



Summary of Updates to Proposed Rule Language

Cleaner Air Oregon and Air Toxics Alignment and Updates 2021

The tables below summarize all revisions to the proposed rule language since DEQ’s evaluation of rules advisory committee feedback and internal review following the February committee meeting. While DEQ will consider and welcomes all feedback from committee members, it is not our intent to make any substantive updates to the rule language between now and the public comment period. These proposals and rule language has been provided to support committee members in evaluating the fiscal impacts of the proposed rules.

Revised Proposals for Division 245: Cleaner Air Oregon			
Rule Location	Original Proposal	Updated Proposal	Rationale
Statutory/Other Authority & Statutes/Other Implemented			
Throughout	Include updated statutes	Added 468A.135 (statutory authority for LRAPA)	Housekeeping
[-0020]: Definitions			
(33)	Include relocation criteria in new source definition	Include relocation criteria in new source definition, exclude portable sources.	Clarification to ensure that portable sources relocating are not determined to be new sources after each relocation.
[-0030]: Submittal and Payment Deadlines			
(1)(d)(ii)*	Reduce Level 3 Risk Assessment submittal deadline from 120 days to 60 days	Revert to original language – 120 days	DEQ carefully considered comments from RAC members and has concluded that DEQ should process more existing source Risk Assessments before making these changes.
(1)(d)(iii)**	Reduce Level 4 Risk Assessment submittal deadline from 150 to 120 days	Revert to original language – 150 days	
(1)(d)(iv)	N/A	Provides expedited RA submittal timeline for sources with anticipated risk greater than the Immediate Curtailment Level.	DEQ refined the expedited Risk Assessment timelines to only include existing sources with the highest risk, rather than all sources.
[-0040]: Emissions Inventory			
(4)(a)(B)(i)(II)&(III)	N/A	Point to rule language under -00110(2)	Housekeeping/Consistency with revised language under (4)(b)(B)(i)(II)&(III)
(4)(b)(B)(i)(II)&(III)	Clarify reporting requirements for all sources	Maintain this change, but reword to point to rule language under -00110(2)	Clarification to confirm flexibility for setting Source Risk Limits.
[-0050]: Risk Assessment Procedures			
(1)(b)	Revise language to include all NSR types, but remove	Require only emissions inventories for all NSR	Clarification to remove uncertainty in requirements under this proposed change.

	requirement for performing a risk assessment	types. Reword section for clarity.	
(1)(c)(B)(iii)	Add language to clarify that permit conditions limiting risk must not exceed Source Risk Limits during monitoring period	Remove previous language, and add “only” to allow regulation of TEUs not being monitored.	Clarification to ensure appropriate regulation of risk.
[-0060]: Toxic Emissions Units			
(3)(b)	The previous rule reference has been replaced by a list of activities that qualify as Exempt TEUs	Revised the curated list of exempt TEUs.	Greater flexibility for sources completing risk assessments.

* Currently in rule under [OAR 340-245-0030(1)(e)]

** Currently in rule under [OAR 340-245-0030(1)(f)]

Revised Proposals for Division 246: Oregon State Toxic Air Contaminants Program			
Rule Location	Original Proposal	Revised Proposal	Rationale
[-0010]: Policy and Purpose			
(1)	N/A	Remove reference to EPA’s Urban Air Toxics Strategy	Housekeeping
(1)	N/A	Add Safety Net purpose to purpose statement of division 246; Move “Include intent...” to rationale, changing include to “indicating intent...”	DEQ intends to develop Safety Net Rules in the future. However, that effort is outside of the scope of this current rulemaking.
[-0190 through -0230]: Air Toxics Safety Net Program			
-0190 through -0230	Remove Safety Net Program rules.	Removed Safety Net Program, but reserve Safety Net Program rule numbers for future development	DEQ intends to develop Safety Net Rules in the future. However, that effort is outside of the scope of this current rulemaking.

Revised Proposals for Division 247: Health Risk-Based Air Quality Standards for Toxic Air Contaminants			
Rule Location	Original Proposal	Updated Proposal	Rationale
Statutory/Other Authority & Statutes/Other Implemented			
Throughout	N/A	Added 468A.135 (statutory authority for LRAPA)	Housekeeping
[-0040]: Process for Updating the Lists of Priority Toxic Air Contaminants and Toxicity Reference Values			
(4)(g)	N/A	Include petition requirements “add, remove, or revise”	Consistency with language under (4)
[-0050]: Air Toxics Science Advisory Committee			
(3)	ATSAC Membership: Update list of expertise to reflect the specializations sought for the TRV review.	Add sub-specializations for additional consideration for ATSAC members.	Addresses RAC member comments about the importance of certain specializations for representation on the ATSAC.
(6)	ATSAC Deliberations: DEQ staff will report on ATSAC’s recommendations to the Environmental Quality Commission	Include that DEQ will report minority, majority, and consensus opinions to the EQC.	A record of these opinions can help summarize and communicate ATSAC deliberations.
[-8010] Table 1: Toxic Air Contaminant Priority List			
	Polychlorinated dibenzo-p-dioxins (PCDDs) & dibenzofurans (PCDFs) TEQ’ - SEQID/CASRN# 401	Corrected SEQID/CASRN# to 646	Correction/Housekeeping

Revised Proposals for Rule Changes in Other Air Quality Divisions		
Rule Location	Proposed Change	Rationale
Division 216		
0090(2)	Update references to tables	Housekeeping
Division 218		
0020(5)	Update references to tables	Housekeeping
0110(5)	Update references to tables	Housekeeping

Supplementary Resources

The rulemaking [web page](#) includes supplementary resources. Please refer to this page for the latest version of the meeting agenda.

Staff Report

- [2018 Cleaner Air Oregon Staff Report](#) (includes 2018 fiscal impact statement)

Proposed Rules

The links below include copies of the proposed rules provided to the Rules Advisory Committee in January 2021.

- [Division 245 Proposed Rules](#)
- [Division 245 Tables](#)
- [Division 246 and 247 Proposed Rules](#)

Committee Member Feedback on the Proposed Rules

- [Written comments received](#) (March 2021)

Fiscal Impact Statement

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules. DEQ is seeking input from the committee on:

- 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.

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.