

Public Comments for Cleaner Air Oregon Advisory Committee

A member of the public requested that the attached information be distributed to the Cleaner Air Oregon Committee members. The Oregon Department of Environmental Quality (DEQ) is providing this information as a service only, on behalf of that member of the public. The State of Oregon, DEQ, and the Oregon Health Authority take no position regarding this information, we neither endorse it nor oppose it. At this time, DEQ does not intend to submit the attached documents as a part of the rulemaking packet.

Received	Commenter	Subject
Oct. 14, 2016	League of Women Voters of Oregon	Overall Scope of Regulatory Advisory Committee
Oct. 14, 2016	League of Women Voters of Oregon	Comments on Applicability and Pollutant Scope and Setting Concentration Levels
Nov. 14, 2016	League of Women Voters of Oregon	Comments on CAO Cumulative Risks and Background, Oct. 12 Issue Papers
Nov. 18, 2016	League of Women Voters of Oregon	Public Input to the Cleaner Air Oregon Advisory Committee
Nov. 22, 2016	Greg Thelen	Public Comment to the Cleaner Air Oregon Advisory Committee
Dec. 1, 2016	Angie Tomlinson	Green Village Station
Dec. 1, 2016	Melanie Elliott	Emission Inventory Letter
Dec. 8, 2016	League of Women Voters of Oregon	Comments for Cleaner Air Oregon meeting on Dec. 8, 2016
Dec. 11, 2016	Ata Saedi	Air Quality Concerns
Dec. 12, 2016	Gary Follose	Work With Businesses
Dec. 14, 2016	Marilyn Koenitzer	Meeting Venue Change
Dec. 20, 2016	Greg Bourget	Facilities Storing Criteria Chemicals Without ACDP
Dec. 20, 2016	Seth Woolley	Re: Facilities Storing Criteria Chemicals Without ACDP
Dec. 23, 2016	Seth Woolley	Re: Facilities Storing Criteria Chemicals Without ACDP
Dec. 23, 2016	Greg Bourget	Re: Facilities Storing Criteria Chemicals Without ACDP
Jan. 5, 2017	Brent Way	Work with Businesses

Jan. 5, 2017	Ted Bennett	Work with Businesses
Jan. 5, 2017	Todd Payne	Work with Businesses
Feb. 2, 2017	Greg Thelen	Comments for CAO Citizen's Advisory Committee
Feb. 7, 2017	Roseburg Forest Products	Feb. 2, 2017 Comments
Feb. 7, 2017	Roseburg Forest Products	Signature Document
Feb. 27, 2017	Association of Oregon Counties, League of Oregon Cities, Oregon Refuse & Recycling Association	Cleaner Air Oregon Data Request for Permit Number Letter Dated November 28, 2016
March 15, 2017	Seneca	Signature Document
March 22, 2017	Seneca	Signature Document
March 30, 2017	Meg Ruby	Public Input to the Cleaner Air Oregon Advisory Committee
April 2, 2017	League of Women Voters of Oregon	Comments on Draft Proposed Framework for CAO Health-Risk Based Permitting Program
April 4, 2017	Greg Thelen	Text of comments made during the public comment period to the CAO Citizen's Advisory Committee 4/4/17
April 13, 2017	Cindy Young	Public Input to the Cleaner Air Oregon Advisory Committee
April 15, 2017	Carroll Johnston	Follow-up Comments on the 4/4/17 Cleaner Air Oregon Advisory Committee Meeting
April 17, 2017	Alyson Castonguay	Public Input to the Cleaner Air Oregon Advisory Committee
April 21, 2017	Freres Lumber	Concerns with the Cleaner Air Oregon Rulemaking
April 21, 2017	Trihydro	CAO Air Toxics Framework – South Coast AQMD Rule 1401/1402 An Air Practitioners Perspective
April 21, 2017	Heather Oak	Concerns with the Cleaner Air Oregon Rulemaking
April 24, 2017	Billboard Lumber	Concerns with the Cleaner Air Oregon Rulemaking
April 24, 2017	Nordic Veneer	Concerns with the Cleaner Air Oregon Rulemaking
April 24, 2017	Koontz Machine and Welding	Concerns with the Cleaner Air Oregon Rulemaking

April 25, 2017	Rogue Mechanical Insulation	Concerns with the Cleaner Air Oregon Rulemaking
April 26, 2017	Cornerstone Enterprises	Concerns with the Cleaner Air Oregon Rulemaking
April 26, 2017	Specialty Polymers	Concerns with the Cleaner Air Oregon Rulemaking
April 26, 2017	Sustainable and Renewable Oils	Concerns with the Cleaner Air Oregon Rulemaking
April 28, 2017	Imperial Forestry	Concerns with the Cleaner Air Oregon Rulemaking
April 28, 2017	Sprout Forestry	Concerns with the Cleaner Air Oregon Rulemaking
May 15, 2017	Integral Consulting	Technical Comments and Questions – Framework for Cleaner Air Oregon
June 20, 2017	Greg Thelen	Public Comment to the Cleaner Air Oregon Advisory Committee
June 20, 2017	Ron Davis	Concerns with the Cleaner Air Oregon Rulemaking
July 28, 2017	Julie Reardon	Concerns with the Cleaner Air Oregon Rulemaking
July 28, 2017	Marisol Ceballos	Make Public Meetings More Accessible
Aug. 28, 2017	Angel Crowley-Koch	Concerns and Suggestions They Would Like Addressed
Aug. 29, 2017	Dana Visse	In Favor of a Health-Based Regulatory System
Aug. 29, 2017	Gregory Sotir	Close the Loopholes in the Proposed Rules
Aug. 29, 2017	Keith Iding	Protecting Public Health Should be the Number One Priority
Aug. 29, 2017	Marisol Cabellos	Cleaner Air Oregon Needs to Protect Public Health Over Corporate Profits
Aug. 29, 2017	Vivian Christensen	In Favor of a Health-Based Regulatory System
Aug. 30, 2017	Julie Reardon	Proposed Rules Aren't Protective Enough
Aug. 30, 2017	Laura Berg	Consider Alternatives to Conditional Risk Levels
Sept. 8, 2017	Bison Engineering	CAO Discussion Draft Rule Comments



LEAGUE OF WOMEN VOTERS®
OF OREGON

October 14, 2016

To: Cleaner Air Oregon Regulatory Reform Advisory Committee
Oregon Department of Environmental Quality
811 SW 6th Avenue
Portland, OR 97204

Subject: Overall Scope of Regulatory Advisory Committee

The League of Women Voters of Oregon (LWVOR) is a non-partisan political organization that encourages informed citizen participation in government. LWVOR first studied Air Quality in the 1960s and adopted its position on the issue in 1968. LWVOR supports regulation and reduction of pollution from stationary sources and from ambient toxic-air pollutants. We support the right of states to set more stringent standards than the federal government.

First, we would like to thank the Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA) for their exemplary effort to organize and support the Cleaner Air Oregon (CAO) initiative. Achieving stronger health-based air quality standards for Oregon is long overdue.

We realize that Oregon has gaps in regulatory requirements for toxics emissions where effects of industrial pollution are not adequately evaluated, controlled or enforced. These gaps occur throughout Oregon for air toxics that cause both cancer and non-cancer illnesses. These gaps will surely be addressed when the DEQ and OHA regulate based on health-based standards.

LWVOR believes Oregon should adopt more stringent standards. Oregon is behind other states that have adopted more stringent air quality standards than the Environmental Protection Agency (EPA). All industrial regulations should take into account synergistic effects and cumulative risks to health.

LWVOR also believes that instead of just reporting greenhouse gases, decreasing them will help to decrease PM2.5 and criteria pollutants, and further enable us to join our western neighbors in fighting climate change. Oregon is at a point where we can choose the best regulatory system possible and say we are going to achieve it. Let's make that choice.

LWVOR reminds the Regulatory Advisory Committee of CAO's definition for Air Toxics. It includes non-cancer illness and is not limited to the EPA's Hazardous Air Pollutants list:

Air toxics

*Air pollutants known to cause or suspected of causing cancer or other serious health problems. Health concerns could be associated with both short-and long-term exposures to these pollutants. Many are known to have respiratory, neurological, immune, or reproductive effects, particularly for more susceptible or sensitive populations such as children. Air toxics include, **but are not limited to**, Hazardous Air Pollutants as defined by U.S. EPA.*

LWVOR believes new Air Quality Regulations should

1. Be open and transparent in decision-making

2. Include Environmental Justice considerations for permit renewals and new sources near vulnerable populations.
3. Mandate ambient air monitoring paid for by industry in areas of concern to neighbors
4. Include into the new regulations all Oregon businesses that emit pollutants
5. Include accurate, multimedia data collection of pollutant emissions
6. Adopt more strict rules than EPA to protect the health of all Oregonians
7. Adopt elements of successful programs or whole programs from other states that protect health
8. Adopt flexible and iterative rulemaking toward protection of residents' health
9. Promote ways to integrate new high quality independent science findings into permits in a timely manner
10. Accommodate new air monitoring technologies and pollution control equipment
11. Mandate an easily accessible online database with accurate permit and emissions data
12. Require more exacting emissions data based on materials balancing from polluters, instead of current self-reporting requirements.
13. Strengthen requirements for pollution prevention and implement Oregon's Toxics Use and Hazardous Waste Reduction Act of 1989 planning as a way to eliminate unnecessary air pollutants and move industries toward green chemistry
14. Include administrative and enforcement regulations with teeth, including no-notice inspections.

The Technical Advisory workgroups provided many excellent ideas to inform the process. We believe the programs of Louisville, KY, South Coast California, and New York State provide excellent guidance for a program in Oregon.

Attached we have provided Comments related to questions posed to the Regulatory Advisory Committee for the October 18, 2016 meeting.

We thank you for considering these concerns and our program comments.

Sincerely,



Norman Turrill
President

Marilyn Koenitzer
Natural Resources, Air Quality Portfolio

Cc: Richard Whitman, Interim Department of Environmental Quality Director
Margaret Oliphant, Air Quality Division Manager
Lauri Aunan, Governor's Natural Resources Policy Advisor
Gabiella Goldfarb, Oregon Health Authority Section Manager Environmental Public Health

Attachment: Comments



Date: October 14, 2016

To: Cleaner Air Oregon Regulatory Reform Advisory Committee

From: League of Women Voters of Oregon

Subject: Comments on Applicability and Pollutant Scope and Setting Concentration Levels

October 18, 2016 Comments—Application

Program Element 1: Include existing sources in program, or not?

LWVOR believes that existing sources should be included in the program. Washington State air quality experts regret that they did not include existing sources in their new program. Existing sources emit many tons of pollutants that should come under new regulations with better reporting and enforcement.

Potential Element C: Regulate new/modified/existing sources and provide incentives to reduce air toxic emissions, is the most protective and progressive element. Otherwise, Potential Element B: Regulate new, modified and existing sources, is acceptable.

You could include a provision to examine existing businesses through an Environmental Justice (EJ) lens. If that lens shows an EJ concern, it would trigger prompt review of existing permits. Otherwise, existing facilities would come under the new regulations as their permits come up for renewal. Including them in the program addresses the mission of this program: to protect the public's health.

Program Element 2: Regulating pieces of equipment in a facility versus regulating the whole facility.

LWVOR believes Potential Element D: Any combination of the above elements should be included in the program.

The Technical Advisory Workgroup input is excellent. It shows that existing and new facilities are best regulated as a whole unit. Facilities should be regulated with Pollution Prevention programs such as the one advocated by Marjorie MartzEmerson, CAO Technical Advisory Workgroup member, of Pacific Northwest Pollution Prevention Resource Center. Another program is Oregon's Toxics Use and Hazardous Waste Reduction Act of 1989.

Both programs can recommend substitution of less toxic substances and different ways to treat fugitive emissions. This includes fugitive emissions that are not controlled by pollution reduction equipment, emissions to ground, surface and Point of the Waste (POTW) systems and on-site transportation (e.g., delivery trucks, loading and unloading, generators, etc.). One simple method to reduce fugitives is good housekeeping. The end result must be no adverse health effects from existing or new sources.



The regulation must also use pollution control equipment to lessen emissions for both existing and new sources. Placement and configuration of stacks on site is also very important to lessen ambient impacts on surrounding properties.

Regulating the whole facility should focus attention on and take into account the cumulative and synergistic effects of facility-wide pollutants.

Program Element 3: Categorical exemptions

LWVOR believes the program should adopt Potential Element B: Categorical exemptions with on ramps back into the regulatory program for extenuating or significant circumstances.

DEQ and OHA should examine the current categorical exemptions for criteria pollutants to see if levels are set to avoid cumulative risk, and examine potential risks for categorical exemptions for air toxics as well.

October 18, 2016 Comments—Pollutant Scope and Setting Concentration Levels

Program Element 4: What air toxics should be included in the program?

LWVOR believes the Regulatory Advisory Committee should use the most conservative approach to regulating emissions. Rather than developing your own standards, the most cost effective, efficient and health protective action would be to adopt air toxics lists from other states you have studied. Potential Element D recommends New York State with the most comprehensive list. Potential Element G recommends the South Coast CA program as also inclusive.

Once established, the manner of inclusions should be flexible so that new compounds can easily be added as they are developed by the chemical industry.

Currently, DEQ does not verify the annual emissions reports of permitted facilities, so there are gaps in the Oregon point source air toxics emissions inventory.

The program should give special consideration to criteria pollutants because they can be harmful to health. The CAO Memo for the questions to be answered in this section, in the Clean Air Act box on page 3 talks about criteria pollutants: “. . . presumably, criteria pollutants are more ubiquitous, pose a risk to a larger fraction of the general population, and have more widespread impacts on ecosystems and natural resources than HAPs.”

Literature from the Environmental Protection Agency (EPA), the American Lung Association (ALA), and the World Health Organization (WHO) all states that criteria pollutant PM^{2.5} is dangerous to health. From WHO, “Small particulate pollution has health impacts even at very low concentrations—indeed no threshold has been identified below which no damage to health is observed.”

California has set the ambient air standard for respirable particulate matter (PM¹⁰) at 50 µg/m³ for a 24-hour averaging time, while Oregon’s standard is 150 µg/m³ for the same time period. Oregon should be concerned about all PM, not just diesel particulate, and follow California’s lead for a more protective standard. Many of California’s ambient air quality standards are more



restrictive than Oregon's, which are based on national standards. Carbon monoxide, nitrogen dioxide, and sulfur dioxide are significantly more restricted in California. These are emitted by most major facilities in Oregon. According to the California Air Resources Board's Ambient Air Quality Standards, dated 5/4/16, visibility-reducing particles have no national standards, but are regulated by California. The Willamette Valley has the potential for serious inversions, like the Los Angeles basin. Oregon should regulate the visibility-reducing particles in both urban and Class 1 air sheds.

Program Element 5: Method for setting health risk-based concentrations (RBC's)

LWVOR believes rather than developing your own standards, the most cost-effective, efficient and health-protective action would be to adopt RBC's from other states you have studied. New York State has the most comprehensive list.

LWVOR agrees with comments from the Technical Advisory Workgroup that, "Toxicity values should be based on the best science available from a well-respected authoritative body. Several agencies are listed." Some of them are: "the International Agency for Research on Cancer, the California Office of Environmental Health Hazard Assessment, and the California Department of Toxic Substances Control." The Technical Advisory Workgroup also recommended using several resources such as "flexibility, consideration of the latest science, a hybrid approach for new chemicals, surrogate analysis, and don't limit yourself to peer-reviewed literature, as it is written by the industry."

Four Potential Elements are effective: D: Use of other program's values. If you choose not to use another program's values, then the following are good Elements: E: Establish hybrid approach that can use combinations of methods listed above depending on the situation for individual air toxics. F: Incorporate cross-media impact potential into the risk-based air concentration goal itself, and G: Account for cumulative risk from multiple air toxics by setting very low acceptable risk level for individual air toxics to leave estimated buffer for cumulative effect.

Program Element 6: Default toxicity values

LWVOR believes this is another case where adoption of another state's toxicity values could be the most cost-effective, efficient and health-protective action. California has a very strong default toxicity program. If you choose not to do so then we offer the following discussion.

LWVOR believes the Technical Workgroup input should be the basis of setting default toxicity values. Oregon should use a combination of methods to determine toxicity value before using a default RBC. One is to use surrogates for structurally similar air toxics or extrapolating an RBC from ingestion toxicity, or if possible put the burden on the industry to determine a risk level for that chemical.

"Technical workgroup members favored programs that have more than one default RBC that can be applied depending on whether there is basic information about whether a toxic air pollutant has "high," "medium," or "low" toxicity or whether or not an air toxic is likely to be carcinogenic. Only if these methods fail should a default RBC be set."



Potential Element A: Do not use default toxicity values—should be used only after the other choices including surrogates have been exhausted. Potential Elements B and C should be used with E, which should contain the suggestion, “read-across,” or surrogate. Potential Element E could also contain Use of other program’s values.

Program Element 7: Risk based concentration averaging times

LWVOR believes that the most effective and useful numbers to use may be Potential Elements A: chronic-annual, B: chronic 8-hour and D: acute 24-hour. The acute 24-hour averaging time reflects a more unhealthy exposure than shorter acute choices.

The Ambient Air Quality Standards of the California Air Resources Board, dated 5/4/16, has varying averaging times, depending on the pollutant. These times are 1,8, 24-hour and annual arithmetic mean. The listed pollutants are ozone, respirable PM10, fine PM2.5, carbon monoxide, nitrogen dioxide, sulfur dioxide, visibility reducing particles, sulfates, hydrogen sulfide and vinyl chloride. Some of these standards are the same as federal standards, and some are significantly lower. The California standard for lead is different: a 30-day average. California standards should be considered for those ambient air pollutants that are most present in Oregon.



LEAGUE OF WOMEN VOTERS®
OF OREGON

November 14, 2016

To: Cleaner Air Oregon (CAO) Regulatory Reform Advisory Committee
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600, Portland, OR 97203
cleanerair@deq.state.or.us

Subject: Comments on CAO Cumulative Risks and Background, Oct. 12 Issue Papers

The League of Women Voters of Oregon (LWVOR) is a non-partisan political organization that encourages informed citizen participation in government. Air Quality was first studied by the national League in the 1960s, and LWVOR adopted positions on the issue in 1968. LWVOR supports regulation and reduction of pollution from stationary sources and from ambient toxic-air pollutants. We support the right of states to set more stringent standards than the federal government.

LWVOR is pleased that this regulatory overhaul is underway. It was envisioned by the Governor as a fix for inadequate air quality regulations that have endangered the health of Oregonians. We expect that DEQ and OHA will guide you to address all issues brought up by the Technical Workgroup. We thank you for your dedication to this important work for Oregon.

Your October 18 meeting discussion concentrated mainly on only two of the seven “Potential Elements” that were included for discussion in the Pollutant Scope issue paper. At issue was a choice between Oregon’s existing 52 ambient Benchmark toxic pollutants (Element A) or EPA’s list of Hazardous Air Pollutants (Element B). LWVOR hopes that you have not ended that discussion, and will take it up again in November. We find that neither of these choices is expansive enough. We included in our cover letter to you for the October meeting, an excerpt from CAO’s own definition of Air Toxics, which states, “Air toxics include, but are not limited to, Hazardous Air Pollutants as defined by U.S. EPA.” As we said in our previous cover letter, the Technical Advisory workgroup provided many excellent ideas to inform the process. We believe the programs of Louisville, KY; South Coast California; and New York State provide excellent guidance for a program in Oregon. We still believe you should adopt one of those programs’ inclusive and flexible lists of toxics.

The subjects of this month’s discussion are very important to the health of “receptors,” those people who are at risk because they have to breathe the emissions. You will decide acceptable levels of cumulative risk from multiple pathways of exposure and set initial screening levels for allowable cancer and non-cancer risks. Environmental justice issues figure largely into the discussion elements for these two issue papers. LWVOR finds that in addition to the three programs listed above, Rhode Island also has a robust program to

protect receptors, especially in cases where small and large existing industries pollute into residential areas. LWVOR believes that Oregon has the obligation to enact the most stringent pollution controls.

We have attached very specific comments related to information from the Technical Committee. We ask that you consider our comments as you continue to move forward on behalf of clean air for all Oregonians.

Sincerely

Handwritten signatures of Norman Turrill and Marilyn T. Koenitzer.

Norman Turrill
President

Marilyn Koenitzer
Natural Resources, Air Quality Portfolio

Attachment: Comments on Cumulative Risks and Background (5 pages)

Cc: Richard Whitman, Interim Department of Environmental Quality Director
Margaret Oliphant, Air Quality Division Manager
Lauri Aunan, Governor's Natural Resources Policy Advisor
Gabriella Goldfarb, Oregon Health Authority Section Manager Environmental Public Health

Date: 17 November 2016
To: Cleaner Air Oregon Regulatory Reform Advisory Committee, Oregon Health Authority and Department of Environmental Quality
From: League of Women Voters of Oregon
Subject: Comments on Cumulative Risks and Background, Nov. 17, 2016 meeting

Program Element 8: Introduction

Background on cumulative risks and background

LWVOR believes a tiered health-based approach is effective. We agree that Oregon should take into account cumulative risk to neighborhoods from any or all permitted facilities within an area. The OHA and DEQ October 12, 2016 Memo Issue paper discusses background air toxics risks, toxics from other sources, cross-media exposure pathways and past exposure. These are discussed in Elements 9,10, 11 and 12. We believe that each of these segments has a place in the new Air Quality regulations. Each permit request can and should be evaluated with an environmental assessment through a tiered system, including environmental justice screening, background, cross-media exposure pathways, and past exposure. Oregon has the obligation to enact the most stringent pollution controls to protect public health.

Summary of Environmental Justice Task Force and Individual Member Input on Cumulative Risk

LWVOR believes the recommendations in the sections on environmental justice are important and should be implemented. "Because of historic land use and socioeconomic patterns, some programs assume that any area near a permitted industrial facility will have environmental justice concerns." Page 6 of the Memo.

We differ, however, on the suggestion to scrap the EJ Screen in place of community driven demographic overlays. EJ Screen can be used as a starting point, since it is free, and can be modified if necessary with up to date demographic neighborhood data.

Program Element 8: Cumulative risk from multiple air toxics from a single facility

LWVOR believes that it is necessary to protect the health of Oregonians by assessing, including, and taking action to reduce cumulative risk from multiple air toxics from a single facility. These actions are especially necessary where industrial facilities are located in areas with environmental justice concerns. Air toxics include cancer-causing chemicals and non-cancer-causing pollutants that adversely affect specific organs. Whatever course of action Oregon takes, it should err on the conservative side to protect sensitive populations. Some programs sum all cancer causing and all non-cancer causing pollutants, others require modeling. Both actions may be necessary to ascertain effects on local populations.

Oregon Information

LWVOR is concerned that the existing Oregon regulations rely too heavily on EPA's federal industrial technology and risk-based standards (National Emission Standards for Hazardous Air Pollutants or NESHAPs) because of regulations that exempt companies from using pollution control equipment for various reasons. These standards are set to reduce emissions based on the top 12% of best performing sources, based on MACT and GACT standards. This means companies requiring new permits should be able to be compared to others of its kind. We have seen gaps with this approach. In Portland, smaller glass companies were not regulated. We have seen two large facilities that requested to increase emissions were not able to use MACT because of their unique industrial processes. They had no companies to compare against and had no available, reasonably priced pollution control equipment. In these types of cases especially, where industries are unique to

Oregon or the U.S. for that matter, the Environmental Justice Screen should be applied, and if its scores are high, and no pollution control equipment is available or cost-effective, then the permit should not allow increases in emissions, or perhaps be allowed at all. The current Oregon regulations do not address these special cases. The Oregon Air Toxics Safety Net Program could be used in these special cases but has not yet been used.

Summary of considerations for cumulative risk from multiple air toxics from a single source

LWVOR agrees with the information gathered in this section.

Potential elements for cumulative risk from multiple air toxics from a single source

LWVOR wants to note that for de minimus emission rates, some sources emit more than de minimus amounts of a single chemical through many stacks that each emit less than the de minimus amount. This can cause a significant emission rate (SER), since none of the stacks are controlled with BACT. This seems to be an omission in the regulations or a practice that should be eliminated.

Potential Elements:

We believe Oregon should include Potential Elements,

“A. Sum the individual cancer risks for multiple air toxics from a single source to estimate cumulative cancer risk;” and

”B. Sum the organ-specific risks for multiple non-carcinogen air toxics from a single source.”

Additionally, in areas where the background pollution is high, such as along major roads, background pollution data should be included. In areas where there is cross-media contamination such as Portland, with air and soil, and for industrial areas dealing with issues such as soil and ground water contamination from chemicals such as trichloroethylene along with air pollutants, cross-media contamination should be taken into account in residential neighborhoods. These issues are addressed later in the Memo.

Program Element 9: Cumulative risk from multiple sources within an area

Summary of Technical Workgroup input

LWVOR believes that Rhode Island; New York; Louisville, KY; South Coast, CA; and Washington show robust programs for assessing and dealing with cumulative risk from multiple sources. Only New Jersey’s program seems inadequate because they use modeling only when determining compliance with National Ambient Air Quality Standard (NAAQS). Oregon could do well to adopt programs of Rhode Island; New York; South Coast, CA; or Louisville, KY. Washington’s rule on Cumulative Impacts is confusing and should not be adopted.

LWVOR gleaned these significant facts from the Memo:

- DEQ must develop a good emissions inventory.
- Model everything within a certain distance in order to include the cumulative health risk from nearby sources.
- Individual air toxics from multiple facilities may be just under the Significant Emission Rate (SER), but when the contribution from many release points are added up the total is over the SER. DEQ and OHA could use EPA’s spreadsheet tool called Total Risk and Exposure (TRES) to add up all air toxics to see if they are below a combined threshold.

Summary of considerations for cumulative risk from multiple sources within an area

LWVOR agrees with the discussion in this section.

Potential elements for cumulative risk from multiple sources with an area

Potential Elements

These Elements seem to be lacking creative ideas. Oregon could use:

- A. Include facilities within a set distance, or
- B. Include those nearby, or
- E. Adopt Rhode Island; New York; Louisville, KY; or South Coast, CA programs, discussed in the Appendix. Washington's program is not as effective as others, as one rule causes confusion. We wonder why the other states' programs were not included in the discussion.

Program element 10: Use of Background concentrations in the Assessment of Risk Potential Elements

This section's summary is excellent. LWVOR understands the difficulty of determining the background concentrations of pollution, but we believe it still should be done. Traffic-related air toxics data is already available and can be one tool in the arsenal of remedies to protect health of Oregonians. Ambient air is high in pollutants near I-5 and other major highways. Oregon Air Quality regulations should include all or a combination of the following, depending upon the availability and cost effectiveness:

- A. Calculate background levels using National Air Toxics Assessment data
- B. Calculate background levels using monitoring data if available
- C. Calculate background levels using local model if available
- D. Calculate background levels by modeling sources within 1.5 km
- F. Provide a good chemical inventory. Use non-stationary data.

Program Element 11: Cross-media exposure pathways Summary of Technical Workgroup input

This summary is excellent. Most state and local programs OHA and DEQ reviewed (Louisville, New York, Rhode Island, and South Coast) do not account for cross-media exposure pathways until later steps in the permitting process such as a risk assessment. This may be the most effective way to get at the problem. Put the burden on the permittee, as Washington does, to document what chemicals they are using and how their chemicals will affect all aspects of the environment. Then send the resulting document to all other environmental departments in the state for review and inform about multimedia impacts.

Follow California's South Coast District's full multi-pathway risk assessment for new or existing sources. Or look at the EPA Total Risk Integrated Methodology (TRIM) model.

Utilize Pollution Prevention.

Potential elements for cross-media exposure pathways Potential Elements

- A. Include bio-accumulative, persistent chemicals
- E. Have a good emissions inventory, statewide. Use EPA's TRIM model; South Coast full multi-pathway risk assessment for new or existing; account for cross-medial exposure pathways in later steps in the permitting process; use Pollution Prevention.

Program Element 12: Past exposure to air toxics

LWVOR believes that environmental justice concerns are tied to past exposures to air toxics. If an environmental justice assessment is done for current and future downwind communities, sensitive populations can be better protected, including those who have had long exposure. Lower emission limits would have to be granted for sources located in EJ communities.

Potential Elements

- A. Acknowledge there are previous exposures that we may not technically be able to quantify
- B. Discuss past exposure to air toxics qualitatively in the uncertainty section of a risk assessment

D. Perform EJ assessments for sources within or near EJ communities, take action to curtail or lessen emissions.

Program Element 13: Setting the initial screening levels for allowable cancer and non-cancer risk

Background information in the Memo dated October 12, 2016, states, “The underlying assumption for carcinogens is that exposure to even a single molecule of a carcinogen has the potential to start the process of cancer formation, which may develop in the body years of decades after exposure,” page 3.

For EPA, less than 1 in 1 million is an allowable health risk level for cancer. One in 1 million is a common standard for a single chemical for cancer risk. The non-cancer common standard is a hazard Quotient of 1 for single chemicals. These risk levels are commonly used as initial screens to determine if further, more refined assessment is needed. In reality, pollutants are regulated by tons per year, not 1 in 1 million. No information has yet been presented as to how the 1 in 1 million standard correlates to tons per year emission rates. According to the technical workgroup, it is possible to keep pollution levels down if environmental justice studies and/or census blocks are used. At this point, we only are sure that using LAER limits the amount of pollution being emitted. All that being said, LWVOR believes these risk levels are good initial screen levels.

Potential Elements

LWVOR believes A. below is the best choice.

A. 1 in 1 million cancer risk and hazard quotient of one for non-cancer risk.

Program Element 14: Allowable risk levels

LWVOR believes that the locations of new sources should not be adjacent to or within residential or commercial areas. Instead, they should be located in heavy industrial zones, properly located. For those sources located in heavy industrial zones, Potential Element H is appropriate for them. We are pleased to see the pollution prevention plans used in this section.

Given the discussion in Element 14, taking into account the most sensitive populations encumbered by existing sources in residential neighborhoods, LWVOR believes use of LAER should be required in any residential or commercial location, and that Potential Element I is the best choice for new Oregon regulations, if I includes LAER pollution control equipment.

Potential Elements

H. Allow a non-cancer Hazard Index of 0.5 from each piece of equipment at a facility or up to a facility-wide hazard index of 5, whichever is lower. Require pollution prevention plan at some level of risk or hazard index (e.g., require a facility to perform an alternative chemical analysis to substitute less toxic chemicals).

I. Require pollution prevention plan at some level of cancer risk or hazard index (e.g., require a facility to perform an alternative chemical analysis to substitute less toxic chemicals). Use a lower allowable risk (more stringent) for sensitive populations, overburdened communities, or communities with environmental justice concerns.

Program Element 15: Different risk levels for existing and new sources

The Technical Workgroup input in the Memo stated that Washington’s program is specific to new and modified equipment only. The Memo omitted the statement that technical advisors from Washington said the omission of existing sources was a mistake; existing sources should have been included. At the July 29 Technical Workgroup meeting, participants said: Ambient air does not differentiate when a facility was built. The existing sources are where the resources need to go.

Existing sources are an extremely important part of your program.

LWVOR believes that pollution control levels should be set the same for existing and new sources.

Potential Elements

B. Oregon should not allow existing facilities higher risk than new or modified sources.

Unless there is imminent danger to a surrounding land use and nearby resident receptors (such as with the Portland glass companies), the existing use should come under new regulations at their next permit renewal date or within a certain time period, for example, within 5 years after the rules take effect. This assumes Oregon still has renewals instead of a permanent permit like SCAQMD, which we do not recommend. When existing sources come under new regulation, the whole facility should be regulated. New equipment should be controlled when it is installed. Pollution prevention is still an important part of the regulation and should be required.

We don't know where categorical exemptions come into the discussion, but the Technical Advisors said Oregon needs to have an exit ramp where you can treat a facility differently because of extenuating circumstances.

As to the setting of a standard for cancer and non-cancer risk, LWVOR believes Oregon should set the most stringent standard for both new and existing sources for protection of our current and future population. SCAQMD just revised their guidance, which now says a cancer risk study is required to look at as short a period as six months, potentially as short as two months, based on cancer risks for the third trimester. The technical advisors also said to use the best, newest scientific data from several sources, not the ones written by industry to determine risk and set limits.



**LEAGUE OF WOMEN VOTERS®
OF OREGON**

November 18, 2016

To: The Honorable Governor Kate Brown

Email to: ivo.trummer@oregon.gov

Subject: Public Input to the Cleaner Air Oregon Advisory Committee

Dear Governor Brown,

I want you to know what is going on with public input at this time for Cleaner Air Oregon meetings.

Mr. Norman Turrill, President of League of Women voters of Oregon (LWVOR), and I have submitted a total of 13 pages of testimony to the Cleaner Air Oregon Regulatory Advisory Committee. We submitted six pages of testimony for the October 18, 2016 meeting and had sent seven pages of testimony to Cleaner Air Oregon for the November 17, 2016 meeting. In October, I called DEQ to find out where to send the letter. Jill Inahara said they had not yet set up a mechanism to get letters to the 25-member committee, but that LWVOR could send the letter to her and she would take care of it. So we submitted electronic copies of both letters to Sue Langston and Jill Inahara of DEQ, Richard M. Whitman, Margaret Elephant, Lauri Aunan and Gabriela Goldfarb.

On November 16 Jill Inahara phoned me to say that the committee cannot accept testimony, except at the public comment period during each meeting. Apparently, DEQ has made a determination that if the committee accepted email (and postal service mailed letters), the committee would be overwhelmed with documents.

This policy is an imposition to the public who cannot attend the meetings. There is no guarantee that anyone on the committee reads all the materials. If, however, the material is included, it is in the record and has standing as a document of the proceedings. This kind of ruling flies in the face of Land Use Planning Goal 1, Public Participation.

Ms. Inahara still advised me to come to the meeting and submit my testimony "for the record." I hope that if I do so, it will be accepted. I am sure there will not be time for me to read the 13 pages, so I will have to summarize. It is difficult for me to attend the meeting because I have to travel from Corvallis to do so. There is no other reason for me to travel to Portland.

I have also heard that there is considerable pushback from industry regarding the regulatory overhaul of air quality regulations. If this is so, comments from both sides should be accepted and made public. DEQ has scheduled a time for public comment after the Regulatory Advisory Committee meetings are over. By that time, it may be too late for those not on the inside track to have their say for an air quality overhaul that protects the public.

Since I wrote the above, I learned that RAC members may submit testimony given to them, and one did submit the November testimony for us. This is good, but still leaves out those who want to comment but who do not know individual members.

Can you please look into this apparent shut down of public testimony to the CAO Regulatory Advisory Committee? Thank you for your help now and in the past.



Norman Turrill
President

Marilyn Koenitzer
Natural Resources, Air Quality Portfolio

CC: Richard Whitman, Interim Director of DEQ (Richard.M.Whitman@oregon.gov)
Jason Miner, Governor's Natural Resources Policy Director (jason.miner@oregon.gov)

November 22, 2016

RE: Public comment to the Cleaner Air Oregon Advisory Committee

Dear Co-chairs Dingfelder and Powers, and members of the CAO Advisory Committee,

My name is Greg Thelen. I am a Portland resident, and have lived with my family a few blocks downwind of Bullseye Glass for almost 30 years. This past spring I became keenly interested in air quality, and have since attended and listened carefully at many meetings both here and in Salem. I would like to thank the OHA and DEQ staff for taking Governor Brown's mandate for health-based regulation of industry seriously, and for acting responsibly and professionally toward the changes that we need.

I think the DEQ inviting eight top scientists and air quality engineers for four days of detailed discussions in the Technical Workgroup was a bold move. I attended every session and was constantly impressed by the depth of knowledge shared by the members. And although there was no voting or any guidance to reach consensus, I was encouraged to hear their agreement about air toxics and the basics of regulation. I heard differences in approaches to various states' regulatory processes, but none on the basic science involved.

This Advisory Committee now has the benefit of that input from the Technical Workgroup in the full report online, and also through in-person and written summaries by OHA and DEQ staff. These recommendations were made by experts in risk assessment and management for air quality, implementation, scientific research methods and pollution prevention. If you can read the full report, please do. In any case, I encourage all Committee Members to consider the offered summaries very seriously. I am certain that anyone who attended the Technical Workgroup meetings would second this recommendation.

My hearty thanks to you all for your participation in this process.

Sincerely,

Greg Thelen

From: [Angie Tomlinson](#)
To: [cleanerair](#)
Subject: Green Village Station
Date: Thursday, December 01, 2016 2:08:41 PM

To Whom it May Concern,

I would like to request that DEQ install [Green Village Stations](#) in the Portland area to support transparency between DEQ and the public. These park bench structures are solar and wind powered stations with instruments that provide minute-to-minute air measurements for ozone, particle pollution and weather conditions. EPA has installed a pilot station in Durham, North Carolina and is expanding to other communities.

Please strongly consider installing some of these low cost monitoring stations with the support of Eastside Portland Air Coalition.

Thank you,

Angie Tomlison
Eastside Portland Air Coalition Member

From: info@cleanerairoregon.org
To: info@cleanerairoregon.org
Subject: New submission from Questions/Comments
Date: Thursday, December 01, 2016 11:03:01 AM

Email

I received a letter describing the cleaner air program and wanting information from our company.....no form or specific information requested. I would love to comply but I need to know what is needed to do so. There isn't anything on the website that I see either. May be tough to get a program going if businesses don't know how to comply. Other companies I work with said they just tossed the letter. Please email the form you need.

Thank you,
Melanie



LEAGUE OF WOMEN VOTERS®
OF OREGON

December 6, 2016

VIA ELECTRONIC MAIL to cleanerair@deq.state.or.us

Jacqueline Dingfelder and Claudia Powers,
Co-Chairs, Cleaner Air Oregon Rulemaking Advisory Committee

RE: Comments for Cleaner Air Oregon meeting on December 8, 2016

The League of Women Voters of Oregon (LWVOR) is a non-partisan political organization that encourages informed citizen participation in government. LWVOR supports regulation and reduction of pollution from stationary sources and from ambient toxic-air pollutants. We support the right of states to set more stringent standards than the federal government.

LWVOR believes that the choices to be made for *Screening and Risk Adjustment* can be covered most easily by adopting a program that uses tiers to evaluate increasing levels and toxicity of emissions. Whatever program you adopt should be transparent to the industry and public and should protect the health and safety of Oregonians. LWVOR recommends you adopt the Rhode Island or SCAQMD(CA) program. The RI program is based in part on the CA program. Both incorporate all possible pollutants, use four tiers, mandate updated computer screening tools (AERSCREEN and AERMOD), regulate for cancer and chronic effect, using distance to sensitive receptors (environmental justice), adjustments for cancer potency and exposure variables. You could also include parts of another state's program mentioned in the issue paper (such as Minnesota or New York).

The League believes the environmental justice portion of the discussion in the issue paper is valid and very important. We realize that environmental justice looks mainly at minority populations in economically stressed areas. We believe that Oregon should also take into account effects of pollution on people living adjacent to polluting industry no matter their socioeconomic status. These people are called receptors. Sensitive receptors are those whose health is already impaired for various reasons, and for whom long-term exposure to pollutants is not recommended. The Rhode Island and SCAQMD (CA) programs take into account environmental justice and sensitive receptor concerns.

For the Program Element *Implementation*, first you should adopt the best program from your preferred list, and then phase it into operation in the most health protective and logical manner. Do not choose the lowest cost program. Instead decide to implement a program that will protect the health of Oregonians and improve our environment. Doing so will save the state health care costs in the long run. We agree with the great majority of your Potential Element choices, but do have additional comments in the following pages that are not included in your choices.

Sincerely,

Handwritten signature of C. Norman Turrill in black ink.

C. Norman Turrill
President

Handwritten signature of Marilyn T. Koenitzer in black ink.

Marilyn T. Koenitzer
Natural Resources, Air Quality Portfolio

Attachment: Comments on Screening and risk Assessment; Implementation

SCREENING AND RISK ASSESSMENT

LWVOR believes that Oregon should require all facilities to complete an inventory of emissions, updated and verified if changes are made or every 3 years. Additionally, from our letter of 10-18-2016: Require more exacting emissions data based on materials balancing from polluters, instead of current self-reporting requirements.

Program element 16: Setting and using de minimis emission rates

Oregon should include a de minimis threshold.

In Oregon, it has been the case that some industries have multiple stacks, each emitting a de minimis amount of the same pollutant. These have not been additive in the past, but now should come under regulation when the sum is more than de minimis.

LWVOR believes the following Potential Elements if emitting above the de minimis can be combined: C. D. F. G. H. I. J. K.

C. Include a de minimis threshold. If sources emit at levels above the de minimis, include emissions in cumulative analysis of nearby sources.

D. Include a de minimis threshold. If sources emit at levels above the de minimis, require registration and reporting requirements (every 5 years.) We left out “for unpermitted facilities”.

F. If sources emit at levels above the de minimis, require TBACT.

G. Derive de minimis emission rates from the SER with a safety factor.

H. Include cumulative risk from multiple air toxics: Sum the ratios of each air toxic’s emission rate

I. To use de minimis emission rates to evaluate an increase resulting from a modification or from new sources, add the increase to existing emissions and compare to de minimis

J. Require permit applicant to provide an emission inventory, dispersion model and demographic overlay in advance of or concurrent with the permit application

K. Require a cumulative impact assessment and enhanced community engagement when the demographic emissions overlay shows a potential disparate impact within or adjacent to an Environmental Justice community.

Program element 17: Setting and using significant emission rates

League believes significant emission rates should be included and conservatively set. Potential Elements C through E can be covered by adopting the RI or SCAQMD(CA) state program which incorporates the tier levels. Similarly, methods to calculate significant emission rates can be found in the RI and SCAQMD(CA) programs. These methods should include environmental justice concerns mentioned in Potential Elements G and H.

C. Include SER. If sources emit above the SER, require TBACT; screening or refined dispersion modeling; and include emissions in cumulative analysis of nearby sources.

D. Require permit applicant to provide an emission inventory, dispersion model and demographic overlay in advance of or concurrent with the permit application.

E. Require a cumulative impact assessment and enhanced community engagement when the demographic emissions overlay shows a potential disparate impact within or adjacent to an Environmental Justice community.

G. Include cumulative risk from multiple air toxics: Sum the ratios of each air toxic’s emission rate.

H. In addition to the SER, require an assessment of nearby sources to address cumulative risk from community sources or nearby industrial sources.

Program elements 18: Initial modeling – risk assessment and modeling once initial screening level is triggered (AERSCREEN)

Potential Elements A, B, C, E, F and G are all very important. D should be facility wide.

H: DEQ and OHA should develop a system that is simple and effective, but can allow complex analysis when appropriate.

A. Default receptor location at fence line for initial analysis

- B. Default receptor location beyond fence line to where people live or work.
- C. Run AERSCREEN plus evaluate impact distance and presence of potential nearby sources. If significant other sources are present, require refined modeling, including cumulative impact analysis.
- D. Facility-wide
- E. Require assessment of if an environmental justice area is nearby. If so require refined modeling.
- F. Require permit applicant to provide an emission inventory, dispersion model and demographic overlay in advance of or concurrent with the permit application.
- G. Require a cumulative impact assessment and enhanced community engagement when the demographic emissions overlay shows a potential disparate impact within or adjacent to an Environmental Justice community.

Program elements 19: Refined modeling – risk assessment and modeling once higher screening level of analysis is triggered (AERSCREEN)

LWVOR believes all the Potential Elements should be included (A-J), with I being used as an additional data point.

L: There are times and conditions when monitoring is necessary. Monitoring parameters, especially in the case of nearby sensitive receptors and overall air quality issues, should be included in the regulations.

IMPLEMENTATION

One of the most important parts of the Oregon air quality overhaul is to close regulatory gaps. These may not have all been identified in these papers. Many more health protective regulations have been rescinded over the years, allowing lax enforcement or regulation to occur.

Program Element 20: Phasing

The Technical Workgroup information is excellent. You will have to phase. As we have said before, you will need an emissions inventory. You have already started working on it. You will have to do new and modifieds as they come along. If you follow SCAQMD(CA)'s program, you can use a four-year phase in for existing sources, starting with the highest emitters first. Since you have a higher workload at implementation time (2017), *give all facilities a grace period of 2 years so they can fall under the new rules and you will have time to adjust to the new program.* The tiered computer programs can be run simultaneously to bring in lesser categories more efficiently. You will have to hire either consultants or new personnel who know how to run the programs.

Program Element 21: Looking beyond current air permitting program for other sources of air toxics

Include all hazardous activities that are not now included in the air quality regulations. Use all the tools at your disposal to identify and permit, if necessary, sources of air pollution that may need air permits. Potential Elements A through E should all be used.

Program Element 22: Community Engagement

LWVOR believes strongly in public engagement. In cases of air quality permitting, public engagement on risks to health is vital. We support all the Potential Elements listed for this section for DEQ and Sources.

Program Element 23: Compliance

LWVOR supports all the Potential Elements in Compliance, with the exception of G, the placeholder. Compliance has been sorely lacking in our experience. The examples of the Portland glass making companies which were not regulated at all, and the Evanite Fiber/Hollingsworth & Vose (H&V) glass fiber which were not inspected for years for increased emissions may be the tip of the iceberg when it comes to compliance. A combination of lack of leadership, political will and funding perhaps has led to lax enforcement on the part of DEQ. LWVOR believes the CAO regulatory overhaul will fix these oversights.

Potential Element I:

Whatever the program used for Oregon, fees should cover DEQ's expenses. Industry, not taxpayers, should pay to be regulated and to pollute. There should be up front fees, and monitoring and

enforcement fees. The permit applicant should fund environmental justice work. A policy of “the less emissions, the lower the fees” will keep Oregonians healthier and save money for industry.

From our letter of 10-18-2016: Require more exacting emissions data based on materials balancing from polluters, instead of current self-reporting requirements. Include administrative and enforcement regulations with teeth, including no-notice inspections.

Program Element 25: Evaluation

Evaluation by regulators and industry is problematic. Public involvement in evaluation is necessary. Especially where industries are located near residences, community involvement should remain in force for the duration of the source’s emissions. This can be in a form of independent groups or citizen advisory stakeholder committees set up to meet on a regular basis with sources. Citizen complaints to DEQ could be a factor in evaluation. DEQ should beef up its citizen complaint program. As the cost of monitors comes down, more monitors may be available, whether from DEQ or the citizenry. Monitoring can play a large part in evaluation, and should be used when possible.

From: [Ata Saedi](#)
To: [cleanerair](#)
Subject: Air Quality Concerns
Date: Sunday, December 11, 2016 6:07:21 PM

Dear Ms. Lagston,

I am a resident of a community in Tualatin who are concern about the safety of air quality in our neighborhood. A large compost facility is located within 300 yards of our homes in an urban area. There has not been any air safety test done by any agencies. Other community close to this compost facility is an elderly community. Dust particles, chemical content and pathogens from huge piles of compost is worrisome to our neighbors.

We were wonder if Clean Air could help us, guide us or willing to listen to us.

Regards, Ata Saedi

From: [Follose, Gary](#)
To: [cleanerair](#)
Date: Monday, December 12, 2016 7:53:59 AM

DATE: 12/6/16

Jacqueline Dingfelder Co-Chair, Cleaner Air Oregon, Rulemaking Advisory Committee

Claudia Powers Co-Chair, Cleaner Air Oregon, Rulemaking Advisory Committee

Dear Co-Chairs,

I am writing to raise my concerns with the Cleaner Air Oregon rulemaking and the impact this rulemaking may have on an important community employer and my job. I work at H&V (Hollingsworth and Vose) in Corvallis OR and have been employed there for 32 years. This company has provided my family and I with a family wage income that has put my kids through school and also allowed us to buy a house and enjoy a good family life. My daughter also is employed with H&V for 9 years now and has bought a house for her and her 3 children. This would all go away if we lose these good jobs.

Manufacturing jobs are critical to Oregon families like mine because they offer more pay and stability than other jobs. In fact, employment is, itself, a key indicator of human health. What I've heard from the Cleaner Air Oregon Rules Advisory Committee (RAC) has called into question the value of my job and whether the company I work for should continue to operate and stay in business. This is troubling and concerning for me and my family. With fewer and fewer job opportunities of this caliber in my community, my job and my family's health are at stake.

For example, I understand a few RAC members have indicated their preference that each manufacturing facility bear the regulatory responsibility for all of the air quality issues facing the entire community. This is unfair and bad policy. This so called "cumulative" analysis and responsibility cannot be shouldered by any single facility. Each facility's regulatory obligation should be limited to only what its business can control. The RAC and the agencies should to develop regulations that will further improve our air quality without sacrificing the job creating businesses in our communities.

As a resident of Albany OR, our local air quality is very important to me and to my family. Like other Oregonians, I want clean air and water. But I and others also need local employers that provide a lot to my family and our community. Please do not place a disproportionate burden on the employers who do so much for our communities. I am concerned that forcing those businesses to bear a disproportionate burden will drive them out of our communities, at a steep cost to community health.

On behalf of Oregon workers like myself, I urge you to work with business in the air quality rulemaking and remember that jobs are important to me and my community's health.

Gary Follose

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From: Marilyn Koenitzer
Sent: Wednesday, December 14, 2016 9:10 AM
Subject: CAO RAC meeting venue change

14 December 2016

Jaclyn Palermo
DEQ

Dear Ms Palermo,

I saw the letter you wrote to the CAO Regulatory Advisory Committee about rescheduling the Dec. 8, 2016 meeting, which was cancelled due to snow.

I request that you strongly consider holding the make-up meeting either in Corvallis, or another mid Willamette Valley location. If you can change the venue from Portland, the Alumni Center at OSU has the space to accommodate a large group, plus catering facilities.

I attended three of the CAO technical workgroup meetings in Portland in person and have submitted testimony from the League of Women Voters of Oregon as well as from Clean Corvallis Air. It would be instructive for the RAC members to hear testimony from those outside Portland.

Sincerely,

Marilyn Koenitzer

From: [greg bourget](#)
To: [ORMAN Michael](#)
Cc: [STOCUM Jeffrey](#); jessienature@gmail.com; [Katharine Salzmann](#); [Seth Woolley](#); info@cleanerairoregon.org
Subject: Facilities storing criteria chemicals without ACDP
Date: Tuesday, December 20, 2016 8:49:26 AM

Michael,

It has been a mystery to me how DEQ determines whether a facility requires an ACDP or not. I would like to believe that the 5,000+ list we sent you, which is storing approximately twice as much of the criteria chemical chemicals as ACDP industry here, are not significant air polluters. It would reassure me that Oroboros was an anomaly. Oroboros was incinerating heavy metals without a filter - Oroboros was one of the worst air polluters in Portland. How many other facilities without ACDP are a concern to neighbors?

To make an analogy, if one is looking for marijuana smoke - there is probably not much to be found at marijuana dispensaries. Dispensaries store a lot of marijuana. However, marijuana consumption isn't allowed at dispensaries. Does the DEQ have categorical information that non-ACDP facilities with significant storage of criteria chemicals are like the dispensaries - the stuff is onsite but not used in an industrial process? Is the 5,000+ list comprised, for example, of mostly chemical warehouses, facilities that store but not use chemicals? On the surface these facilities appear simply grossly unregulated like Oroboros. At least Bullseye was permitted, reviewed, and there was disclosure.

- Greg

From: Seth Woolley
To: ORMAN Michael; "greg bourget"
Cc: PALERMO Jaclyn; STOCUM Jeffrey; Katharine Salzmann; Lisa Arkin
Subject: Re: Facilities storing criteria chemicals without ACDP
Date: Tuesday, December 20, 2016 7:50:19 PM

Hi Michael,

Greg's question can actually be answered by the data we provided you with very trivial analysis.

You may glean some information about industries in the databases, which you already have, by analyzing the NAICS codes. An industry that is merely a distributor of chemicals will be encoded with a different NAICS prefix than a manufacturer.

You can easily send the questions out to industries that are categorized as manufacturers, and skip others.

In the HSIS database, the categories are not only coded, but provided with descriptions. They provide up to two codes for each location:

NAICS1 NAICSDesc1 NAICS2 NAICSDesc2

The NAICS code may be rather "opaque" to somebody who is not aware of the national standards of business databases. But they do follow a hierarchical pattern based on the code prefix. I work with spatial databases for a living, so I immediately recognized this encoding.

Review this link on the 2012 North American Industry Classification System:

<http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012>

Logistics industries (stores) start with "4".

Manufacturing starts with "3".

They break down from general to specific the longer the prefix is.

So it's actually super trivial to narrow the list down to some category of industry.

What would it take to ensure we don't miss the next Uroboros Glass?

Uroboros is, ironically, on this list with this NAICS code:

327212 OTHER PRESSED & BLOWN GLASS & GLASSWARE MF

Note that it starts with a "3", as I pointed out it would above.

The caomissing.tab file *has* that data, from HSIS, already included, for your convenience.

If you look at the index file of the NAICS, you can decide you want to target particular industry subsections by looking at increasingly larger

prefix lengths:

http://www.census.gov/eos/www/naics/reference_files_tools/2007/naics07.txt

For example, Urobors starts with 327 and 3272:

327 Nonmetallic Mineral Product Manufacturing
3272 Glass and Glass Product Manufacturing

Other interesting NAICS code prefixes to you may be:

321 Wood Product Manufacturing
324 Petroleum and Coal Products Manufacturing
325 Chemical Manufacturing
326 Plastics and Rubber Products Manufacturing
331 Primary Metal Manufacturing
332 Fabricated Metal Product Manufacturing
336 Transportation Equipment Manufacturing

You may also want to include:

21 "Mining, Quarrying, and Oil and Gas Extraction"
562 Waste Management and Remediation Services
611512 Flight Training
811121 "Automotive Body, Paint, and Interior Repair and Maintenance"
812220 Cemeteries and Crematories
812320 Drycleaning and Laundry Services (except Coin-Operated)

You could also compare existing permit types and see what NAICS codes are typical for permit holders, too, but I think we want to be a little bit broader to try to understand mass balance issues that we may not know about yet that should be regulated as an entirely new class.

From: Seth Woolley
To: cleanerair;
Cc: ORMAN Michael; STOCUM Jeffrey; Katharine Salzmann
Subject: RE: Facilities storing criteria chemicals without ACDP
Date: Friday, December 23, 2016 9:58:49 AM

Thank you Jaclyn for your prompt reply,

It's our view that ACDP inquiries should also be asked of entities that:

- 1) Would be regulated by rule if they were to meet certain thresholds (and may not yet know they are subject to regulation yet), or
- 2) Are potential or actual emitters of criteria pollutants that may not yet be properly subject to regulation.

When doing regulatory reform for health impacts, one open data gap is to see if regulations need updating based on potential or actual health impacts. The two points above go directly to potential regulatory reform.

Knowing the mass balances of each industrial process identified by the best available current evidence is key to properly engaging in meaningful and informed reform.

As the purpose of your inquiries is to collect data to inform reform, incomplete data collection could call into question the regulatory pressure on existing ACDPs. Isn't it fair to them to also know that they are in fact the key problems or sources?

Bullseye insisted that others were to blame because DEQ has precisely these kinds of knowledge gaps.

Expanding your scope to the HSIS list is the only prudent option.

Seth Woolley
Founder and Data Analyst, Portland Clean Air

----- Original message -----

From: cleanerair
Date: 12/23/16 9:23 AM (GMT-08:00)
To: Greg Bourget
Cc: ORMAN Michael , STOCUM Jeffrey, cleanerair, Seth Woolley
Subject: RE: Facilities storing criteria chemicals without ACDP

Mr. Greg Bourget,

Michael Orman forwarded your inquiry to me for further follow-up. To clarify, my understanding of your question is that you would like to know why ADCPs are being

prioritized over the fire marshal list in the request for air toxics information. You also wanted to have a better understanding of ACDP applicability determinations.

In response to your statement regarding ACDP determinations, air permit applicability in Oregon is determined based upon Table 1 of Oregon Administrative Rule 340-216 (http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-216-8010_4-16-15.pdf). Any emission source that is defined by a category on that table requires a permit.

Oregon's industrial air toxics regulations are currently undergoing regulatory reform under the Cleaner Air Oregon program (CAO). CAO was recently established to align Oregon's air toxics regulations with human health. CAO established and initially relied on a Technical Workgroup to aid in the preliminary development of the Air Toxics regulatory reforms. The Technical Workgroup was comprised of experts in fields related to air toxics permitting with many of the members being air toxics professionals from other states or localities. The input received from the Technical Workgroup helped the Department of Environmental Quality and Oregon Health Authority identify issues, address different approaches, and receive "lessons learned" from their experiences. Obtaining information from existing air permitted sources on the identified 633 air toxic contaminants was the Technical Workgroup's recommended place to start since there may be substances emitted into the air from already permitted sources that could have health impacts on neighboring communities that we don't know about. The work of providing the next phase of recommendations on the CAO rule making has now transitioned to the current Rules Advisory Committee (RAC).

It has been determined that collecting improved emissions information from permitted air sources is the first step. I want to reiterate that this does not preclude Cleaner Air Oregon from making future adjustments to account for business practices and operations not currently permitted, but determined to possibly pose a health risk. Implementation of the new regulations is one of the topics that will be discussed during the next CAO RAC meeting.

Thank you for your continued interest in the CAO rulemaking process.

Sincerely,

Jaclyn Palermo

Air Program Operations Section Manager

Oregon Department of Environmental Quality,

From: [greg bourget](#)
To: [cleanerair](#); [ORMAN Michael](#); [Seth Woolley](#);
Subject: Facilities storing criteria chemicals without ACDP
Date: Friday, December 23, 2016 10:27:18 AM

Jaclyn,

Thank you for your response. To add to Seth recently emailed comment:

Am I understanding correctly that the DEQ is planning to intentionally ignore the majority of criteria chemicals in use in manufacturing Oregon? I had hoped DEQ wanted to change the practice of letting industries like Uroboros and Bullseye Glass continue to pollute the air without disclosure.

Portland Clean Air processed the unedited HSIS to create a list of industries that store any of the 633 criteria pollutants listed at

<http://www.deq.state.or.us/aq/cao/docs/AirToxicContaminants.xlsx>

We found that **5,834 industries that do not have an ACDP store one or more of the 633 criteria toxics on site.**

By reviewing the NAICS codes we found approximately 4,000 of these industries are manufacturing facilities. We will have the exact list completed soon.

After reviewing your link, it appears industries require an ACDP based on scale. This system allowed "small" polluters like Uroboros Glass to be a major air polluter without a permit, and Bullseye Glass, who stores 10-50,000 pounds of lead on site, to feed 100 pounds of lead a day into an unfiltered furnace without a permit. For 42 years, much of this airborne lead, as well as amounts of chromium, arsenic, and cadmium, were released daily at 3722 SE 21st Avenue next to a 100-child day care and a large residential area. Although DEQ responded to these two problems, there are thousands of others like them. By sending the DEQ inventory of criteria chemical use detailed in the letter http://www.deq.state.or.us/aq/cao/docs/EI_Letter.pdf to a minority of criteria chemicals users Oregon, wouldn't you miss the opportunity to prevent others from being the new Bullseye or Uroboros?

We are almost finished script writing to create the exact list of manufacturing facilities storing criteria chemicals without ACDP based on NAICS codes. Our previous study demonstrating ACDP store the minority of hazardous chemicals in Oregon is located at:

<http://portlandcleanair.org/files/ACDP%20HSIS%20Study%20by%20PCA.pdf>

This new, almost finished, analysis will provide the weight and volume of criteria chemicals stored at Oregon ACDP industries compared to Oregon manufacturers without ACDP.

Doesn't it make sense to send the DEQ letter to all factories using criteria chemicals?

- Greg Bourget
Executive Director
Portland Clean Air



Seneca Sawmill Company

Highway 99 North at Airport Junction

Post Office Box 851
Eugene, Oregon 97440-0851

Phone (541) 689-1011
FAX (541) 461-6222

January 5, 2017

Via Email - cleanerair@deq.state.or.us

Ms. Jacqueline Dingfelder
Co-Chair, Cleaner Air Oregon
Rulemaking Advisory Committee

Ms. Claudia Powers
Co-Chair, Cleaner Air Oregon
Rulemaking Advisory Committee

Dear Co-Chairs,

I am writing to raise my concerns with the Cleaner Air Oregon rulemaking and the impact this rulemaking may have on an important community employer and my job. I am the Environmental Health & Safety Coordinator of Seneca Sawmill Company. We are a family-owned company that provides family-wage jobs to over 400 employees. We have been part of the community for over 60 years.

Originally, we were told that the emissions inventory was necessary for the Cleaner Air Oregon rulemaking process. However, based on the timeframe outlined in the letter we received, DEQ and OHA will not collect all responses until the rulemaking process is nearly complete. Therefore, this exercise is clearly not intended to inform the rulemaking process, at least not the public process.

More likely, through this effort, the agencies are predetermining the outcome of a rule outside the established rulemaking process by regulating businesses based on a list of pollutants developed outside the public process in advance of determining how the information can or should be used in rules that are under development.

Manufacturing jobs are critical to Oregon families like Seneca because they offer more pay and stability than other jobs. In fact, employment is, itself, a key indicator of human health. What I've heard from the Cleaner Air Oregon Rules Advisory Committee (RAC) has called into question the value of my job and whether the company I work for should continue to operate and stay in business. This is troubling and concerning for me and my family. With fewer and fewer job opportunities of this caliber in my community, my job and my family's health are at stake.

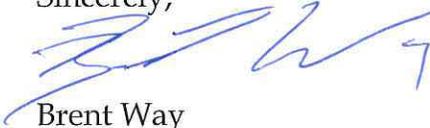
For example, I understand a few RAC members have indicated their preference that each manufacturing facility bear the regulatory responsibility for all of the air quality issues facing the entire community. This is unfair and bad policy. This so-called "cumulative" analysis and responsibility cannot be shouldered by any single facility. Each facility's regulatory obligation should be limited to only what its business can control. The RAC and the agencies should develop regulations that will further improve our air quality without sacrificing the job creating businesses in our communities.

As a resident of the Eugene/Springfield area, our local air quality is very important to me and to my family. Like other Oregonians, I want clean air and water. But I, and others, also need local employers that provide a lot to my family and our community. Please do not place a disproportionate burden on the employers who do so much for our communities. I am concerned that forcing those businesses to bear a disproportionate burden will drive them out of our communities, at a steep cost to community health.

On behalf of Oregon workers like myself, I urge you to work with business in the air quality rulemaking and remember that jobs are important to me and my community's health.

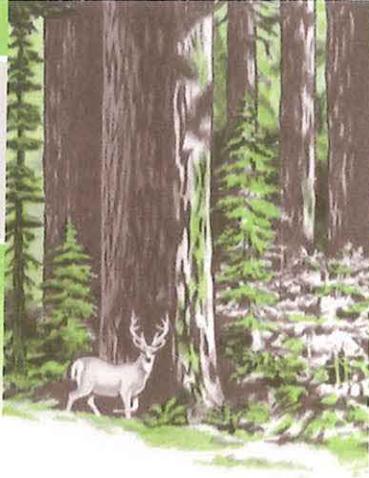
Thank you for your consideration.

Sincerely,



Brent Way

Environmental Health & Safety Coordinator



Seneca Sawmill Company

Highway 99 North at Airport Junction

Post Office Box 851
Eugene, Oregon 97440-0851

Phone (541) 689-1011
FAX (541) 461-6222

January 5, 2017

Via Email - cleanerair@deq.state.or.us

Ms. Jacqueline Dingfelder
Co-Chair, Cleaner Air Oregon
Rulemaking Advisory Committee

Ms. Claudia Powers
Co-Chair, Cleaner Air Oregon
Rulemaking Advisory Committee

Dear Co-Chairs,

I am writing to raise my concerns with the Cleaner Air Oregon rulemaking and the impact this rulemaking may have on an important community employer and my job. I am the Superintendent of Seneca Sawmill Company. We are a family-owned company that provides family-wage jobs to over 400 employees. We have been part of the community for over 60 years.

I have been at Seneca for over 30 years. Seneca has long-valued our environment, our community, and our employees. We have a proven track record of meeting the rules and regulations established to protect people and the environment.

Poorly conceived rules and requirements can have devastating consequences on local businesses. In the future, we hope for, and expect, better judgement from our agencies and more thoughtful stewardship of limited public dollars.

In order to ensure continued employment and job growth in our communities, we cannot stress enough how important a fair and consistent regulatory environment is for Oregon businesses. With that in mind, we continue to strive for a cooperative relationship with our regulatory agencies in order to achieve our common objectives – healthy communities and environmental stewardship. In return, we expect agencies to provide thoughtful leadership and engage with the business community in a fair and transparent

manner. Unfortunately, this has not been the case with respect to the recent emissions inventory request.

Manufacturing jobs are critical to Oregon families like Seneca because they offer more pay and stability than other jobs. In fact, employment is, itself, a key indicator of human health. What I've heard from the Cleaner Air Oregon Rules Advisory Committee (RAC) has called into question the value of my job and whether the company I work for should continue to operate and stay in business. This is troubling and concerning for me and my family. With fewer and fewer job opportunities of this caliber in my community, my job and my family's health are at stake.

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As a resident of the Eugene/Springfield area, our local air quality is very important to me and to my family. Like other Oregonians, I want clean air and water. But I, and others, also need local employers that provide a lot to my family and our community. Please do not place a disproportionate burden on the employers who do so much for our communities. I am concerned that forcing those businesses to bear a disproportionate burden will drive them out of our communities, at a steep cost to community health.

On behalf of Oregon workers like myself, I urge you to work with business in the air quality rulemaking and remember that jobs are important to me and my community's health.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Ted Bennett". The signature is written in a cursive, flowing style.

Ted Bennett
Superintendent



Seneca Sawmill Company

Highway 99 North at Airport Junction

Post Office Box 851
Eugene, Oregon 97440-0851

Phone (541) 689-1011
FAX (541) 461-6222

January 5, 2017

Via Email - cleanerair@deq.state.or.us

Ms. Jacqueline Dingfelder
Co-Chair, Cleaner Air Oregon
Rulemaking Advisory Committee

Ms. Claudia Powers
Co-Chair, Cleaner Air Oregon
Rulemaking Advisory Committee

Dear Co-Chairs,

I am writing to raise my concerns with the Cleaner Air Oregon rulemaking and the impact this rulemaking may have on an important community employer and my job. I am the CEO of the Seneca Family of Companies. We are a family-owned company that provides family-wage jobs to over 400 employees. We have been part of the community for over 60 years.

We recently received an emissions inventory request from the Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA). In our opinion, this request lacks a clear objective and is unnecessarily broad and burdensome for Oregon businesses.

In order to ensure continued employment and job growth in our communities, we cannot stress enough how important a fair and consistent regulatory environment is for Oregon businesses. With that in mind, we continue to strive for a cooperative relationship with our regulatory agencies in order to achieve our common objectives – healthy communities and environmental stewardship. In return, we expect agencies to provide thoughtful leadership and engage with the business community in a fair and transparent manner. Unfortunately, this has not been the case with respect to the recent emissions inventory request.

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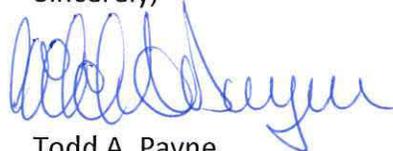
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As a resident of Eugene, Oregon, our local air quality is very important to me and to my family. Like other Oregonians, I want clean air and water. But I, and others, also need local employers that provide a lot to my family and our community. Please do not place a disproportionate burden on the employers who do so much for our communities. I am concerned that forcing those businesses to bear a disproportionate burden will drive them out of our communities, at a steep cost to community health.

On behalf of Oregon workers like myself, I urge you to work with business in the air quality rulemaking and remember that jobs are important to me and my community's health.

Thank you for your consideration.

Sincerely,



Todd A. Payne
CEO

HAND DELIVERED 2/2/17

Comments for CAO Citizen's Advisory Committee 2/2/2017

My name is Greg Thelen, and I live in Southeast Portland near Bullseye Glass Company. I would like to thank the Committee Chairs and everyone here for your contributions in helping to make our air cleaner. My special thanks go to the staff members of the DEQ and Cleaner Air Oregon, who have been taking the Regulatory Overhaul and our health seriously. I have attended many meetings on air quality since last spring, including all sessions of the Technical Workgroup, and am heartened to see the contributions of those scientists and engineers accurately presented here to this Committee.

I would like to add an observation and a recommendation for consideration in the rulemaking process with regard to Implementation. Whatever regulatory program comes out of this rulemaking process will only be as effective as its implementation and enforcement. My family and I were unknowingly exposed to dangerously high levels of cadmium, lead, arsenic, and hexavalent chromium at our home for almost 30 years. Thanks to the Governor, the EQC and the DEQ, art glass companies now have air quality rules they must follow, and the most dangerous of the emissions from Bullseye seem to now be controlled.

We have a right to know what is in the air we breathe. I want the DEQ to know what is being released from every industrial facility. And when necessary, I want them to be able to find out quickly, without having to set up equipment on a fence line and then hope for the wind to blow in the right direction.

During the Technical Workgroup meetings, two particular issues of concern were discussed. One was the problem of fugitive emissions—toxics that escape unnoticed to outside air through open doorways or by other means—which have often been very difficult to measure. The other issue was stack testing, which I heard the EPA scientist in attendance call “the gold standard” of monitoring, yet which involves equipment that can be very expensive and time consuming to install.

How often have you wondered what is really coming out of a smokestack? Is it water vapor or is it arsenic? There is now a cheap and effective method of monitoring air in formerly difficult locations: by using unmanned aerial vehicles, or drones. Air testing and collecting equipment aboard drones is now successfully being used around the world, and I want to see the DEQ able to use it too.

My recommendation is that now, during the current Regulatory Overhaul, the Department of Justice be consulted to find out if current Oregon Laws allow the DEQ or their contracted air quality engineers to fly drones immediately above and around industrial facilities unannounced, for the purposes of taking samples or testing air quality. And if the DOJ should find this to not be the case, I further urge that they and the Cleaner Air Oregon staff take whatever steps necessary to see that the relevant legal foundations are put into place in order for the DEQ to be able to use this valuable new technology in a timely manner.

I am including the following internet links about drones and air monitoring:

www.mdpi.com/1424-8220/16/7/1072/pdf

<https://hbr.org/2016/06/companies-are-turning-drones-into-a-competitive-advantage>

www.ncbi.nlm.nih.gov/pubmed/26386435

<http://scentroid.com/scentroid-sampling-drone/>

<https://www3.epa.gov/ttnamti1/files/2014conference/wedngambaxter.pdf>

Thank you,
Greg Thelen





February 7, 2017

Joe Westersund
Cleaner Air Oregon Coordinator.
811 SW Sixth Avenue
Portland, OR 97204

Dear Mr. Westersund,

I am the Director of Environmental Affairs for Roseburg Forest Products (Roseburg). I am writing to you to express my concern about the current Cleaner Air Oregon Initiative. Roseburg understands and supports the need for an air toxics program, but is compelled to express that it is vital to the manufacturing sector that the resulting regulatory framework must allow compliance with reasonable, not extraordinary measures.

As you may know, Roseburg is a major employer in many rural communities where hundreds of people are dependent on us for their livelihoods. We have existing facilities that were built many years ago and are not necessarily adaptable to the latest pollution control devices.

Attached to this letter please find a copy of the public testimony I gave to the Policy Advisory Committee at their February 2nd meeting. I would again like to stress those points through this letter. Also, enclosed with this mailing please find approximately 1,512 letters from our employees who are also concerned about the final outcome of this rulemaking.

If you have questions or wish to discuss the matter, you are welcome to contact me

Sincerely,

Ellen Porter
Director of Environmental Affairs, Roseburg Forest Products

Hello, I'm Ellen Porter, Director of Env Affairs for Roseburg Forest Products.

Roseburg is a family-owned Oregon Wood Products company that operates facilities in Coos, Douglas, Lane, Linn, and Jackson Counties.

We understand that DEQ and OHA are working toward a new regulatory program to address air toxics. And we realize and accept that DEQ will be overhauling Oregon's toxic rules. However, there are several components currently being discussed that could prove detrimental, if not fatal for our company and others. These include:

1. Requiring industries to account for neighborhood source emissions such as traffic emissions and wood smoke. Companies have no control over emissions outside of our operations and should not be required to absorb them into our accountability. We realize that the agencies would like to hold someone accountable for the neighborhood sources that are obviously difficult to quantify and control. Unlike numerous anonymous drivers and wood stove owners, industry is an easy target on which to force the consequences. It is unfair, unwise, and disingenuous to use this back door opportunity to place this burden or the program's associated financial burden squarely on the backs of those who have absolutely no control over activities that are occurring in the greater community in which they operate.
2. We ask that the agencies recognize and take into account that in the past few years most larger industrial sources, including all of Roseburg's facilities, have complied with rigorous federal hazardous air pollutant standards mandating installation of various types of pollution control equipment. These federal rules have already addressed the pollutants of greatest concern, with industry spending millions if not billions of dollars. Roseburg alone has spent several tens of millions of dollars to install pollution control equipment on its operations in order to comply with these rules. Continuing to add layers of costly regulation and conservatism to these already controlled sources will have a potentially devastating impact.
3. We also ask that the agencies recognize and account for the differences between existing and new or modified sources. Unlike a newly planned facility, many of the existing sources were constructed years ago without knowing what processes could or should be designed to accommodate elaborate

pollution control equipment. Additionally, some processes cannot be completely controlled. Many of Roseburg's facilities would find themselves in just that situation. In these cases, what would you have us do? Simply send everyone home, shut the doors and walk away?

To this question, some of you might answer "yes", but the employees of Roseburg strongly disagree. Many of you have probably never had the opportunity to live and work in rural Oregon where these facilities are the lifeblood of the community. When those facilities close their doors unemployment spikes to levels not seen in larger, more diverse cities. When these jobs go away poverty, drug use, and crime rates go up. Roseburg does most of its business in areas such as these that are heavily dependent on the success of our operations.

Simply shutting the doors will not result in a minor impact of our communities. Roseburg employs over 2,500 people, mostly within these small communities. Our annual Oregon payroll exceeds \$128,000,000. This accounts only for those employed directly by Roseburg, and does not include those local businesses that rely on our operations. Our Oregon charitable contributions exceeded over 1.5 million dollars, and with the company's help and encouragement, employees have contributed several hundreds of thousands of dollars more.

Please make no mistake that the message received so far regarding this rulemaking is that the vitality of our communities is not being considered. Rather the only outcome envisioned is an expensive, elaborate regulatory program that threatens our livelihoods and the economic health of our communities. Creating an oppressive and hostile atmosphere while failing to recognize the accomplishments of a cooperative and progressive industry serves no one's best interests.

Jacqueline Dingfelder, Co-Chair, Cleaner Air Oregon, Rulemaking Advisory Committee
Claudia Powers, Co-Chair, Cleaner Air Oregon, Rulemaking Advisory Committee

Dear Co-Chairs,

I am writing to raise my concerns with the Cleaner Air Oregon rulemaking and the impact this rulemaking may have on an important community employer and my job. I work for Roseburg Forest Products, an 80-year-old, family-owned company that operates seven manufacturing plants and several other facilities in the state of Oregon. The Cleaner Air Oregon rules as currently written represent a significant threat to the viability of Roseburg's operations, and therefore to my own ability to support myself and my family.

Manufacturing jobs are critical to Oregon families like mine because they offer more pay and stability than other jobs. In fact, employment is, itself, a key indicator of human health. What I've heard from the Cleaner Air Oregon Rules Advisory Committee (RAC) has called into question the value of my job and whether the company I work for should continue to operate and stay in business. This is troubling and concerning for me and my family. With fewer and fewer job opportunities of this caliber in my community, my job and my family's health are at stake.

For example, I understand a few RAC members have indicated their preference that each manufacturing facility bear the regulatory responsibility for all of the air quality issues facing the entire community. This is unfair and bad policy. This so-called "cumulative" analysis and responsibility cannot be shouldered by any single facility. Each facility's regulatory obligation should be limited to only what its business can control. The RAC and the agencies should work to develop regulations that will further improve our air quality without sacrificing the job-creating businesses in our communities.

As a resident of southern Oregon, our local air quality is very important to me and to my family. Like other Oregonians, I want clean air and water. But I and others also need local employers that provide a lot to my family and our community. Please do not place a disproportionate burden on the employers who do so much for our communities. I am concerned that forcing those businesses to bear a disproportionate burden will drive them out of our communities, at a steep cost to community health.

On behalf of Oregon workers like myself, I urge you to work with business in the air quality rulemaking and remember that jobs are important to me and my community's health.

Sincerely,

DEQ RECEIVED 1486 SIGNED COPIES OF THIS LETTER



To: Richard Whitman, Director, Department of Environmental Quality
Lynne Saxton, Director, Oregon Health Authority

From: Mark Nystrom, Policy Manager, Association of Oregon Counties
Tracy Rutten, Intergovernmental Relations Associate, League of Oregon Cities
Willie Tiffany, Governmental Affairs Director, Oregon Refuse & Recycling Assn.

Date: February 27, 2017

Re: Cleaner Air Oregon Data Request for Permit Number Letter Dated November 28, 2016

The Association of Oregon Counties (AOC), League of Oregon Cities (LOC), and Oregon Refuse & Recycling Association (ORRA) appreciate the efforts of the Cleaner Air Oregon Advisory Committee. We also appreciate the need for better data to fully address the concerns regarding Oregon's air quality. We would like to state some concerns regarding the letters addressed to several air permittees on November 28, 2016.

Municipal Landfills

AOC, LOC, & ORRA members who own and/or operate landfills received letters regarding their emissions and requesting a significant amount of data. While we understand the importance of a landfill's impact on air quality, we have concerns regarding the practicality of further regulating emissions. The quality and quantity of emissions is largely dependent upon what materials are delivered for disposal at the landfill. While landfills monitor emissions, they do not currently test for, or report on the 633 pollutants listed in the request for data. If DEQ requires increased regulation on emissions, landfills would need to begin a much more stringent monitoring system for what is being delivered to the landfill. Creating a list of prohibited items would be challenging and the monitoring would be even more difficult. Prohibiting certain materials would be in direct conflict with Oregon's solid waste statutes. Further, if items such as universal wastes are prohibited, where are they going to go?

The cost of increased monitoring and potential regulation would be cost prohibitive or would require excessive rate increases to Oregon ratepayers. If Oregon landfills become too costly to compete with out-of-state landfills it is also foreseeable that Oregon waste will be forced to be transported to less expensive out-of-state landfills. The state's and many local government solid waste programs are funded wholly or in-part through landfill fees. A reduction in revenue from those fees will have a significant negative impact on Oregon's Materials Management Program. Finally, any increased environmental gains from additional air permitting requirements on landfills will likely be offset from the increased carbon emissions of transporting waste longer distances out-of-state.

Recently, a county-owned landfill reached out to a consulting firm to assist them in complying with the data request. The consulting firm bid \$15,000 for modeling emissions based on Washington state data. This may be within the budget of some counties or landfill operators, but will surely be out of reach for others. If DEQ and OHA would like landfills to pursue data modeling, we highly recommend that DEQ coordinates this effort in order to contract most efficiently. One statewide contract will surely be more cost-effective than multiple, individual contracts with landfills.

Landfills are already dealing with most emissions. Organic materials in landfills decompose and release methane. Landfills typically capture the methane and use it for power generation, providing a low-impact renewable energy source. Landfills are well designed and regulated; they are the best available technology for dealing with significant potential public health hazards and they protect the public and the environment from what would otherwise be harmful (and illegal) disposal of the by-products of human existence. The hazards (air and water pollution) are currently managed responsibly per rigorous permit requirements. If the state cannot provide coordinated data modeling, landfills should be categorically exempted from these rules.

County Owned and Operated Rock Crushing Operation or Asphalt Mixing Plants

AOC appreciates that DEQ and OHA are only asking for inputs from these small, county-owned and operated rock crushing and asphalt mixing plants. It is only the most rural and small counties who own such operations due to the large cost of having contractors supply building materials to our public works departments. However, we caution against further regulation of these small operations: the benefits to air quality will be minimal while there is a great potential for forcing these operations to shut down. Rural Oregonians will suffer because public works departments will not be able to repair and maintain as many miles of roads, due to increased costs.

Municipally Owned and Operated Wastewater Treatment Plants

AOC & LOC share the same concerns with wastewater treatment plants as with landfills: it is very difficult to control all the potential inputs into a wastewater treatment plant, so it is very difficult to control all emissions. And, like landfills, they exist to protect public health and the environment from by-products of human existence. Monitoring pollutants is important but in a rational, thoughtful manner that does not impact the ability of cities and counties to provide effective water treatment.

Please contact any of the three of us with any questions regarding this input.

March 15, 2017

Jackie Dingfelder, Claudia Powers, Co-Chairs
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

Dear Co-Chairs Dingfelder and Powers:

I, or my family member, am employed by Seneca Sawmill Company (Seneca), a family owned and operated forest products company located just north of Eugene, in Lane County, Oregon. I am writing to raise my concerns with the Cleaner Air Oregon rulemaking and the impact new rules may have on my employer, my job and/or my family.

Most Oregon businesses, including Seneca, work hard and have made large investments to prevent air pollution, protect public health and the health of all of us who work and live in the community. Seneca cares deeply about clean air. In fact, Seneca operates the cleanest biomass cogeneration plant in the United States and its own 167,000-acre tree farm cleans the air of the CO2 emissions of 86,169 vehicles. But the Cleaner Air Oregon rules as currently being developed could represent a significant threat to the viability of our operations and the ability to support myself and my family.

Manufacturing jobs are critical to Oregon families like mine. They offer better pay and benefits, and more stability than other jobs. In fact, employment is itself a key indicator of human health. Regulations that cost jobs significantly affect the health of newly unemployed and strain local social services.

Adding costly new regulations could cause businesses to curtail operations, shut down or leave the state. Unreasonable rules that cost jobs would leave families like mine with fewer and fewer opportunities of this caliber putting my family's health at risk.

I understand that Oregon is considering ultra-low standards that many or most facilities cannot meet (.003% increases in the lifetime cancer risk). In fact, it has been said that Oregon is looking at standards that cannot be met in many communities simply due to car traffic and/or wood stove smoke. Standards this stringent do not make sense and will lead to significant Oregon job losses.

I believe Oregon can have both clean air and a healthy economy with fair and reasonable air regulations. New rules should both protect public health and allow companies adequate time to phase in new requirements to make sure employment and operations can be maintained. Companies like Seneca, that have been in compliance with air quality standards for years, should not be required to meet unreasonable or unachievable standards.

Air quality has been improving since the inception of the Clean Air Act in 1970. Air pollution under existing rules will continue to improve and there is room for changes to existing rules. This being said, if Oregon moves too fast, there is a very serious risk of losing family wage jobs like mine.

On behalf of Oregonians like myself, who are reliant on family wage jobs provided by manufacturing, I urge you to work with business in the air quality rulemaking and remember that jobs are important to me and my community's health.

Sincerely,

Name:
Address:

DEQ RECEIVED APPROXIMATELY 522 SIGNED COPIES OF THIS LETTER

March 22, 2017

Jackie Dingfelder, Claudia Powers, Co-Chairs
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

Dear Co-Chairs Dingfelder and Powers:

Seneca Sawmill Company (Seneca), a family owned and operated forest products company located just north of Eugene, in Lane County, Oregon provides my family, friends and community with high-paying family wage jobs. I am writing to raise my concerns with the Cleaner Air Oregon rulemaking and the impact new rules may have on my family and my community.

Most Oregon businesses, including Seneca, work hard and have made large investments to prevent air pollution, protect public health and the health of all of us who work and live in the community. Seneca cares deeply about clean air. In fact, Seneca operates the cleanest biomass cogeneration plant in the United States and its own 167,000-acre tree farm cleans the air of the CO2 emissions of 86,169 vehicles. But the Cleaner Air Oregon rules, as currently being developed, could represent a significant threat to the viability of Seneca and other manufacturers like Seneca.

Manufacturing jobs are critical to Oregon communities like mine. They offer better pay and benefits, and more stability than other jobs. In fact, employment is itself a key indicator of human health. Regulations that cost jobs significantly affect the health of newly unemployed and strain local social services.

Adding costly new regulations could cause businesses to curtail operations, shut down or leave the state. Unreasonable rules that cost jobs would leave communities like mine with fewer and fewer opportunities of this caliber putting my community's health at risk.

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On behalf of Oregonians like myself, who are reliant on family wage jobs provided by manufacturing, I urge you to work with business in the air quality rulemaking and remember that jobs are important to me and my community's health.

Sincerely,

Name: **DEQ RECEIVED APPROXIMATELY 39 SIGNED COPIES OF THIS LETTER**
Address:

WESTERSUND Joe

From: info@cleanerairoregon.org
Sent: Thursday, March 30, 2017 8:14 PM
To: info@cleanerairoregon.org
Subject: New submission from Questions/Comments

Email

To Whom it may concern. My name is Meg Ruby, I live at ***** Portland OR. I am a mother of two who have grown up in the deeply compromised airshed of Portland OR. I am deeply concerned about the terrible air quality in my and other neighborhoods and cities in Portland and many parts of our fair state of Oregon. This ugly truth of the prevalence of foul and dangerous air quality in much of a state is a travesty, and is a deep shameful truth which demonstrates our democracy is compromised by industry which conveniently has arranged to "dump" its air waste wherever it wants in our fair state, by paying a small BribeFee. I am writing to submit my comments on the proposed guidelines for the short term concentrations of air toxics. It is important at the end of the day, to set and enforce the most protective levels possible for human health. The levels for short-term air toxic exposure must be real and enforceable.

Please disallow the regulatory practice of setting a standard and then allowing an emitter to "buy" their way out of meeting that standard by paying a tiny fine. The State must enforce standards based on health and not accept "bribe fees" for flagrantly violating them.

Sincerely,
Meg Ruby, M.S.



**LEAGUE OF WOMEN VOTERS®
OF OREGON**

The League of Women Voters of Oregon is a 97-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

April 2, 2017

To: Jacqueline Dingfelder and Claudia Powers,
Co-Chairs, Cleaner Air Oregon Rulemaking Advisory Committee
Email: cleanerair@deq.state.or.us

Re: Comments on Draft Proposed Framework for CAO Health-Risk Based Permitting Program

The League of Women Voters of Oregon (LWVOR) adopted positions on air quality in 1968. LWVOR supports regulation and reduction of pollution from stationary sources and from ambient toxic-air pollutants. We support the right of states to set more stringent standards than the federal government.

LWVOR commends the Oregon Health Authority (OHA) and the Department of Environmental Quality (DEQ) for producing an excellent Draft Framework within its anticipated timeline. The document lays out a robust program that, if carried out, will improve the health of Oregonians now living and working under the cloud of air pollution. It will also improve the health of workers in affected industries and, in the long run, should improve the bottom line of facility owners--a win-win for all.

If air emission limits are regulated for health, if environmental justice (EJ) concerns are incorporated, and if Pollution Prevention (P2) programs are instituted statewide, less air pollution means better health for the general population and for workers, so medical and materials costs should decrease for businesses.

LWVOR believes that this Draft could be greatly improved by elevating the EJ section from the bottom to the top of the document and by also inserting a framework P2 Program at the top. Language must be added to the document so that it is understood that EJ and P2 concerns permeate with authority all regulatory aspects of the document. We assume that most companies may not be familiar with either concept, so it is important that OHA and DEQ lead the way. Oregon has an EJ committee and White Paper. CAO staff and many of you have heard the presentation on P2 by Marjorie MartzEmerson, CAO Technical Advisory Workgroup member, so you have a great start.

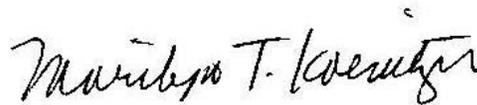
Our attached comments center mainly on EJ and P2. We agree with most of your proposed framework, including sections 5, 6, 11 and 21. We have provided comments under other sections. **We disagree only with your Implementation Phasing assessment, Section 20.** We believe facilities located in or near EJ communities should fall under the new rules as soon as possible and not wait for permit renewal. These include, but are not limited to, Air Contaminant Discharge Permit and Title V Permit holders. Please consider using a four-year phase in for existing sources, starting with the highest emitters first. It is not clear what facilities might fall into the category you discussed in section 20: "separate air toxics permits not initially tied to current ACDP's or Title V permits."

We also ask in Section 10 that areas in non-attainment be brought into the discussion. Our other comments are intended to add important ideas that have already surfaced, but are not included in the Draft, perhaps for space reasons.

Thank you for the opportunity to discuss this important draft framework.



Norman Turrill
LWVOR President



Marilyn T. Koenitzer
LWVOR Air Quality Portfolio

Applicability

1: Inclusion of existing sources in program

LWVOR agrees with your inclusions, and would add an Environmental Justice (EJ) lens to their permitting process. If that lens shows an EJ concern, it would trigger prompt review of existing permits. Otherwise, existing facilities would come under the new regulations as their permits come up for renewal. Including them in the program addresses the mission of this program: to protect the public's health.

2: Regulation of individual pieces of equipment in a facility and/or the whole facility.

LWVOR agrees with your proposed limits on whole facilities and new units. You could add Pollution Prevention programs such as the one advocated by Marjorie MartzEmerson, CAO Technical Advisory Workgroup member, of Pacific Northwest Pollution Prevention Resource Center.

Regulating the whole facility should focus attention on the cumulative and synergistic effects of facility-wide pollutants.

3: Categorical exemptions

LWVOR is not yet familiar with the Title V categorical exemptions list, so we are not commenting on this today.

Pollutant Scope and Setting Concentration Levels

4: Air Toxics included in the program

Reporting: LWVOR agrees that the 660 list of toxics is adequate for now.

Have you included flexibility so that new compounds can easily be added?

Will DEQ have funding to verify the annual emissions reports of permitted facilities?

Permitting: If only a subset of the reporting list would be regulated—approximately 215 pollutants that have health risk-based concentrations—will the remainder be unregulated?

7: Risk based concentration averaging times

At the time of this writing, LWVOR awaits information to comment upon for the chronic and acute averaging times.

8: Cumulative risk from multiple air toxics from a single facility

LWVOR agrees with your assessment, and requests that you add a statement about EJ concerns and how they will be addressed in this case. We also request that you add modeling to the summation, as is done in other states. Modeling is a necessary tool. Both actions may be necessary to ascertain effects on local populations.

9: Cumulative risk from multiple facilities in an area

LWVOR agrees with your assessment. We understood from listening to Director Whitman at the legislative hearing on March 27 for HB 2236 that the cumulative risk would be assessed for companies near one another.

10: Use of Background concentrations in the Assessment of Risk

LWVOR suggests that areas of non-attainment and those with EJ concerns be brought into this section with more authoritarian language. This section does not mention areas in non-attainment. EJ concerns are mentioned with a "could." We believe that more health-protective verbs such as "shall" and "will" should be inserted when regulating for background concentrations in non-attainment and EJ areas.

12: Past exposure to air toxics

LWVOR agrees with your assessment IF EJ concerns have been addressed in these decisions.

Allowable risk levels**13: Risk level for individual pollutants for setting RBC's**

LWVOR agrees that 1 in 1 million cancer risk and hazard quotient of one for non-cancer risk are acceptable as good initial screen levels. Other factors may need to be assessed, such as cumulative effects, more information about new toxicity levels, EJ concerns.

14 and 15:

LWVOR is pleased that you are including existing and new in your umbrella of regulations.

LWVOR asks the origin of this chart data?

How do the 1 or 10 or 80 in 1 million equate to tons of pollution?

We hope that this assessment is the most conservative in the country and the standards most stringent. SCAQMD just revised their guidance, which now says a cancer risk study is required to look at as short a period as six months, potentially as short as two months, based on cancer risks for the third trimester. The technical advisors also said to use the best, newest scientific data from several sources, not the ones written by industry to determine risk and set limits.

If the new facilities are properly located in an industrial zone away from residential and commercial areas, these levels may be appropriate. EJ concerns should be brought into play here to assure no deleterious health effects will occur. Pollution prevention programs should be in effect system-wide.

Screening and Risk Assessment**16: Setting and using de minimis emission rates**

LWVOR agrees with your assessment. This may help to alleviate an Oregon problem of many stacks at one facility each emitting a de minimis amount of a hazardous air pollutant so that the sum is not regulated.

17, 18 and 19:

LWVOR agrees with your assessments and adds cumulative risk from nearby industrial sources to this section. With 19, monitoring may be necessary if the location of the facility is near and EJ community.

Implementation**20: Phasing**

LWVOR disagrees with your assessment. We believe facilities located in or near EJ communities should fall under the new rules as soon as possible, and not wait for permit renewal. These include, but are not limited to Air Contaminant Discharge Permit and Title V Permit holders. You can use a four-year phase in for existing sources, starting with the highest emitters first. It is not clear what facilities might fall into the category you discussed in section 20: "separate air toxics permits not initially tied to current ACDP's or Title V permits." We are pleased that you have started your emissions inventory.

22: Community Engagement

LWVOR believes your community engagement program is a good start. If the Legislature passes either HB2269 or SB995, the Toxics Right to Know legislation, the information collected through either program will be helpful to the DEQ and the public. The materials balancing information will be useful to you as enforcers. It may be that, as the new rules get underway, the community engagement program will need to be expanded. We hope not. We hope that pollution will not be harmful to people beyond the facilities' fence lines with the new regulations.

23: Compliance

LWVOR believes this is an excellent, much needed section. We suggest adding materials balancing and pollution prevention results to your list of permit requirements.

24: Capacity – regulatory costs and fee structure

LWVOR agrees with your recommendations for fees to cover costs of the CAO program. We recommend that you ask for enough fees to cover past systematic underfunding of DEQ such that lack of permit writing, inspections and enforcement does not occur in the future.

25: Evaluation

LWVOR believes one of the best methods of evaluation may be verification of materials balancing data submitted by the industries. Oregon has cases where reported emissions have been deliberately low because the companies were not required to do periodic emissions testing and reports of emissions were not verified. We hope those days are over.

We agree that pollution prevention efforts should be instituted state-wide and the progress reported. Those efforts will have beneficial effects for the companies, their neighbors and the environment.

Text of comments made by Greg Thelen during the public comment period to the CAO Citizen's Advisory Committee 4/4/17

Hello, my name is Greg Thelen. I am a native Oregonian and a long time Portland resident. I have worked in the Lower Columbia Region all my life. I am technically oriented. For 17 years I was a licensed journeyman electrician, and often worked in industrial facilities, including chemical, wood products, food packaging, waste water and agriculture. I have also worked as an educator and school administrator. I am practically retired now, but still do some tech support in pulp and paper mills for a local company.

I believe in progress and I support industry. I have done a lot of interesting and rewarding work in industry. I also believe all people have a right to breathe healthy air. Last spring, I began closely following the State's efforts to institute health-based standards in regulating industrial sources of toxics. As a technical person, I have been especially curious to understand the relationship between seemingly huge amounts of toxics that are permitted to leave smokestacks and the miniscule amounts that are demonstrated to adversely affect our health.

I realized something important at the last Citizen's Advisory Committee meeting. Phil Allen with the DEQ gave a presentation on modeling in which he showed a slide representing a large funnel shaped plume of toxics (in many cases measured in tons per year or pounds per day) going into the atmosphere, with the lower edge of the plume touching a residential neighborhood. Toxics are measured at the fence line or in neighborhoods, because in health-based regulation, that's where the people are. Tons and tons of heavy metals and volatiles are regularly released into the atmosphere without concern for health. They are expected to simply drift away or to be diluted before encountering people. This is the elephant in the room.

As I understand it, Cleaner Air Oregon has been given the task of writing regulations to reduce the public health risk of air toxins from industry; and not necessarily to deal with those massive main toxic plumes—just the wisps on the fringes, so to speak. For me, this realization has been both a disappointment and a relief. A disappointment because I know world's atmosphere is becoming unhealthy—it's finite and can't absorb pollutants indefinitely—there will eventually be a day of reckoning. And a relief, both because I believe CAO rules will in some measure help public health, and because I see a strong possibility that our Oregon industry managers will realize that the new health-based rules will only affect a tiny fraction of their emissions—and their expenses. And that supporting public health is going to be good for them, for their workers, for their neighbors, and for Oregon.

I would just like to add that from the presentation today about the possibility that Area Allowable Risk of cancer may be set within a range between 20 and 80 depending on what is ultimately found to be present in Oregon's air is clearly an accommodation to the pollution rates of existing industry, which is not health-based in any way. If I were an advocate for industrial pollution, this possibility would make my day. Thank you.

WESTERSUND Joe

From: info@cleanerairoregon.org
Sent: Thursday, April 13, 2017 9:41 PM
To: info@cleanerairoregon.org
Subject: New submission from Questions/Comments

Email

As a 30 yr resident 1/2 mile from Bullseye glass these 24 hour benchmarks are very important to me. The last year as been hell trying to figure out how my family's exposure to all the toxics have affected our health. Because some of the toxics used are time sensitive I still don't believe we will ever know the real affect. I am over safe benchmarks for cadmium. With my neighborhood being one of the worst for air toxics accumulative amounts are very important and of concern due to over 30yrs of exposure. 24hr benchmarks were figured on a 70 yr lifetime risk but have now been moved to an 80 yr . 24hr exposures rates for those who go to school, work and are at home in the target area 24/7 are especially affected. Chromium is a huge concern. After DEQ and OHA's come to Geezus moment about the fact that 99% of the trivalent chromium converted to hex chrome in the oxidation process during the melt they are now assuming total chromium is hexavalent chromium. That is a concern because to get accurate test results for chromium exposure they have to be done in a timely manner. Accurate results are time sensitive. That being said the fact that most weren't tested within 60 days. The same with the lead. Again, accumulative amounts are so important. Those of us with high levels of exposure that have lived in these area's for 20 -30 yrs are very concerned that 24/7 exposures must be a part of the formula for 24hr SAFE benchmarks for toxics. We need to use health based precautionary principal in all conversions and formulas. Thank you
Cindy Young
Portland, OR

WESTERSUND Joe

From: Carroll Johnston
Sent: Saturday, April 15, 2017 2:41 PM
To: WESTERSUND Joe
Subject: Follow-up comments on the 4/4/17 Cleaner Air Oregon Advisory Committee meeting

Categories: For Followup

I have these suggestions to help protect Oregon citizens' health from exposure to airborne toxins:

1. Conduct periodic tests to find previously undetected "toxic hot spots" using inexpensive methods, such as the recent moss study by the US Forest Service in Portland.*
2. Place air monitoring equipment on a rotating basis at various points around the State to sample for unexpected high concentrations of airborne toxins, such as the trichloroethylene recently discovered near the battery parts maker in Lebanon.
3. Use continuous toxic emissions monitoring for industrial sources that can be expected to have fluctuations in operating conditions and variations in feedstock that are likely to affect the amount of toxic emissions, such as art glass manufacturers, waste incinerators, and oil re-refineries. PLEASE go to the following link to find an important discussion of the necessity for the continuous monitoring of toxic emissions and for equipment with which to do it as referenced in the sub-links from this link.
<http://www.ejnet.org/toxics/cems/>
4. Require periodic full hazardous materials balance reporting from facilities as a way to help zero in on the potential sources of a detected toxin.
5. Recognize that either due to ignorance about their emissions contents or due to outright obfuscation, some facilities can be emitting more toxins than they are telling DEQ; and as a result they will "deny and defy" DEQ from exerting sufficient regulatory control to protect the health of citizens in the surrounding area.
6. Overall, DEQ staff should be prepared to act as "environmental detectives" to identify toxic pollutants, and they should then put the health of citizens first in spite of protests from industries that "more regulation will put us out of business". No job provided by an industry is more important than the health of our children nor the actual shortening of a life.

* Footnote to Item 1:

Meteorological phenomena such as "geothermal lift" can cause toxins to be airlifted to distant points that might not normally be expected. Due to this phenomenon, toxic particulate matter can be carried by the wind many miles over flat terrain until it reaches the first gain in elevation. As the air moves up a hill, it is cooled by the lower temperatures of the higher elevation. The resulting decreased kinetic energy of air molecules at the cooler temperature causes the particulates to fall to the ground at that location, far away from the industry that was its source. This is one reason why testing only within a specified radius of potential toxin sources, such as 1.5 kilometers, is not sufficient.

Carroll D. Johnston

WESTERSUND Joe

From: info@cleanerairoregon.org
Sent: Monday, April 17, 2017 8:54 PM
To: info@cleanerairoregon.org
Subject: New submission from Questions/Comments

Email

To whom it may concern,

My family moved to The Dalles in April of 2016. I grew up in Stevenson just down the river, and my husband in California. We have a 2 year-old child and love many things about life in The Dalles. The most negative drawback to living here is the air pollution and it is the reason when we look to buy our first home in a year or two we hope to find something somewhere else. Anywhere else that enjoys cleaner air. Most of this year, especially in the summer, I felt locked in my home on E 13th Place off of Dry Hollow. On mornings when I want to open the windows and air the house out in the cool morning air the smell of mothballs hit my nostrils and lungs and I have to shut the window, close the door, and keep out as much of the toxic air and noxious smell as I can. Morning walks are curtailed, evening walks, too. I hate it. Sometimes we can drive across town or downriver to play at the park, etc. but that gets old and expensive. It's unfortunate as we have the best park in The Gorge right in our neighborhood! I just want to be out in my yard, enjoying my home and neighborhood. I don't know if naphthalene is responsible for our health problems but I do credit it with a lack of exercise in the outdoors and a whole lot less time spent gardening. Both things me and my family used to enjoy when we didn't live next to a toxic railroad tie plant that is poisoning this town and already the source of numerous Superfund sites. Please do what you can to reduce allowable levels of these toxins in our air shed. The high levels of toxins in the air affect daily life in The Dalles and make it much less inhabitable.

Thank you,

Alyson Castonguay



LUMBER CO., INC.

"An Equal Opportunity Employer"

P.O. Box 276 / Lyons, Oregon 97358
503-859-2121
Fax 503-859-2112

April 21, 2017

Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

Dear Co-Chairs Dingfelder and Powers:

I am writing to share my concerns with the Cleaner Air Oregon rulemaking and the impact new rules may have on Freres Lumber Co., Inc., a 95 year-old family-owned Oregon company that employs more than 480 Oregonians in job-starved rural areas of the state.

Most Oregon businesses work hard to prevent air pollution, protect public health and the health of all of us who work and live in the community. But the Cleaner Air Oregon rules, as currently being proposed, represent a significant threat to the viability of Freres Lumber Co., Inc.'s operations and the people of our community who work there.

Manufacturing jobs are critical to Oregon. They offer better pay and more stability than other jobs. In fact, employment is itself a key indicator of human and community health. Regulations that costs jobs significantly affect the health of the newly unemployed and strain local social services.

Adding costly new regulations could cause businesses to curtail operations, shut down or leave the state. Unreasonable rules that costs jobs would hurt Oregon's ability to attract new manufacturing jobs and put current manufacturing jobs at risk.

The framework recently released by DEQ appears to propose that rulemakers in Oregon will draft a rule that will be one of the most stringent program in the country. In fact, one of the risk levels suggested in that framework are three times as stringent as the program in effect for the Los Angeles basin.

I believe Oregon can have both clean air and a healthy economy with fair and reasonable air regulations. New rules should both protect public health and allow companies adequate time to phase in new requirements to make sure employment and operations can be maintained. Companies like Freres Lumber Co., Inc., that have been in compliance with air quality standards for years should not be required to meet unreasonable or unachievable standards.

I urge you to adopt reasonable rules to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely,

Robert Freres Jr.
Executive Vice President
Freres Lumber Co., Inc.



memorandum

To: Ms. Claudia K. Powers, Co-Chair
Ms. Jackie Dingfelder, Co-Chair
Cleaner Air Oregon (CAO) Advisory Committee
Oregon Department of Environmental Quality

From: Mr. Ravi Bhatia

Date: April 21, 2017

Re: CAO Air Toxics Framework - South Coast AQMD Rule
1401/1402 An Air Practitioners Perspective

An associate of mine is the corporate environmental manager for an Oregon-based manufacturing company, employing approximately 250 Oregonians has brought the Cleaner Air Oregon air toxics issue and associated rulemaking efforts to my attention.

The following presents a practitioners experience in working with health risk assessments as they relate to permitting of minor and major source facilities in California, with an emphasis on South Coast Air Quality Management District (AQMD) and comparisons to Bay Area AQMD and San Joaquin Valley Air Pollution Control District (San Joaquin Valley APCD).

The management of air toxics is a complex, scientific and rule based regulatory activity. This summary is by no means an exhaustive comparison or a thorough evaluation of any air toxic management program(s) or individual regulations.

Trihydro has over three decades experience in the management of air toxics throughout California and the United States and has served a broad cross section of manufacturers who have been affected by the South Coast and Bay Area AQMD Air Toxics Rules 1402/1402 and Regulation 2, Rule 5 et al, respectively, and San Joaquin Valley APCD Regulation VII.

New Source Review of Toxic Air Contaminants

South Coast Air Quality Management District (SCAQMD) Rule 1401, was adopted in June 1990 and establishes permitting requirements for new, relocated and modified sources that emit one or more of the identified Toxic Air Contaminants (TACs). Rule 1401 has been amended seventeen times since its promulgation in 1990. The first amendment being within 6 months of promulgation. The aforementioned promulgation and amendments occurred over almost three decades, and should provide an indication of the challenge in developing a complex, yet functional air toxics regulatory framework.

The California legislature is the “legislative body” and established the Air Resources Board, and is further divided into 35 air jurisdictions (each of which may have differing rule implementation). South Coast



AQMD, Bay Area AQMD, San Joaquin Valley Air Pollution Control District are three of the more conservative air jurisdictions in California if not the country.

The EPA list includes 187 hazardous air pollutants (HAPs), and Rule 1401 includes over 200 toxic air contaminants (TACs). The Office of Environmental Health Hazard Assessment (OEHHA) establishes risk exposure levels for TACs. The Scientific Review Panel (SRP) reviews and approves the methodologies used to develop these risk values, thereby finalizing these values for use by state and local agencies in assessing risk from exposures to TACs. This approval is considered final action by the state.

In California The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) was enacted in 1987, and requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

State legislative mandates, OEHHA, and local air jurisdictional processes are linked and are subject to their own public notices of intent to change risk values, perform socioeconomic impact assessments, and submit require respective administrative approval in order to change risk values in the procedure for determining risk.

The forgoing may seem obvious but is pointed out to illustrate the scientific and regulatory complexity of the air permitting and air toxic evaluation process. There is a great deal of variation in the way each California air jurisdiction conducts its air permitting and toxics evaluation. Oregon DEQ has a major opportunity to develop a robust air toxics program, but it is our belief that it must do so "on a regulatory path based on sound science and public policy." Acceptable risk values need to be based on a thorough scientific review based upon toxicity values listed by authoritative bodies.

In South Coast AQMD, the cumulative risk from a new, modified, or relocated permit unit the Maximum Individual Cancer Risk (MICR) shall not exceed, at any receptor location:

- 1 in a million without T-BACT; or,
- 10 in a million with T-BACT; and,
- 0.5 excess cancer cases in the population subject to the above risk levels.

Non-cancer health Effects (Hazard Index)

The cumulative increase in total acute and chronic Hazard Index (HI) risk from a new, modified or relocated permit unit and from any other permit unit for which an application has been submitted after September 8, 1998, the HI for either acute or chronic shall not exceed 1.0, at any receptor location.



Facility-Wide and Community-Wide Evaluations

It is my impression jurisdictions evaluate the facility-wide acute, cancer and chronic hazard index, and to date I am not aware of a jurisdiction that uses a “community-wide” basis that looks at the cumulative risks.

South Coast AQMD’s risk assessment procedures, including procedures for a simple risk screening, are rather prescriptive and utilize a Risk Evaluation Tool to assist applicants and engineers in the evaluation process: “It is intended to be a “living” document. That is, as new TACs are added, risk values changed, or procedures revised, the document will be updated. Past procedures will be archived and TAC listings have been separated by the time period of significant Rule 1401 (PDF) changes.”¹

Development of a standardized tool by Oregon DEQ seems critical to the permitting and negotiating process. South Coast AQMD via its Regulation XIV - Toxics and Other Non-Criteria Pollutants framework have developed health risk-based screening criteria for common industrial operations. A similarly expansive framework should be considered by Oregon DEQ.

As mentioned earlier, each district handles the engineering and risk evaluations differently. For example, it appears that each South Coast AQMD permit engineers handles both functions, whereas in San Joaquin Valley APCD the permit engineer is responsible for fully vetting the engineering and emissions calculations, and then turns the engineering package over to a risk analysis group for the risk evaluation. As a practitioner, the latter process adds an additional communication node to the permitting process as there is a nexus between operating conditions, production or throughput and criteria and air toxic emissions. It is this practitioner’s opinion that since these requirements are dynamically related, it is efficacious to negotiate these production and compliance requirements with one permit engineer (e.g., one node rather than a recursive two node process).

Quite often with smaller “mom and pop” run operations, the cost to have a consultant prepare the permitting application is seen as being cost prohibitive, and the applicant will provide a “skeleton” application to an air regulator. When this happens the air regulatory engineers make assumptions that inure to the regulatory agency benefit, and resultant conditions serve to cram down production throughput. This especially critical when evaluating the air toxic emissions and potential controls thereto. For example, an air regulator will most likely perform a Tier 1 screening assessment, whereas an air practitioner would perform a Tier II or more likely a Tier III assessment. It is not uncommon to see the health risk assessment “improve” as the Tiered assessment increases.

¹ <http://www.aqmd.gov/home/permits/risk-assessment>



Mses. Powers and Dingfelder
April 21, 2017
Page 4

I would be concerned about the organizations fiscal and staffing resources when 1,000 or more facilities come up for the initial evaluations. An effort should be made to prioritize the rollout, but more importantly a fully developed regime is a priori.

Oregon DEQ really has the opportunity to develop a robust air toxics program that is both protective of human health and the environment and good for its people and business community. We have learned to work within the already very conservative risk assessment procedures in South Coast AQMD, Bay Area AQMD, and San Joaquin Valley APCD.

Oregon DEQ is considering a more aggressive approach in managing air toxic risk on a community-wide basis without understanding individual facility-wide risk that may be associated with a single facility or even a “group” of single facilities. Oregon DEQ should first develop a regulatory framework to assess risk and then identify individual facility-wide risks.

To move forward with a community-wide risk framework can have unintended consequences by overlooking the risk-reductions gains that can be achieved by managing risk on a facility-wide basis. Once Oregon DEQ has established a toxic air framework and had the ample opportunity to review its benefits, then it can rethink its process for evaluating risk on a larger scale.

Thank you for your consideration of these concerns.

DRAFT vendor/community partner letter to the Cleaner Air Oregon Advisory Committee

Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

Dear Co-Chairs Dingfelder and Powers:

I am writing to share my concerns with the Cleaner Air Oregon rulemaking and the impact new rules may have on Roseburg Forest Products, an 80-year-old family-owned Oregon company that employs more than 2,500 Oregonians in job-starved rural areas of the state.

Most Oregon businesses work hard to prevent air pollution, protect public health and the health of all of us who work and live in the community. But the Cleaner Air Oregon rules, as currently being proposed, represent a significant threat to the viability of Roseburg's operations and the people in our community who work there.

Manufacturing jobs are critical to Oregon. They offer better pay and more stability than other jobs. In fact, employment is itself a key indicator of human and community health. Regulations that cost jobs significantly affect the health of the newly unemployed and strain local social services.

Adding costly new regulations could cause businesses to curtail operations, shut down or leave the state. Unreasonable rules that cost jobs would hurt Oregon's ability to attract new manufacturing jobs and put current manufacturing jobs at risk.

The framework recently released by DEQ appears to propose that rulemakers in Oregon will draft a rule that will be one of the most stringent program in the country. In fact, one of the risk levels suggested in that framework are three times as stringent as the program in effect for the Los Angeles basin.

I believe Oregon can have both clean air and a healthy economy with fair and reasonable air regulations. New rules should both protect public health and allow companies adequate time to phase in new requirements to make sure employment and operations can be maintained. Companies like Roseburg that have been in compliance with air quality standards for years should not be required to meet unreasonable or unachievable standards.

I urge you to adopt reasonable rules to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely,

Pat Adelman
Name Pat Adelman
Address 30010 Heather Oak Dr
Junction City OR 97448

CC: Richard Whitman, Director, Department of Environmental Quality
Lynne Saxton, Director, Oregon Health Authority
Senator Richard Devlin, Co-Chair, Joint Committee on Ways and Means
Senator Lew Frederick, Co-Chair, Ways & Means Natural Resources Subcommittee
Rep. Nancy Nathanson, Co-Chair, Joint Committee on Ways and Means
Rep. Brad Witt, Co-Chair, Ways & Means Natural Resources Subcommittee
Senator Fred Girod, Vice Chair, Ways & Means Natural Resources Subcommittee
Senator Betsy Johnson, Co-Vice Chair, Joint Committee on Ways and Means
Rep. Mike McLane, House Republican Leader, Ways and Means Committee Member
PLUS local legislators representing districts that include company facilities

Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

Dear Co-Chairs Dingfelder and Powers:

I am writing to share my concerns with the Cleaner Air Oregon rulemaking and the impact new rules may have on Billboard Lumber, a 25 year-old family-owned Oregon company that employs more than 29 Oregonians in a job-starved rural area of the state.

Most Oregon businesses work hard to prevent air pollution, protect public health and the health of all of us who work and live in the community. But the Cleaner Air Oregon rules, as currently being proposed, represent a significant threat to the viability of Billboard Lumber's operations and the people in our community who work there.

Manufacturing jobs are critical to Oregon. They offer better pay and more stability than other jobs. In fact, employment is itself a key indicator of human and community health. Regulations that cost jobs significantly affect the health of the newly unemployed and strain local social services.

Adding costly new regulations could cause businesses to curtail operations, shut down or leave the state. Unreasonable rules that cost jobs would hurt Oregon's ability to attract new manufacturing jobs and put current manufacturing jobs at risk. We are a secondary lumber remanufacturer. We freight in materials to produce products. These materials could be freight elsewhere out of Oregon and be reproduced. Keep Oregon jobs here.

The framework recently released by DEQ appears to propose that rule-makers in Oregon will draft a rule that will be one of the most stringent programs in the country. In fact, one of the risk levels suggested in that framework are three times as stringent as the program in effect for the Los Angeles basin.

I believe Oregon can have both clean air and a healthy economy with fair and reasonable air regulations. New rules should both protect public health and allow companies adequate time to phase in new requirements to make sure employment and operations can be maintained. Companies like Billboard Lumber that have been in compliance with air quality standards for years should not be required to meet unreasonable or unachievable standards.

I urge you to adopt reasonable rules to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely,



Chuck Danskey, owner
PO Box 803
Riddle, OR 97469



160 Temple Brown Road • Roseburg, OR 97470
Phone (541) 672-2675 • Fax (541) 672-5047

Jackie Dingfelder, Co-Chair
Claudia Powers, co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building, 700 NE Multnomah Street
Portland, Or. 97232

April 24, 2017

Dear Co-Chairs Dingfelder and Powers:

I am writing to share my concerns with the Cleaner Air Oregon rulemaking and the impact new rules may have on Roseburg Forest Products, an 80 year-old family-owned Oregon company that employs more than 2,500 Oregonians in job-starved rural areas of the state. It is also a Company that we at Nordic Veneer, Inc depend greatly on to help keep our business viable.

Most Oregon businesses work hard to prevent air pollution, protect public health and the health of all of us who work and live in the community. But the Cleaner Air Oregon rules, as currently being proposed, represent a significant threat to the viability of Roseburg's operations and the people in our community who work there.

Manufacturing jobs are critical to Oregon. They offer better pay and more stability than other jobs. In fact, employment is itself a key indicator of human and community health. Regulations that cost jobs significantly affect the health of the newly unemployed and strain local social services.

Adding costly new regulations could cause businesses to curtail operations, shut down or leave the state. Unreasonable rules that cost jobs would hurt Oregon's ability to attract new manufacturing jobs and put current manufacturing jobs at risk.

The framework recently released by DEQ appears to propose that rule makers in Oregon will draft a rule that will be one of the most stringent program in the country. In fact, one of the risk levels suggested in that framework are three times as stringent as the program in effect for the Los Angeles basin.

I believe Oregon can have both clean air and a healthy economy with fair and reasonable air regulations. New rules should both protect public health and allow companies adequate time to phase in new requirements to make sure employment and operations can be maintained. Companies like Roseburg that have been in compliance with air quality standards for years should not be required to meet unreasonable or unachievable standards.

I urge you to adopt reasonable rules to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely,
NORDIC VENEER, INC

Art Adams, Owner



Established 1906

PHONE: 541-267-7063
FAX: 541-267-7065
600 N FRONT STREET
COOS BAY, OREGON 97420
EMAIL: bruce@koontzmachine.com
WEB: www.koontzmachine.com

KOONTZ MACHINE and WELDING INC.

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April 24, 2017

Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee Oregon Department
of Environmental Quality Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

Dear Co-Chairs Dingfelder and Powers:

I am writing to share my concerns with the Cleaner Air Oregon rulemaking and the impact new rules may have on Roseburg Forest Products, an 80-year-old family-owned Oregon company that employs more than 2500 Oregonians in job-starved rural areas of the state.

Most Oregon businesses work hard to prevent air pollution, protect public health and the health of all of us who work and live in the community. But the Cleaner Air Oregon rules, as currently being proposed, represent a significant threat to the viability of Roseburg's operations and the people in our community who work there.

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I urge you to adopt reasonable rules to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely,

Bruce Thompson
President
Koontz Machine and Welding, Inc.
600 N Front St
Coos Bay, Oregon 97420



Phone: 541-826-1717
Fax: 541-826-9779

Rogue Mechanical Insulation, Inc.
CCB#148896

6030 Crater Lake Ave.
Central Point, Oregon 97502

April 25, 2017

Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

Dear Co-Chairs Dingfelder and Powers:

I am writing to share my concerns with the Cleaner Air Oregon legislation and the impact new regulations may have on industries that employ Oregonians in job starved rural areas of the state.

Most Oregon businesses work hard to prevent air pollution, protect public health, and the health of all of us who work and live in the community. But the Cleaner Air Oregon legislation, as currently being proposed, represent a significant threat to the viability of industries and the people in the communitys who work there.

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I urge you adopt reasonable regulations to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely,

A handwritten signature in black ink, appearing to be "S. H. H. H.", written in a cursive style.

DRAFT vendor/community partner letter to the Cleaner Air Oregon Advisory Committee

Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

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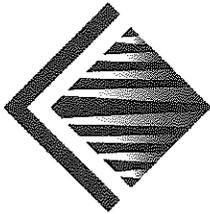
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I urge you to adopt reasonable rules to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely, *Shaul Stone*

Name *Cornerstone Enterprises*
Address *PO Box 719*
Roseburg Or 97470

CC: Richard Whitman, Director, Department of Environmental Quality
Lynne Saxton, Director, Oregon Health Authority
Senator Richard Devlin, Co-Chair, Joint Committee on Ways and Means
Senator Lew Frederick, Co-Chair, Ways & Means Natural Resources Subcommittee
Rep. Nancy Nathanson, Co-Chair, Joint Committee on Ways and Means
Rep. Brad Witt, Co-Chair, Ways & Means Natural Resources Subcommittee
Senator Fred Girod, Vice Chair, Ways & Means Natural Resources Subcommittee
Senator Betsy Johnson, Co-Vice Chair, Joint Committee on Ways and Means
Rep. Mike McLane, House Republican Leader, Ways and Means Committee Member
PLUS local legislators representing districts that include company facilities



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Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700 NE Multnomah Street
Portland, OR 97232

April 26, 2017

Dear Co-Chairs Dingfelder and Powers:

I am writing to share my shared concerns with the Cleaner Air Oregon rulemaking, and the impact new rules may have on Specialty Polymers, a 45-year old family-owned Oregon company that employs 80 Oregonians.

Most Oregon businesses work hard to prevent air pollution, protect public health and the health of all of us who work in the community. But the Cleaner Air Oregon rules, as currently proposed, represent a significant threat to the viability of our Woodburn operation and the people in our community who work there.

Manufacturing jobs are critical to Oregon. They offer better pay and more stability than other jobs. In fact, employment is itself a key indicator of human and community health. Regulations that cost jobs significantly affect the health of the newly unemployed and strain local social services.

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I believe Oregon can have both clean air and a healthy economy with fair and reasonable air regulations. New rules should both protect public health and allow

companies adequate time to phase in new requirements to make sure employment and operations can be maintained. Companies like Specialty Polymers that have been in compliance with air quality standards for years should be required to meet unreasonable or unachievable standards.

I urge you to adopt reasonable rules to protect both the health of our communities and health of Oregon's manufacturing operations.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Frisco', with a horizontal line extending to the left.

Mark Frisco, EHS Manager
Specialty Polymer
PO Box 299 - Woodburn, Oregon 97071



SUSTAINABLE AND RENEWABLE OILS, LLC

April 26, 2017

Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Jackie Dingfelder and Claudia Powers, Co-Chair
700 NE Multnomah Street
Portland, OR 97232

Dear Jackie Dingfelder and Claudia Powers:

I am a business man who was born in Oregon and has operated a number of businesses in Oregon for over fifty years. Presently I am servicing hundreds of businesses throughout the Northwest, helping with methods to protect Oregon's precious environment. The Cleaner Air Oregon is only not needed but will be damaging to Oregon's economy!

What is needed are more funds for Oregon's DEQ so that there is staff enough and additional qualified engineers so DEQ can work with their present regulations. Also so Oregon businesses can improve their operations.

As an example, over the last three years one of the businesses I consult, has been attempting to improve and renew their Clean Air Permit only to be told by DEQ a number of times that they do not have the budget and staff. Further, as we worked with DEQ, the new technology was not understood and DEQ engineering staff was not available to spend the time to study and confirm that the improvements added more protection to Oregon's environment.

This is not a new thing, it has been going on for over twenty years.

Adding more and tighter requirements, when the present regulations are not correctly applied or enough time spent with businesses, who want to protect Oregon's environment, only forces increased cost, which make them not competitive or profitable. This, of course means they will fail or move to other states where they can compete! Further, new businesses or out of state businesses will not come to Oregon or try to start in Oregon. Oregon needs more employees not less!

In my discussion with small businesses in Oregon, they support these statements. We do not need more stricter regulations, but a DEQ that is better trained, qualified staff and willing to work with and have the time to work with Oregon businesses to make sure the present regulations are applied correctly and to help bring on new technology to improve their operations.

Oregon needs to commit to helping DEQ develop their staff and stream line the present regulations, not add more layers that are not necessary when the present ones with updated improvements can and will do the job.

Yours Truly,

W.L. Briggs
Senior Consultant
Sustainable and Renewable Oils, LLC



Tel. (541)326-6093

imperialforestry@hotmail.com

vendor/community partner letter to the cleaner Air Oregon Advisory Committee

Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700NE Multnomah Street
Portland, OR 97232

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I urge you to adopt reasonable rules to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely,

A handwritten signature in black ink that reads "Maricela". The signature is enclosed within a hand-drawn oval. A long horizontal line extends from the right side of the oval across the page.

Maricela Nieto
President
Imperial Forestry



Phone: 541-944-1381

Fax 541-630-5556

Sproutforestry16@gmail.com

vendor/community partner letter to the cleaner Air Oregon Advisory Committee

Jackie Dingfelder, Co-Chair
Claudia Powers, Co-Chair
Cleaner Air Oregon Advisory Committee
Oregon Department of Environmental Quality
Lloyd 700 Building
700NE Multnomah Street
Portland, OR 97232

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I urge you to adopt reasonable rules to protect both the health of our communities and the health of Oregon's manufacturing operations.

Sincerely,

Alvaro Gonzalez

Alvaro Gonzalez

President

Sprout Forestry Inc



Integral Consulting Inc.
319 SW Washington St.
Suite 1150
Portland, OR 97204

telephone: 503.284.5545
facsimile: 503.284.5755
www.integral-corp.com

May 15, 2017

Project No. M419

Joe Westersund
Cleaner Air Oregon Coordinator
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite #600
Portland, OR 97232
westersund.joe@deq.state.or.us
cleanerair@deq.state.or.us

Subject: **Technical Comments and Questions—Framework for Cleaner Air Oregon**

Dear Mr. Westersund:

Thank you for the opportunity to provide input on the draft Proposed Framework for Cleaner Air Oregon (CAO) released by the state of Oregon on March 21, 2017 (Framework). Integral Consulting Inc. (Integral) staff have more than 50 years of air modeling and risk assessment experience. We have been closely involved with the development of air toxics programs in other states and have conducted air toxics assessments for state and federal permitting purposes nationally. Our experience with providing risk assessment support to stakeholders for the West Louisville Air Toxics Study, which is used as an example for the Framework, gives us important and useful insights on the challenge of designing a robust regulatory program that protects human health but does not result in an undue burden on industry.

In our review of the draft Framework, we identified several technical questions that will be important to address during the rulemaking process and in the proposed rule. Our questions and suggestions, organized by program element, are listed below.

Program Element 5

- How will risk-based concentrations (RBCs) be selected when values are available from multiple sources? It is critical to design a hierarchy for selecting RBCs when RBC values are derived from more than one scientific or technical resource. It

would not be scientifically sound to design a program that defaults to the lowest value without the appropriate technical input and review. The RBC selection hierarchy rationale must reflect an assessment of the underlying toxicity studies, the selected points of departure, and other uncertainty factors applied in developing the criterion used to set the RBC. Additionally, it is critically important that a detailed technical review be conducted for toxicity criterion developed via extrapolation of toxicity data from a different route of exposure (i.e., route-to-route extrapolation).

- It would be reasonable for the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA) to establish a set of default exposure assumptions (e.g., hours per day of exposure, days/year of exposure, and years of exposure for receptors) that are used to convert toxicity criterion to RBCs. However, the program needs to contain the flexibility to modify default factors so as to reflect exposure scenarios that are realistic for the facilities being evaluated. For example, chronic exposures should reflect the period of time an individual may be expected to reside at a particular location relative to the source being evaluated.
- For mutagenic carcinogens, there should be an option to use an RBC that does not include factors for early childhood sensitivity if a facility is in a nonresidential area. This would be similar to the option in Program Element 11 that allows the exclusion of factors that do not apply to a facility surrounding community when considering cross-media exposure pathways (i.e., excluding factors for consumption of homegrown vegetables for facilities in nonresidential areas). The standard U.S. Environmental Protection Agency (EPA) approach for evaluating chemicals that are determined to cause cancer via a mutagenic mode of action not already accounted for in the cancer slope factor derivation is to incorporate age-dependent adjustment factors (ADAFs) that result in a 10-fold increase in risk for the first 2 years of life and a 3-fold increase for exposures between the ages of 2 and 16 (USEPA 2005). No adjustments are made for exposures after reaching 16 years of age. For nonresidential areas, the use of an RBC that incorporates ADAFs would overestimate the potential inhalation cancer risk.
- Target organs should be specified for noncarcinogenic RBCs. This specification would allow hazards to be segregated by target organ in the event that the sum of all hazards for chemicals from a facility exceeded the relevant noncancer threshold, which is a scientifically sound standard for noncancer risk assessments.
- Because acute RBCs reflect a 24-hour exposure, how does a facility compare their emissions to the 24-hour value if they do not operate 24 hours each day? DEQ should specify the means to scale an RBC based on continuous emissions to a concentration that is representative of a source emission time that is less than 24

hours. This specification is particularly important due to the significantly different meteorological conditions that typically occur at night compared to day time hours; these varying conditions have significant implications on exposure concentrations.

- The Framework states that "...anyone could propose that a new toxic air pollutant be added to the list if they can show that there is enough toxicity information to develop an RBC..." How do DEQ and OHA define "enough toxicity information"? Also, will there be an option to modify or remove an RBC if relevant and credible toxicity data show the chemical is less toxic than previously characterized? For transparency, the proposed rule should clearly specify the methodology and standard to be used to add or remove a regulated toxic air pollutant.

Program Elements 8 and 14

The Framework indicates that a noncancer hazard index (HI) of 1 will be the threshold for new and existing emission units and whole facilities. The Framework examples provided to support the review indicate that the acute and chronic HIs will be calculated by summing all chemical emissions for which a noncancer RBC has been established. There is no indication that consideration of the respective target organ is permitted when the HI for all chemicals combined exceeds the threshold of 1. Human health risk assessment guidance from both DEQ (2010) and USEPA (1989) allow for calculation of separate HIs based on the grouping of chemicals with the same effect or target organ to provide a more realistic assessment of the potential for adverse health effects from the assumed exposure. It should be noted that EPA considers noncancer toxicity criteria that would form the basis of the RBCs as providing protection to human populations, including sensitive subgroups, from appreciable risk of deleterious effects during a lifetime. Thus, to ignore the segregation of HIs by effect at some level in the process is overly conservative and unwarranted.

When evaluating acute noncancer hazards, USEPA (2009) guidance for inhalation risk assessment states that hazards from multiple chemicals should be summed only when the exposures to these chemicals occurs simultaneously. The Framework should provide a provision for segregating acute exposures that are not simultaneous from a spatial and/or temporal perspective.

Program Element 22

OHA and DEQ propose that a community engagement plan requiring specialized public communication skills be developed by those facilities at which estimated risks exceed allowable levels. This requirement places the burden of communicating public policy onto individual private sector entities, and risks public confusion and possibly undue alarm if

more than one facility is engaged in public communication efforts. On the other hand, communication by public agencies that excludes regulated facilities can also potentially lead to confusion and alarm within the community.

OHA and DEQ should be required to work with and help any facility prepare a community engagement plan and, if necessary, coordinate among multiple facilities within a community. The communication itself should be collaborative.

As proposed, Program Element 22 does not reflect the considerable challenges of public communication of science and engineering technical matters in the 21st century, in particular the communication of uncertainty, risk, and science policy judgments; therefore, this element should be revised into a more thoughtful and collaborative approach that assists all parties in presenting and communicating relevant facts and uncertainties to the surrounding community.

Program Element 25

OHA and DEQ propose to use emissions inventories over time as a measure of the CAO program's success, and suggest that other tools could emerge. While it may seem intuitive that a reduction in air emissions will translate directly to an improvement in the health of Oregonians, this is not necessarily the case. There are many factors that relate to the cleanliness of air Oregonians breathe and the improvement that any one program focused on stationary air emission sources can achieve. Because many sources of air emissions will not be regulated by the CAO program (e.g., mobile sources that likely have a far greater impact on air quality), there is a limit on the amount of improvement that can come from the CAO rulemaking effort. OHA and DEQ should better define the approach to evaluating success, such that the public and regulated community have a clear understanding of what the CAO rulemaking is expected to achieve and the timeframe that OHA and DEQ expect to achieve those goals.

Metrics for measurement of success in achieving those goals should also be defined. For example, OHA and DEQ have collected emissions data for facilities in Oregon. How will these emissions data be used to measure success, if at all? Are there specific public health metrics across specified time scales and geographic areas that are being considered? The Framework development needs to balance the economic costs on the regulated community of compliance with the CAO program with tangible public health goals and establish relevant metrics through which the CAO program can be directly measured and assessed.

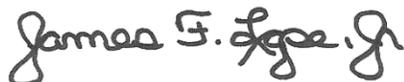
Joe Westersund
May 15, 2017
Page 5

We are tracking the CAO rulemaking process with interest, and look forward to the continuing development of the program and to reviewing the proposed rule. Thank you again for your consideration of these questions and comments on the proposed Framework. Should you have any questions or need further information please contact us as noted below.

Sincerely,



Jennifer Sampson
Senior Consultant



Jim Lape
Senior Science Advisor



David Livermore
Principal

References

DEQ. 2010. Human health risk assessment guidance. Oregon Department of Environmental Quality, Environmental Cleanup Program, Portland, OR. October.

USEPA. 1989. Risk assessment guidance for Superfund, Volume I: Human health evaluation manual (Part A). Interim Final. EPA/540/1-89/002. U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Washington, DC. December.

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USEPA. 2009. Risk assessment guidance for Superfund, Volume I: Human health evaluation manual (Part F, Supplemental guidance for inhalation risk assessment). Final. EPA-540-R-070-002. U.S. Environmental Protection Agency, Office of Superfund Remediation and Technology Innovation, Washington, DC. January.

June 20, 2017

Co-chairs and Members of the Committee

Hello, my name is Greg Thelen. I am a concerned citizen and an Oregon taxpayer. I have been following the CAO rulemaking process closely from the beginning and I would like to make some comments from my perspective.

First, I am concerned that as an Oregon taxpayer my hard-earned dollars might continue to pay for government employees to regulate industrial polluters. This basically amounts to a subsidy. Obviously I want clean air and water, but the people who are making money while discharging toxins must pay for the problems they are creating themselves. A program fully funded by polluters is the only way that makes sense.

I am concerned having heard both well-meaning citizens and industry representatives warn that these rules will result in job layoffs, industry closures and even poor health! However, I have twice been present when DEQ director Richard Whitman testified in legislative hearings that the new rules will have minimal financial impact on Oregon businesses. Study after study shows that environmental regulation has historically had little negative impact on either employment or profits over the long haul.

It is also well documented that the costs paid by industry in cleaning up industrial processes to reduce emissions are far outweighed by the dollar benefits to the state through reduced health care costs and better worker productivity, not to mention increased life span and quality of life. Unfortunately, these are factors that are not considered by industries if they are focused on short term profits.

With regard to the conversation today, I am particularly concerned that if there are to be different Risk Action Levels for existing and new facilities—which is obviously an accommodation to established businesses—there must be some mechanism put into place so that over time the playing field can be leveled and both the existing and new facilities will be operating at the most health-protective levels.

And again, I am concerned about who is going to pay for cleaning up our air. Allow me to think creatively for just a moment: Clearly, the biggest polluters should shoulder the largest part of the burden. Not small businesses. Not the mom and pops. We see tremendous pushback from business organizations who are lobbying our legislators. Groups of supposedly business rivals are showing a lot of camaraderie when it comes to opposing fees and regulation. Maybe they would like to work out an equitable system themselves, and the State could step aside. Maybe the mom and pop with the Simple permit and the thin balance sheet get their fees paid by Goliath Industries—the Title 5 which pumps tons of toxins into the air and pays their CEO, the CFO and a handful of others a million or so every year--not to mention what goes to investors. Maybe Goliath even pays for the bag houses Mom and Pop want to install. This would be true cooperation for the good of all. This may be my own creative fantasy, but my hope is that the business community will look around the table and realize that what is good for Oregonians is good for business and that they will find ways to work together and help our Legislature adopt health-based regulations that work for us all.

Thank you,

Greg Thelen

Cleaner Air Oregon Rules Advisory Committee

June 20, 2017

Testimony

I am Ron Davis, President of Davis Tool, Inc. located in Hillsboro Oregon.

Davis Tool is a family owned metalworking company that has been providing manufacturing services in Hillsboro for over 30 years. We have about 145 employees. We sponsor employee baseball and basketball teams. We host events like Manufacturing day. We provide internships for local students. We are a sponsor for the Glencoe Robotics team. We are members of the Hillsboro Chamber of Commerce.

We do our best to provide the services our customers need while being responsible citizens. Many of Davis Tool's customers have requirements that are both specific and necessary for human safety. Commercial aircraft, and military hardware must both function as designed in extreme environments and over a long period of time. Correctly manufacturing the parts requires the use of chemicals that are hazardous. We use engineering controls to minimize the exposure of people to those chemicals. Our customers have been investing heavily in technology to minimize the use of hazardous chemicals in their products. Over time these innovations flow down to suppliers like Davis Tool.

I appreciate the Governor and DEQ Director's efforts to craft a program that is protective of human health that also minimizes impacts to Oregon businesses.

I am concerned that the current proposed rule framework will not accomplish those goals. It poses a significant, unnecessary threat to my business like mine and to the jobs that it provides.

Most importantly, the Risk Action Levels in the current framework are tied to extremely low, hypothetical risk levels. I am concerned these levels were proposed without adequate justification or assessment.

While some will be dissatisfied with any hypothetical risk number greater than zero. We need a program that recognizes and deals with reality. The program needs to consider actual emissions and assess actual impacts at places where people really are. Anything else will jeopardize our ability to work with our community partners and to comply with the new rules.

I am also deeply disturbed by the current framework's community assessment element. That element could create economic dead zones and penalize manufacturers for operating where Oregon's land use laws require us to locate.

Please help us help you. We can and know how to fix real problems. We can't however, fix hypothetical problems. And we are especially unable to address impacts beyond our control.

We urge you to reconsider the current proposed framework. As you do that, please do not lose sight of how important our manufacturing jobs are to the vitality and health of our communities. [Close repeating why they should care – for rural employers, hit on impacts to local communities. For urban employers, hit on job losses and what makes vibrant communities.]

Public Comment- Cleaner Air Oregon- July 28th, 2017

Hello, my name is Julie Reardon, I live in outer SE Portland. I sit on the steering committee for South Portland Air Quality- a grassroots organization founded in response to the toxic hotspots identified last year. (0:10)

I'm ^{was} very happy to be here today; I've been unable to attend previous meetings because of conflicting scheduling with school pick-up times, lack of childcare access and because sometimes I didn't have the money for gas and parking. (0:15) NOW I'M DISTURBED AND VERY CONCERNED FOR THE WELL-BEING OF OUR SOCIETY

I'd like to address the built-in, self-destructing piece within the process of CAO which allows industry lobbyists representing OBI's best interests to be represented alongside members of my community as if their roles carry equal weight of influence over decision making and publically hold them accountable to their alliances' efforts in killing the bill to fund Cleaner Air Oregon. (0:22)

My neighborhood has several polluters, including one of the biggest in the state- Precision Castparts. For several years prior, we lived off of Tualatin-Sherwood Rd., constantly exposed to diesel emissions plus multiple industrial polluters throughout the immediate area, including Fiskars, which is the greatest emitter of chrom 6 for the entire Portland Metro area. My family has been breathing toxins and risking our health by doing no more than providing a home we can afford for our children which happens to also be within the most under-represented and most impacted communities. (0:36)

I'd like everyone in this room afforded the privilege of power ^{LOVER SHAPING OUR CONDITIONS,} to have some internal dialogue with themselves, and recognize that that power comes with costs which can cause real harm to our frontline communities. Ask if you're fine with ^{WPTD 100} some extra cases of cancer per 1 million people to save a few jobs that might get cut so some CEO's can protect their profit margins or keep their shareholders calm? Or, are you the kind of person that considers the lives of those extra cases. Do you see their faces, the color of their skin, of their hair? Do they have a beautiful smile? Are they taking quiet walks along the river? Can you see them feeling weak, starting to miss work? Sitting at the dining table as they sort through bills they can no longer pay? Do you see them cry through their struggle to stay alive? I see them and they do have a beautiful smile. And a wonderful laugh and so much love in their heart. And I love them very much. (1:08)

Making regulatory decisions based on the myth that there is no alternative, that health and jobs are mutually exclusive is what has brought us to this difficult place. I challenge you to have the courage to not only shift where our story takes us by following through on your agencies' own mission statements in creating strong regulations that safeguard people's health and our environment but one's that also lends the ability to be transparent, financially sustainable and capable of enforcing strong regulation. Because there are too few people in this world who use their power to do what's right instead of just what's convenient, by putting people before profits. Imagine what that means for our state and our society. (0:40)

Me llamo Marisol, y soy una organizadora de los jóvenes en Woodburn. Mi hermana está ocupada hoy, trabajando y con quehaceres, y tratando a encontrar tiempo en que ella puede estar con sus tres hijas. Desde que ella se mudó a los Estados Unidos, ella ha vivido en calles principales. Sus hijas han crecido respirando toxinas. Las tres tienen asma, de varios grados de severidad.

Quizás estas toxinas no afectan a tí, pero ya están afectando a los miembros más vulnerables de nuestra sociedad. Tengo una meta para esta comisión: que de las voces del comité, las voces de las personas impactadas serán la mayoría. Lo que quiero decir es: Escuchen a la comunidad. Y siguen sus consejos.

This is indigenous land.

I initially read this in Spanish to highlight that this meeting is not easily accessible to many people of color, to Spanish-only speakers, or to people who do not speak English.

My name is Marisol Ceballos, and I am a youth organizer in Woodburn, OR. Today, my sister is frantically trying to handle working, and getting errands done, while still trying to find time to spend time with her 3 daughters. She is someone who, for her time here, in occupied indigenous land, has lived along main roads. She grew up in a small town in Mexico, and was not exposed to industry toxins that my 3 nieces are. All 3 of them have asthma, with varying levels of severity.

The toxins may not be affecting you, but they are already affecting the most vulnerable people in our community. I propose a completely reasonable goal: for the majority of the Voices in the room

be those of the people who are and will be most affected. ^{That this be a community process, one that is based in discourse and that} ^{It's a problem} ^{is from the} ^{bottom up.} ~~that low-income people and people of color are not the ones to make the final choice about the air they breathe daily, when they're the first~~

^{to feel the health effects} ~~to be affected.~~ While on your way to this goal, you can make this meeting more accessible by increasing public testimony time. By having more frequent and less lengthy meetings at times when people who are working can attend. By using language that is more commonly understood. What I mean to say is: listen to what the community says. And then do what they say.

Please read our community suggestions.



Oregon
Environmental
Council
It's Your Oregon

222 NW Davis Street
Suite 309
Portland, OR 97209-3900
503.222.1963
www.oconline.org

August 28, 2017

VIA ELECTRONIC MAIL to cleanerair@deq.state.or.us

Jacqueline Dingfelder Co-Chair, Cleaner Air Oregon, Rulemaking Advisory Committee
Claudia Powers Co-Chair, Cleaner Air Oregon, Rulemaking Advisory Committee

Re: Public comments regarding proposed rules

Dear Co-Chairs Dingfelder and Powers,

Thank you for your work on the Cleaner Air Oregon program to reduce air toxics in Oregon. We stand with Governor Brown in her desire to ensure clean air for everyone to breathe. After reviewing the current draft of the proposal, we have some concerns and suggestions that we hope to see addressed as the rulemaking continues.

1. **Ensure that the program delivers on its promise to reduce health hazards.** After recent studies revealed existing air toxics hot spots that pose health hazards, our members want to see Cleaner Air Oregon produce rules that reduce these hazards, not simply measure or report them. If the standards are not health protective and people remain at risk, we expect full transparency to the public about the change in focus.
2. **Community involvement and transparency.** Community involvement and transparency are currently mandated by existing environmental justice statutes. Cleaner Air Oregon must ensure that communities are informed about high risk facilities under review and about monitoring and modeling that exceeds a threshold for risk. What's more, environmental justice requires that communities be meaningfully involved in decision-making—including decisions about how to address high-risk facilities.
3. **Don't backslide on holding existing sources accountable.** Any facility that emits air toxics harmful to human health must be held accountable for doing their part to reduce health risk. The committee should continue to discuss how those reductions happen, but the goal should remain reducing emissions to levels that will improve and protect public health. We strongly disagree with a program that will not address existing polluters, and that continues with status quo. There must be an upper limit on health impact risk; and an "area cap" can only succeed if there is a clearly defined cancer risk threshold for existing facilities.
4. **Hold High Risk Sources responsible.** High risk sources must be held responsible during review. They should have to provide monitoring data, not just models, as well as a third-party verification. They should be required to mitigate health impacts by reducing risk within the community.

5. **Protect vulnerable communities first.** Instead of basing tiered implementation on evaluation of the facility, consider basing it on the population surrounding — who is going to receive this pollution and what are the environmental justice implications? At-risk communities should receive highest priorities for implementation.
6. **Strengthen risk action levels.** Risk action levels must be set to be protective of health and determined based on credible science. Shifting from 10 in 1 million cancer risk to 25 in one million cancer risk is not justified under the vision of the program or public health science.
7. **Create checks and balances for the “Director Consultation Process.”** The process for evaluating high risk facilities must have clear and objective rules. The process should be not just one director, but rather Oregon Health Authority and Department of Environmental Quality together, and with significant opportunities for community input. The process should consider cumulative risk and evaluate the potential alternatives.

Thank you for your consideration of these important issues as you continue drafting the rules for Cleaner Air Oregon. OEC and our members are hopeful that Cleaner Air Oregon will indeed result in better health for all Oregonians.

Sincerely,

Angela Crowley-Koch
Legislative Director
Oregon Environmental Council



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Sincerely,

Angela Crowley-Koch
Legislative Director
Oregon Environmental Council

Greetings! My name is Dana Visse and I'm a resident of SE Portland. Thank you for the opportunity to speak on behalf of clean air. I grew up in Portland and am now raising two young boys in the Woodstock-Eastmoreland neighborhood of SE Portland. Last year, I learned that for the first 5 years of my older son's life and the first couple years of my youngest son's life they lived and went to preschool within the arsenic and cadmium hotspot near Bullseye. And I also learned that where we moved, five years ago now, is within a one-mile radius of a nickel and arsenic hotspot near Precision Castparts. We moved from one toxic hotspot to another.

Through the accidental findings of a moss study conducted by the Forest Service, I learned along with many families in Portland that I've been living and raising my family within very close proximity to dangerous levels of carcinogenic particulates that occur under legally permitted regulations. That's a failed system. We shouldn't have to learn the harms we are subjected to from a moss study reported by a state agency responsible for federal forest management. But knowing what we know now, this is a critical opportunity to make right a broken system.

Living within one mile of Precision Castparts airshed, I can tell you that some mornings and evenings we close our windows because of strange, acrid smells. My husband and I have called the DEQ hotline several times to report strange chemical smells. We've never received a call back or had any follow up. A friend in the neighborhood, just this June, was diagnosed with terminal cancer in her lungs, moving into her heart. She's 42, a nonsmoker, healthy, a runner, and a mother of three. Her youngest just finished kindergarten. Her doctor has been asking her where she lives, where she grew up, and if she can recall any acute exposures she's had to environmental toxicity. She's lived sandwiched between the railroad, PCC, and SE industrial for the past 15 years. There are no answers for her cancer but in walking with her through the springwater corridor, she wondered out loud if the toxic air emissions could have had something to do with it. Her question hung in the air.

I'm not here to exploit her story, I'm here to advocate on her behalf. She's in the fight of her life and if a possible surgery is successful, and that's a big "if," she will be living with one lung. With only one lung, she's

not sure she can continue to live here with the current state of air quality and emissions regulations.

Industry has dictated emissions regulations in this state for too long. Please do your job to protect public health. I understand DEQ is underfunded and under-resourced. This isn't about shaming DEQ; good people work for DEQ including one of my closest friends. I understand the limitations of the structure of your organization. But you've been given a golden opportunity and a mandate from our Governor to protect public health. There's no excuse. Please listen to the health experts within your advising committees and modify our state's regulations to become a health-based regulatory system known to be safe for the people who live and breathe here. There simply is no excuse otherwise. Please help us all breathe easier. Thank you.

Cleaner Air Oregon Advisory Committee, Public Comments, August 29-30, 2017, Portland OR.

What happens when the economic benefits of pollution determine its regulation? Carol van Strum, a great Oregon resident, asked that question 30 years ago regarding a dangerous wood treatment chemical called Penta. The recent scandal involving Bullseye Glass's metal contamination of a large swath of SE Portland opened the question up to public debate again, and led, in part, to these CAO regulatory planning sessions. The local community rose up, once again, outraged at Bullseye, and the DEQ, who had failed to protect public health.

The problem is, cost-benefit considerations, like acceptable risk, contain fatal flaws.

Prioritizing profit above community health, allowing paid corporate lobbyists to interfere with local decision-making, and gaming the system with regulatory loopholes, such as self-monitoring, confuse and diminish the regulatory protections which we all require for health and well-being.

The effects are not just nuisance odors which require us to close our windows and stay inside, but these toxins also endanger local wildlife, sabotage cottage industries such as eco-tourism and organic small scale farms, and create chronic neurological health conditions which burden public schools with autism, ADHD, asthma, and other health issues.

These toxic legacies are what CAO originally was designed to correct.

I think at this juncture of America culture and reality, we all recognize that racist and classist zoning laws, and institutional corruption, have created an Oregon where marginalized populations have borne the brunt of the effects of carcinogens, mutagens, and toxic irritants.

Marginalized populations have had little awareness of these poisons, virtually no redress, or even the possibility to escape the local toxicity. Again, the echoes of Van Strum's question sound: What happens when the economic benefits of pollution determine its regulation?

Unfortunately, over the past seven months I have watched as these CAO public input sessions have been undercut and pushed down the same old dead-end pathways. I have listened as the lobbyists pled inevitable economic calamities. It seems rather ironic then, that we all getting a kicker from Oregon taxes back next year.

While the latest proposed CAO draft contains many essential modifications to the existing permitting and regulatory structure, increasing cancer fatalities from polluting sources is one that is just not acceptable. Such a proposal has no structural integrity for the future, or for improving community health. There is no reason to give cancer a boost. I believe the public has been quite clear in opposition to elevating cancer deaths from new, or existing, industrial pollution sources.

In Sections 34-245-0080 and 34-245-0230, regarding Conditional Risk Level, often solid regulatory language is followed by loopholes allowing polluters to escape responsible pollution management practices. Section 34-245-0080 page 27 states: "(A) Risk Assessment. The owner or operator must attempt to demonstrate that the source complies with the applicable Source Risk Action Level" I propose striking the words 'attempt to'. The state must insure TBACT is being used fully and without reservation. I would also propose that 'Conditional Risk' permits are issued in a finite amount, say five permits around the state, reflecting the abstractions used in Acceptable Risk formulations for cancer deaths per x number of inhabitants. Once that total permit number is met, new permits must not be issued, or renewed, until one of the 'conditional risk' polluters returns to the regulatory fold in which all other companies must reside.

The 270 and 300 day reporting period also seems to me to be far too long. Unless I am misunderstanding 340-245-0050 (c)(8) on page 21 which states the polluter has almost a year to submit a Risk Assessment while they still are emitting poisons, I cannot understand the lack of diligence on the states part to protect the community health with this long and dirty time reporting period.

If the polluter is applying for one of these extraordinary 'Conditional Risk' permits, a more imminent relief to the dangers to public health is due. These limitations seem fair to me, and recognize that regulations are not subject to mere economics but must also include community health.

In Section 34-245-0230, page 48 (B)(c)(A), it should be incumbent on the industry to protect the health of the local population rather than have poison release determined by a monetary inability to control release. I cannot burn old tires in my yard because hauling them off to sanctioned dumpsite/recycler is too expensive. And the double whammy of health impacted by future liabilities is quite glaring here. As has often happened with toxic orphan sites, pollution remediation and health costs extrapolate wildly in future projections, with the public taxpayer forced to shoulder undue burdens of tax-funded relief efforts as well as those prior health maladies.

Further along, on page 49 the draft states: "(B) DEQ may consult with OHA, local elected officials, local Indian governing bodies, and state and federal agencies that have jurisdiction in the area of impact, before making a final determination regarding the postponement." I would propose changing 'may' in Sentence One to 'must' to insure proper democratic representation of the local community regarding the issuing of any extra ordinary pollution permit allowances.

Section 340-245-0240 defines Source Ambient Monitoring Requirements. The agency should be applauded for inserting strong language and recognizing the local community's needs and realities. However, the continued procedure of unregulated self-reported monitoring by individual polluting industries needs to be codified to insure compliance with verifiable data results. While DEQ may continue to practice unannounced visits to sites, as long as it has the means to, the sense that monitoring data will be conducted by the polluting industry as they see fit, often with coordination from out-of-state right wing think tanks and others, and whose submittal of data will likely not be challenged by DEQ or anyone else, calls into question the whole nature of permitting and enforcement by the state.

In many other industries, from medicine to education to public safety, to even driving an automobile, rigorous, objective, and verifiable testing and licensing is the norm. DEQ, perhaps in combination with OHA, should be the sole tester and verifier of data sets. Rather than the owner, or a lab he is told to hire by industry insiders, the agency must step in, test and verify, and enforce the laws. If nothing else this would insure equity on the part of the state as to how it deals with her people who seek licensure and industries who pollute and want to choose Oregon for their home.

Gregory Sotir
for the Cully Air Action Team
gsotir@cleanaircully.org

From: info@cleanerairoregon.org
To: info@cleanerairoregon.org
Subject: New submission from Questions/Comments
Date: Tuesday, August 29, 2017 4:52:27 PM

Email

I would like to submit a comment to the Cleaner Air Oregon Rules Advisory Committee meeting August 29 and 30, 2017. I am a proud retiree who worked for DEQ for 23 years, most of it in Air Quality Monitoring. I have felt lucky to be part of the national effort to control pollution, to have an interesting job focused on our shared health and a better world. I can testify that our air quality people work hard to carry out the mission to make the best use of public funding to monitor and report dependable air data.

At the same time, as a monitoring insider, I know our program had limitations that interfered with our mission to fully meet the public trust that we were there to ensure clean air for all Oregonians. Budget limitations are one obvious deficiency, as State spending is always under review, and it's not easy to compete against all the other priorities. For example, when we are entrusted to set up a new monitoring network for a suspected criteria pollutant, that is usually based on a complaint, or possibly reported from a change in modeling data, but we need to respond to the request by setting up an area survey to determine the best places to sample air. The quality of that survey, both in the equipment and staff available and in the number of survey monitoring points, is directly tied to the funding available. The point is that we are unable to sample at all locations, and we are unable to sample for all pollutants. We have to use best guess judgement to identify survey locations based on probability, and then when a continuous monitoring site is selected, we can only sample for key pollutants, usually just one, because the monitoring is expensive to set up and maintain.

I want to share one memorable job experience, where I was visiting one of our monitoring stations in Klamath Falls, a small portable building in the corner of a schoolyard, and a man came to the door to tell me how much he appreciated us being there to report our pollution data and generate an AQI number for the public to see a representation of air quality. He was an ER doctor, and he wanted to share that whenever the index showed increasing pollution, the number of people coming into the ER went up, not just those with breathing problems like asthma and emphysema, but also circulatory and heart problems rose, and that air pollution could make other conditions worse because it could weaken the whole system, especially in infants and the elderly. He shook my hand and told me to believe in what I was doing, and of course I never forgot that.

Air is our most common denominator, the invisible but essential substance of every breath we take, but also most likely what we take for granted. Pollution doesn't have to be concentrated to affect us, and the insidious accumulation of small amounts of toxic substances in our air will eventually rob all of us of days, months or years of our lives. There was a lot of denial in the early days of the Clean Air Act, where many made fun of the new restrictions and controls, but since then every bit of research has verified that air pollution is a leading threat to quality of life and longevity. We can buy bottled water and get foods that meet certain standards of assurance, but air is different. It's just there, however it comes, with no real alternatives available. It's up to us to care about our air quality and to encourage regulation and monitoring for everyone's sake.

I am endorsing that we aim to look beyond the current approach of only looking for criteria EPA pollution concerns, and merge the mission of our Oregon Health Authority and DEQ to put more focus on public health and clean air to elevate the importance of monitoring and regulation above simple the economic interests of the pollution sources. Our highest priority has to be public health. The eventual costs of caring for failing health of our fellow citizens are far greater than the interim profits of commerce. Support Health-Based Standards!

Keith Iding

My name is Marisol and I'm a youth organizer from Woodburn OR. I'm gonna start by talking about toxins, specifically pesticides. Farm workers, exposed to many pesticides, have a life expectancy of 49 years, while the average life expectancy for non-farmworkers is 78. Toxins lead to illnesses and ailments that shorten your life. My aunt Rosie, who apparently was just like me, died before I was born, before I could ever meet her, she was only in her 30s. She was not a farm worker, but she grew up near factories and in LA's toxic air. My aunt Vangie lived a little longer, but she died in her 60s, which is still young to die. She lived in St. John's, and in Southeast before she died. Just last week, my grandma's best friend passed away because of toxin-induced cancer. When will these deaths be enough to show you the devastation these toxins cause in our families and communities? When will you decide that people's lives are more important than profit?

If you're gonna talk about profits, who is that going to affect? From what I know, these rules will be enforced on a sliding scale. So a small business will not be expected to make the same changes as a large business, who can afford to pay for certain more expensive protections. Large businesses with large profits should pay their share. If they have the money to fight these regulations, they have the money to implement them.

These companies are putting a false dilemma in front of you: jobs or health. Really, it looks like a veiled threat: if you implement these regulations, we will lay off workers. You're a big company with big profits, you can work it out. If you can't, maybe it means people at the top are receiving more than their share. I mean do you have to be making so much money while others live on starvation wages?

One of the arguments that was made in the last meeting was that if a person loses their job, they lose their health insurance. How come they have to lose their jobs? If you have more restrictions, there are people who will need to maintain them, creating jobs. Also, even with a job, health care is not always affordable, and working conditions can be very risky and very toxic.

What happened with the rules was the opposite of what needed to happen: frontline communities (who should have been making the rules) didn't know what the rules would be until a couple weeks ago, and even then, only people who can afford to go to college and get a degree in this particular subject can read those rules. I tried very hard to read these rules, and I couldn't. I reiterate: that's inaccessible.

I still stand by what I said in my last testimony: these rules affect us, so we need to be leading the process. The people in this room should look a lot more like the people attending the rally outside.

A couple things about the rules:

First- the De Minimis rule has got to go. Although one plant may be emitting lower than what you are regulating, multiply that by 5, and you've got a problem.

Second- although this is stolen land, I'm going to talk in terms of Oregon and California. Does Oregon look like California? Oregon is small, we have way less people. What's good for Cali is not best for Oregon. California's rules were made in a crisis with the mentality of: any regulation is good regulation. We can do better. We don't have to go with mediocre.

I want to be able to live to see my grandkids, as, I'm sure, do many of you. That depends on how many toxins I am exposed to every day. At this point, that's up to you. So please, follow the lead of the directly impacted communities. Take

the time to hear out everyone in what they would like to say, because *that* is meaningful community engagement.

I live in SE Portland in a neighborhood that sits between a group of large-scale industrial facilities to the south and a number of smaller facilities to the north. WE are exposed to toxins such as nickel, chromium, and styrene. In 2008, a study conducted by the University of Massachusetts, based on Toxic Release Inventory Data, found that my neighborhood school, Duniway Elementary, ranked in the 3rd **highest** percentile of exposure to toxins. Put another way, of approximately 128,000 schools in the United States that were examined, only 3,000 schools have worse air quality.

Since the study, little has changed. The state's regulatory framework is still guided by industry, with no caps on the toxins that can be emitted into neighboring communities. In the metals emissions update on September 8th 2016, the DEQ reported that at the Springwater Trail monitor - nickel concentrations were over 3.4 times benchmark and hexavalent chromium concentrations were over 4.1 times benchmark - this is **after** emissions controls were installed by Precision Castparts.

The Oregon Health Authority's response was to placate nearby residents by stating that "although some the levels of the metals are above health-based benchmark concentrations, they are all below Oregon 24-hour screening levels, so there is no indication of an immediate public health threat. They also do not indicate the need for any special precautions on the part of residents in the area." ^ Anyone who has ever studied environmental health knows that it is the chronic day-to-day exposure that poses the most serious threat to diseases such as cancer. It is these chronic exposures that have not been addressed.

I shouldn't have to worry that I or someone I care about may get sick from exposure to toxins, or if my son's asthma is a result of air pollution, but I do. In fact, I think about it a lot. I often wonder if living in Portland was a bad choice for my family, and if perhaps we should move elsewhere - somewhere where industry isn't free to pollute freely and regulations are designed and enforced for the health and safety of neighboring communities.

During this past legislative session, our state senators and representatives let all of us down on multiple fronts when it came to environmental health: from diesel emissions, to right-to-know laws, and the funding of Cleaner Air Oregon.

I am here today to ask the DEQ to do the right thing and **finally** put the health of residents living near pollution sources before industry profit. Oregon needs a rigorous health-based regulatory framework - people like me are counting in it.

Vivian Christensen
6130 SE Reed College Place, Portland 97202

From: julie reardon
To: [WESTERSUND Joe](#)
Subject: Public comment for CAO Draft Rules
Date: Wednesday, August 30, 2017 2:50:06 PM

To the DEQ and OHA,

My name is Julie and I live in Brentwood-Darlington in South Portland. My closest neighborhood polluters are Precision Castparts large parts facility, McClure Industries, Eastside Plating, AGC Heat Transfer, Technical Finishes and Coatings, Wright Manufacturing, Artistic Cleaners, a Uhaul repair center which does special coating, the boiler at Reed College, Hogan Fab, Advanced Powder Coating, Johnson Concrete Products, PCC Structural small parts facility and Simonds International. That's about a one mile radius. Nothing in the draft rules addresses when we are living near several facilities that pollute below their thresholds individually but collectively their emissions are well over the threshold and pose a risk to public health.

At the last CAO meeting, industry tried to equate employment to protecting health. My husband has a job and last year my family got locked into the cheapest employee sponsored health insurance plan available before getting our subsidy dropped by OHA because even though we were still poor enough to qualify, our plan was not "cost effective". Our youngest child requires regular specialist visits. What should have taken 30 days for OHP to cover our kids, took 8 months. They fell through every crack and the specialists bills almost went into collections. We were forced to pay for gas and food on a credit card so we could pay for health insurance because social services do NOT consider your cost of insurance when applying for food stamps.

Now my husband and I are uncovered and struggling to pay back the thousands of dollars in debt we accrued last year just from feeding our family and the gas to get him to his non-union, low-wage labor job with a multi-million dollar employer. We've both been sick for the last two years and it got to a point where we had to sit down and decide which of us would see a doctor even if it meant further debt. We decided that he would have to go because he was the one with a paycheck and needed to be well-enough to work. Do you have any idea how difficult it is to have that conversation with your partner?

You were given a task to write new rules to protect public health and you are failing. Your first failure was giving industry lobbyists a seat at the table. This past legislative session proves that industry dollars boast more power than community voices. Bills to protect public health, transparency, accountability of industry and funding of CAO were destroyed by AOI and yet they sit here as stakeholders and we're all supposed to pretend like there's no conflict of interest. They are the self-destruct button within CAO and you allowed that to happen.

In the smallest fragment of time humans have raped Earth's every available resource with no regard for consequence. We blow up mountains, extract titanium and then pump PCB's into Johnson Creek, poisoning salmon and the food source for indigenous people. You continue to ignore the autism cluster of blue collar families wedged between PCC and McClure regardless of the studies that PROVE exposure to styrene and hex chromium in utero increases autism risk by 65%. We spend decades stuffing furnaces with trivalent chromium and fill the air with enough hex chromium to ravage bodies with cancer. We soak railroad ties in more than two dozen carcinogens and let thousands of them sit in the hot sun while people downwind can't let their kids play in their yard without getting boils on their bodies and nose bleeds. These draft rules do not go far enough to safeguard the health of the environmental justice communities risking their lives by doing no more than living in a neighborhood they can barely afford. There is a lot of damage that industry and regulators need to make up for.

For the past 18 months I've stood in front of you in these spaces and yelled at you, cried at you and asked you, so many times, to recognize your own humanity, to be brave and stand up to the status quo. You've had so much support behind you- people that volunteered their personal resources, legislators and even the Governor but you still couldn't do it. It doesn't take a person with letters after their name to read between the lines and see how industry exploits lives for profits and uses jobs as their scapegoat. Whether people of industry like it or not, their field has perpetuated the destruction of this planet, our livability, public health and the cowardice of our regulators have given them permission to do so.



Oregon Department of Environmental Quality

Comments (Please print clearly)

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Affiliation: _____

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Comments: Re the Conditional Risk Level proposed category for businesses that feel they're not making enough profit to prevent or control their pollution: If someone can't pay their garbage or water bill, they are still not allowed to throw their trash on the street or set up an →

outhouse in the backyard. In today's polluted environment the accumulated toxins of all the small/low profit businesses would be too destructive of our health and our environment.

An alternative to postponing their risk reduction (or, better yet, prevention) would be to offer low interest loans to enable businesses experiencing financial hardship the ability to comply with regulations that protect our air.

In the long run, these loans would probably be more cost effective and save tax payers more money than allowing pollution to continue.

CAO Discussion Draft Rule Comments

1. Keeping the AT Permit Attachments separate from the operating and construction permits will likely lead to conflicting or overlapping requirements. Unifying the permits upon renewal would help avoid these problems.
2. The rule refers to a TEU Air Toxics Permit Attachment and a Source Air Toxics Permit Attachment. It doesn't distinguish between them, however, other than to describe the obvious, face value differences in the definitions (one applies to TEUs and the other to entire sources) and to address the application fee differences. The distinction should be clarified. For example, when would one apply only for a TEU ATPA? Since RALs apply only to sources and not TEUs, even if a source consists of only a single TEU, wouldn't the ATPA still apply to the source? The overview section 340-245-0005(1) specifies that "This program...applies to whole facilities." Why would DEQ ever issue a TEU ATPA or multiple TEU ATPAs for a single source?
3. Continuing the issue addressed in Comment 2, Section -0080(2) is confusing. It opens with the conditional phrase, "When a Risk Assessment for an entire source is required under this rule...". Generally, the concept of risk in this rule applies to sources, even if the source consists of a single TEU. Presumably, this qualifier is meant to recognize the exception of a new or modified TEU demonstrating a risk reduction or a *de minimis* risk under Sections -0070(2) and (4), respectively. Section -0080(2) would be clearer if it referred specifically to Sections -0070(2) and (4) as exceptions.
4. Many of the procedural requirements in the discussion draft rules are expansive, detailed, and complex. This is especially true of the many instances where community outreach is required. Businesses generally do not have internal resources or expertise to conduct such outreach. Hiring third-party assistance or relying on existing staff adds to the cost of the rules without producing additional environmental benefit. Neither do such extensive procedural requirements further the stated purpose of the program: "to analyze and address public health risk from air toxics emissions from industrial and commercial sources." Not only do the extensive procedural requirements add cost, they also increase a company's legal liability, again, without added environmental benefit. Finally, it is questionable whether the Department will have adequate staff to ensure all of the procedural requirements are met and, in the case of extensive public outreach requirements, that resulting public expectations are met. The Department should review the discussion draft rules for opportunities to streamline and reduce procedural requirements that do not directly contribute to the reduction of excessive adverse health impacts related to industrial and commercial toxic air pollutant emissions. Where such requirements are determined to be necessary, the Department should explain the statutory basis for those determinations.
5. New sources whose risk levels are below the RALs should not be required to conduct extensive community outreach or to notify the public of plans to "reduce

toxic emissions or risk” [-0300(7)(b)]. Although the Department has changed the label “allowable risk” to “risk action level,” the fact that risk levels below the RALs do not require mitigation implies that such risk levels are indeed allowable. Why, then, should a facility whose risk levels are below the RALs be required to notify and explain to the public? Doing so will inappropriately imply and needlessly generate concern. The requirement to tell the public “[w]hat the source intends to do to reduce toxic emissions or risk” [-0300(7)(b)(C)(iii)] is especially inappropriate since a source that satisfies the RALs is not required to make such reductions.

6. There are two subsections -0005(3)(g). The second should be labeled subsection (h) and labels for the subsequent subsections should be incremented accordingly.
7. The multiple commitments of the Department to perform some action “if staffing levels allow it” are meaningless and should be omitted.
8. The discussion draft rule contains conflicting risk assessment requirements for sources seeking a Conditional Risk Level with postponement of risk reduction. Paragraph 0080(1)(a)(E) requires either a Level 3 or Level 4 risk assessment for such a request, Subsection 0230(2)(a) requires all CRLs to be accompanied by a Level 4 assessment. (Actually, it incorrectly requires a Level 5 assessment but correctly refers to the correct Section for a Level 4 assessment.)
9. Paragraph 0230(5)(a)(C) and Subsection 0230(5)(b) are redundant.
10. The discussion draft rules include extensive schedule requirements throughout for the regulated companies but very few constraints on DEQ for meeting their obligations. Open-ended agency response times will contribute significantly to the burdens the proposed rules will place on the regulated community.
11. Please revise or clarify Paragraph 0230(9)(a)(B). It applies to “significant TEUs not addressed under paragraph (A).” This apparently refers to significant TEUs for which the most recent TBACT determination concludes that additional control *is* required. If that is the case, a CRL would have to be accompanied by Risk Reduction Plan [Paragraph 0080(1)(a)(D)]. As the Risk Reduction Plan section requires its own periodic updating and reporting schedule, the 5-year schedule mandated in this section appears unnecessary.

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