

Hardship Review and Determinations

Cleaner Air Oregon

REFORMING OREGON'S INDUSTRIAL AIR QUALITY REGULATIONS

Inviting Oregonians to help create new regulations that protect what we all care about: the health of our people and our planet, and the economic vitality of our communities.

August 29th and 30th, 2017

Outcomes of risk assessments

Risk assessment shows risk below Risk Action Levels?

- De minimis (no action needed)
- Below Risk Action Levels but above de minimis (permit/reporting only)

Risk assessment shows risk above Risk Action Levels?

- Risk Reduction Plan
- Conditional Risk Level
- New proposed category- Conditional Risk Level, subject to final hardship review

Overview

- Some sources required to reduce risk may not have the financial capacity to remain viable if the reductions are taken/controls installed.
- These sources could request a Conditional Risk Level which allows for a delay or postponement of risk reductions.
- Sources must submit certified financial information showing hardship - inability to pay.
- Provisions in ORS 468A.075

How is ability to pay assessed?

- Applicant must submit financial information and federal tax returns to DEQ on a confidential basis using the DEQ forms
- DEQ may use EPA's ABEL, INDIPAY or MUNIPAY models to evaluate the source's financial hardship.
- DEQ will consider cost of full or partial risk reductions

Process and considerations

Considerations for approval of a Conditional Risk Level with delay/postponement of risk reduction:

- Controls that are required and cost
- Current risk posed by facility
- Community characteristics adjacent to facility
- Community engagement/input
- Other facility or community specific considerations (availability of grants/loans, etc.)
- Owner's ability to pay (in whole or in part)

Decisions that can be made

- DEQ director, in consultation with OHA, and other local/state/federal authorities, would approve or deny a postponement for risk reduction after a public process.
- Decision could involve a postponement of risk reduction requirements in whole or in part.
- If approved in whole or in part, decision would include requirements for periodic review (to evaluate whether a postponement is still justified) every 5 years.

RAC Discussion/ Questions

