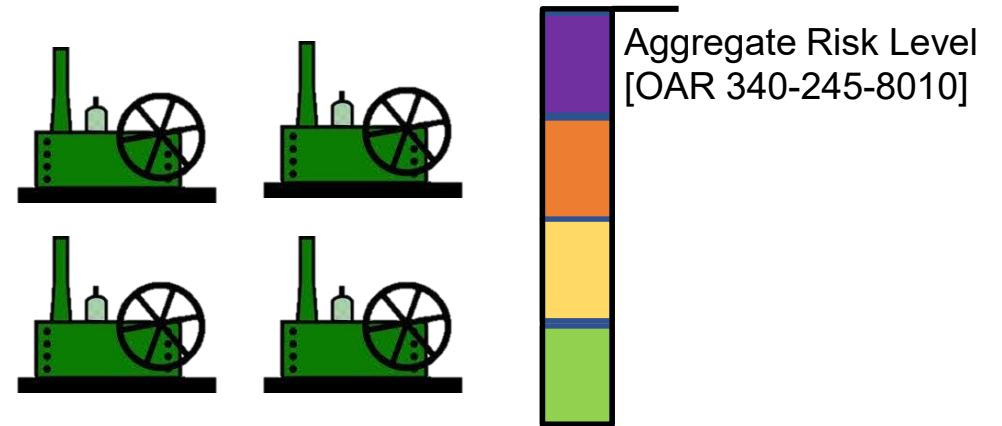
## Challenge

DEQ is considering how Exempt and Aggregated TEUs are accounted for in the risk assessment process.

Exempt



Aggregated



# 3. Toxics Emissions Units (TEUs)

Why is DEQ considering changes to risk from Exempt and Aggregated TEUs?

- ❑ Exempt: current rules may allow exemptions that are in conflict with the intent of the Cleaner Air Oregon Program
- ❑ Aggregated: currently not accounted for in the final risk calculations



# 3. Toxics Emissions Units (TEUs)

## Proposal – Exempt TEUs

- ❑ Ensure consistency with EPA regulations for “significant” HAP emissions
- ❑ Review and revise list of production activities that qualify as Exempt TEUs  
[245-0060(3)(a)(A)]
- ❑ Provide discretion to ensure significant TAC emissions are included in Risk Assessment



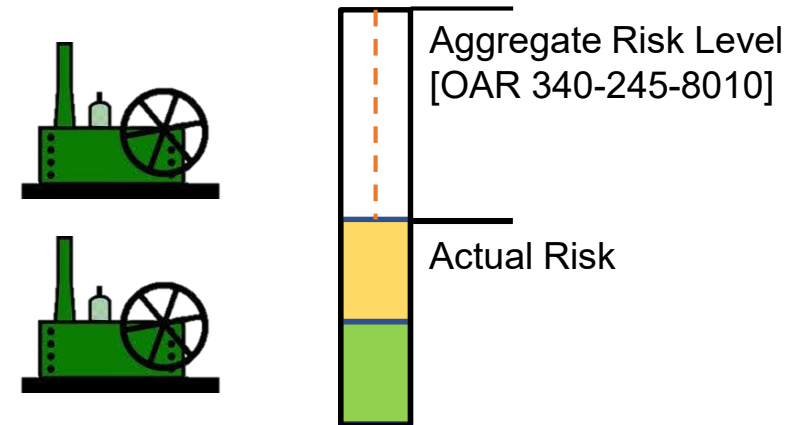
# 3.Toxics Emissions Units (TEUs)

## Proposal – Aggregated TEUs

Include Aggregated TEUs in source risk calculations - proposed changes may include:

- ☐ Update Source Risk definition and calculations to include Aggregated TEU risk  
[245-0020(54) & -0050(40)(c)]
- ☐ Allow sources to choose Aggregated TEU risk  
[245-0060(2)]

### Aggregated TEUs





# Questions?



# Break 20 minutes

# 4. Post-Permit and Major Modifications

## Challenge

DEQ is reviewing requirements for permit modifications after a CAO Toxics Air Contaminant Permit Addendum (TACPA) has been issued.

- ☐ Public Notice & Fees  
[245-0100(8)]
- ☐ Major modifications requiring New Source Review (NSR)  
[245-0500(1)(b)]





# 4. Post-Permit and Major Modifications

## Why is DEQ considering updating post-permit modification requirements?

- ❑ Current Public Notice and Fee requirements do not provide sufficient flexibility for a range of modifications
- ❑ Some major modifications may currently:
  - Be excluded from requirements; or
  - Have requirements that may be unnecessary

# 4. Post-Permit and Major Modifications

## Proposal

- ❑ Adjust the levels of Public Notice and Fee requirements for a wider range of modification types
- ❑ Major modifications requiring New Source Review (NSR):\*
  - Require all NSR modifications perform a Risk Assessment, but also allow for DEQ discretion to exempt this requirement
  - Remove deadlines for this process for existing facilities

\*includes existing facilities not yet called in to Cleaner Air Oregon



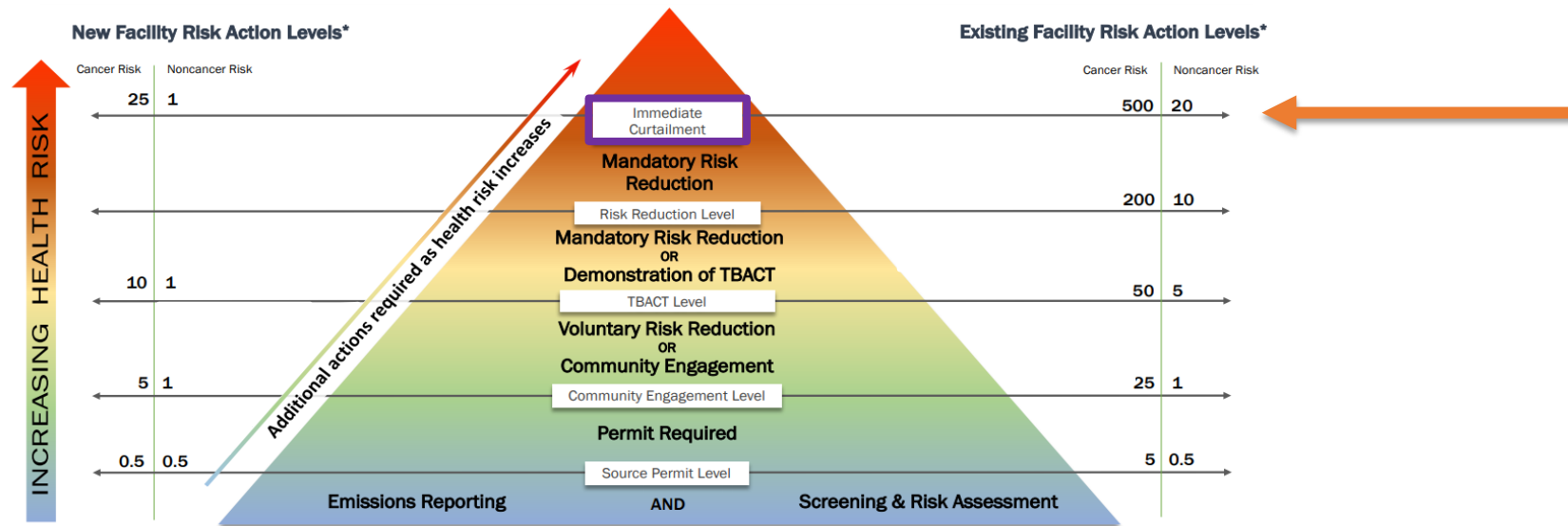


# Clarifying Questions?

# 5. Immediate Curtailment Requirements

## Challenge

Clarification for facility requirements and risk reduction procedures for facilities above the Immediate Curtailment Risk Action Level (RAL).



# 5. Immediate Curtailment Requirements

## Why is DEQ proposing to revise these requirements?

- ☐ Current rules require a report submitted to DEQ by 7 days after Risk Assessment, but do not specify required report contents [\[245-0030\(1\)\(g\)\]](#)
- ☐ There are no requirements specific to this Risk Action Level in the Risk Reduction Plan rule [\[245-0130\]](#)
- ☐ Although facilities presenting this level of risk should be rare, defined and effective rules need to be in place



# 5. Immediate Curtailment Requirements

## Proposal

- ☐ Require immediate reduction of risk to below the Immediate Curtailment Risk Action Level (RAL) [\[245-0030\(1\)\(g\)\]](#)
- ☐ Add section to Risk Reduction Rule that:
  - Provides the minimum requirements for this report
  - Allows DEQ to set interim risk levels for continuing operations [\[245-0130\]](#)



# Questions?



# Public Comment

**Provide written comment:** Please provide feedback in the Q&A chat

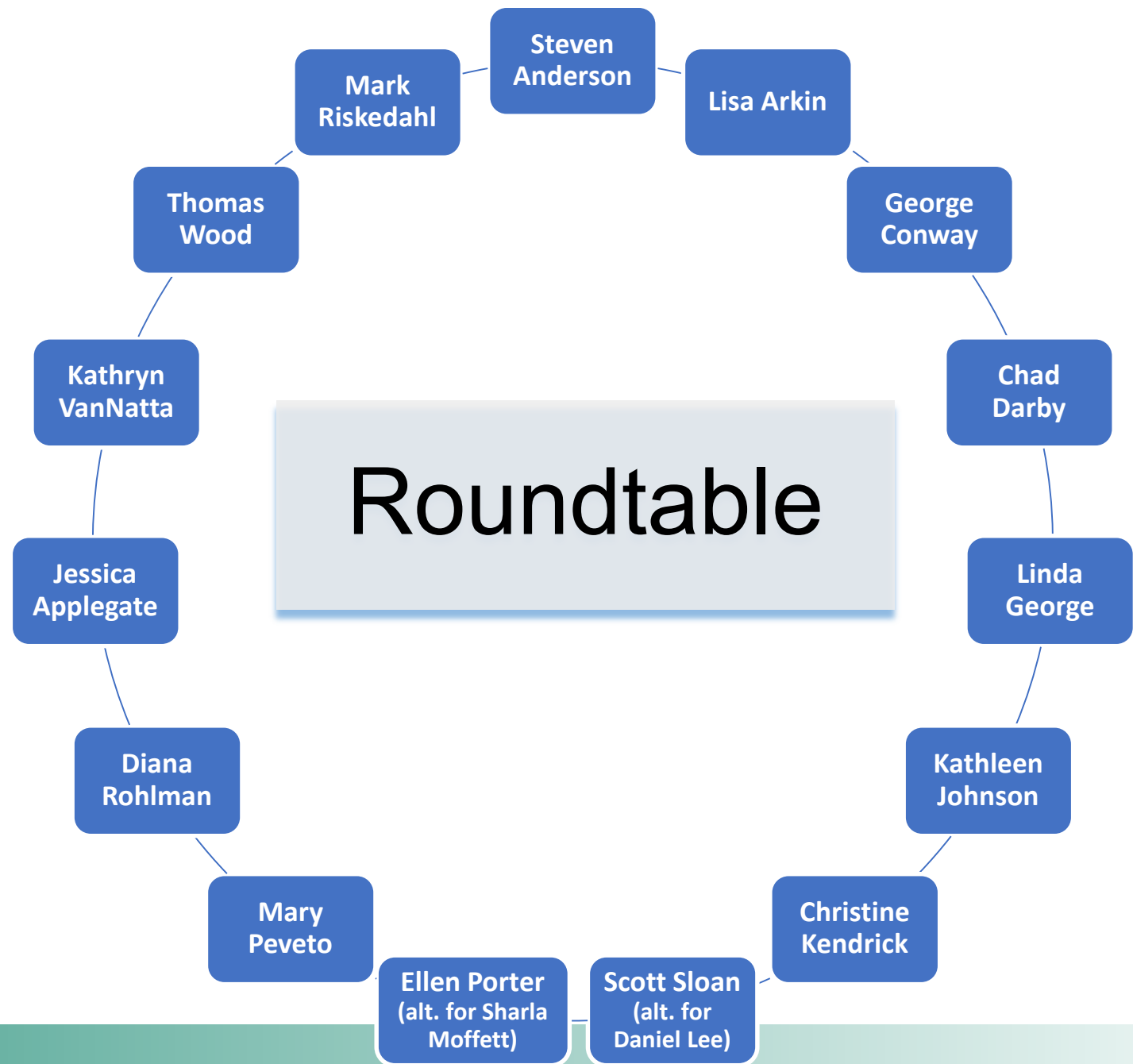
**Provide verbal comment:** Raise your hand. We will call on you by name or last 4-digits of your phone number and unmute when called on to speak





# **RAC Roundtable**

## **Donna Silverberg**



# Summary of Proposed Updates

Session One		Session Two	
1	Refine <b>authoritative source</b> list by removing sources that will be outdated and will not reflect the best available science.	6	Update “ <b>New</b> ” <b>source definition</b> to include a change in location and industry classification.
2	Make clarifications in the <b>petition process</b> rule language.	7	Update <b>submittal timelines</b> for Cleaner Air Oregon.
3	Efficiently <b>develop new TRVs</b> as appropriate during the review process.	8	Include <b>Aggregated Toxics Emissions Units (TEUs)</b> in source risk calculations. Review and revise list of production activities that qualify as <b>Exempt TEUs</b> .
4	Repurpose and rescope the <b>ATSAC</b> to allow for technical consultation.	9	Revise requirements for <b>post-permit modifications</b> and <b>major modifications</b> . Specifically, provide flexibility with Public Notice and Fees, as well as timelines.
5	TRVs become the basis of <b>ABCs</b> .	10	Refine requirements for existing sources above the <b>Immediate Curtailment Risk Action Level (RAL)</b> .





# **CAO Announcement: Community Engagement Toolkit**

Sarah Armitage

# CAO Community Engagement Toolkit

## Draft vision

*“It is Oregon DEQ’s vision that communities in Oregon affected by industrial air toxics emissions have an opportunity for meaningful, informed and timely participation that allow their views to be considered in achieving Cleaner Air Oregon’s health-based standards for air toxics.”*

## A guide and templates to help DEQ implement CAO community engagement

- Context, foundation and goals
- Focus on identifying EJ concerns and planning to meet community needs
- Incorporate EJ Task Force best practices and principles
- Use templates for systematic approaches statewide
- Evaluate outcomes and effectiveness







# CAO Toolkit Development Process

## **Build Content**

- OHA partnership
- Research on effective practices
- Track steps of CAO

## **Review and Testing**

- CAO staff
- OHA Environmental Health
- Piloting

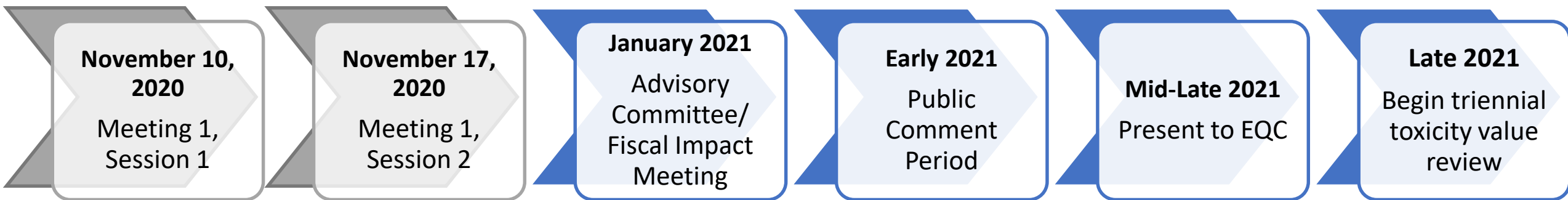
## **Public input**

- Review and incorporation of comments



# Next Steps

**Deadline for written feedback:** Friday, December 4  
**January:** Review and provide feedback on draft rules and fiscal impact statement





# Thank you for attending!

**More info:**

[ORDEQ.org/AirToxics2021](https://ORDEQ.org/AirToxics2021)

**Contact:**

[cleanerair@deq.state.or.us](mailto:cleanerair@deq.state.or.us)

# Health-Risk Regulatory Framework

Criteria Pollutants - Title V/ACDP:  
Emissions-based [tons/year]

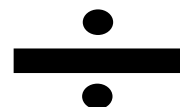
NESHAP/RTRs:  
Technology-based [Controls]

Cleaner Air Oregon :  
Health-based Risk [Cancer & HI]



# Risk Assessment Basics

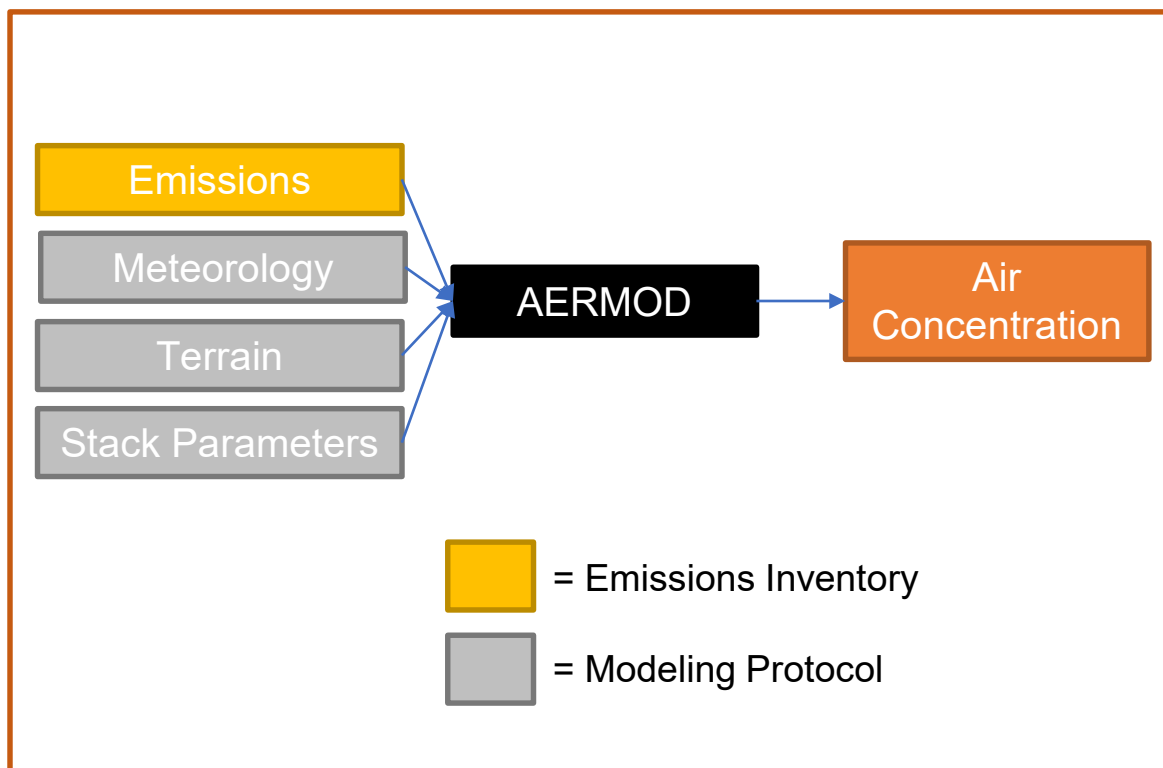
Air Concentration



Risk-Based Concentration



Risk



**OAR 340-245-8040**  
**Table 4 - Risk-Based Concentrations**

			Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC <sup>a</sup>	Non-cancer RBC <sup>a</sup>	Child Cancer RBC <sup>a</sup>	Child Non-cancer RBC <sup>a</sup>	Worker Cancer RBC <sup>a</sup>	Worker Non-cancer RBC <sup>a</sup>	Non-cancer RBC <sup>a</sup>
CAS# <sup>b</sup>	Chemical	Notes	(µg/m <sup>3</sup> )	(µg/m <sup>3</sup> )	(µg/m <sup>3</sup> )	(µg/m <sup>3</sup> )	(µg/m <sup>3</sup> )	(µg/m <sup>3</sup> )	(µg/m <sup>3</sup> )
75-07-0	Acetaldehyde		0.45	140	12	620	5.5	620	470
60-35-5	Acetamide		0.050		1.3		0.60		
67-64-1	Acetone			31,000		140,000		140,000	62,000
75-05-8	Acetonitrile			60		260		260	
107-02-8	Acrolein			0.35		1.5		1.5	6.9
79-06-1	Acrylamide	g	0.0059	6.0	0.062	26	0.12	26	
79-10-7	Acrylic acid			1.0		4.4		4.4	6,000
107-13-1	Acrylonitrile		0.015	5.0	0.38	22	0.18	22	220
309-00-2	Aldrin		0.00020		0.0053		0.0024		