

## Cleaner Air Oregon - Plain English Guide to Discussion Draft Rules

RULE NUMBER	RULE TITLE	EXPLANATION
340-245-0005	Purpose and Overview	<ul style="list-style-type: none"> <li>• The purpose of Cleaner Air Oregon is to analyze and address public health risk from air toxics emissions from industrial and commercial sources.</li> <li>• An overview of all the rules in this division is included.</li> </ul>
340-245-0010	Applicability and Jurisdiction	<ul style="list-style-type: none"> <li>• Division 245 applies to all areas of the state (except federal lands) and to all sources, both permitted and unpermitted</li> <li>• OHA will help implement</li> <li>• Rules can be used by Lane Regional Air Pollution Agency</li> <li>• Other existing rules still apply to Cleaner Air Oregon sources</li> </ul>
340-245-0020	Definitions and Abbreviations	Defines new terms and abbreviations
340-245-0030	Affected Sources and Requirements	<ul style="list-style-type: none"> <li>• New, modified, reconstructed and existing sources must complete risk assessment along with new/modified Toxics Emissions Units (TEU)</li> <li>• Explains new/modified TEUs that will not be approved:               <ul style="list-style-type: none"> <li>○ Does not comply with TEU requirements in OAR 340-245-0070 (see below);</li> <li>○ Does not comply with source requirements in OAR 340-245-0080 (see below), if required; or</li> <li>○ Emissions would cause or contribute to exceedance of the Area Multi-Source Risk Action Levels of 50-100 in 1 million or HI 3.</li> </ul> </li> <li>• Explains new sources that will not be approved:               <ul style="list-style-type: none"> <li>○ Does not comply with source requirements in OAR 340-245-0080 (see below);</li> <li>○ Exceeds any Permit Denial Risk Action Level of 100 in 1 million or HI of 3; or</li> <li>○ Emissions would cause or contribute to exceedance of the Area Multi-Source Risk Action Levels of 50-100 in 1 million or HI 3.</li> </ul> </li> <li>• Explains a new Risk Assessment is required when DEQ suspects risk over de minimis</li> <li>• Explains when an updated Risk Assessment is required:               <ul style="list-style-type: none"> <li>○ Requested by DEQ (change in RBCs, suspected issues);</li> <li>○ Error found by source; or</li> <li>○ Increase in risk requested by source.</li> </ul> </li> </ul>
340-245-0040	Implementation	<ul style="list-style-type: none"> <li>• DEQ will implement Cleaner Air Oregon in two tiers</li> <li>• Tier 1 will be composed of 80 sources and could take 5 years to complete</li> <li>• DEQ will consider emissions of each air toxic, the toxicity of each air toxic and the population of low income, minorities, and children under 5 year old within a 1 kilometer radius of the source for ranking sources into Tier 1</li> </ul>

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		<ul style="list-style-type: none"> <li>• DEQ will continue with Tier 2 after Tier 1 is complete and apply lessons learned in Tier 1.</li> </ul>
340-245-0050	Submittal Deadlines	<p>More complex Risk Assessments are allowed more time before submittal. All dates are from the DEQ notice date:</p> <ul style="list-style-type: none"> <li>• Level 1 – 45 days</li> <li>• Level 2 - 75 days</li> <li>• Level 3 – 105 days</li> <li>• Level 4 – 165 days</li> <li>• Level 5 – 195 days</li> <li>• Risk Reduction Plan – 270 days</li> <li>• Conditional Risk Level – 300 days</li> <li>• Risk Reduction Plan and Conditional Risk Level – 300 days</li> </ul>
340-245-0060	Exempt TEUs and TEU Designation	<p>Exempt Toxic Emissions Units:</p> <ul style="list-style-type: none"> <li>• Those on Categorically Insignificant Activities list</li> <li>• Those that don't emit air toxics</li> </ul> <p>TEU designation:</p> <ul style="list-style-type: none"> <li>• Individual pieces of equipment</li> <li>• Probably same designation as in existing permit</li> </ul>
340-245-0070	New or Modified TEU Requirements	<p>Requirements:</p> <ul style="list-style-type: none"> <li>• May need approval under Notice of Construction rules (division 210)</li> <li>• Approval through any of the following: <ul style="list-style-type: none"> <li>○ Risk Reduction: Default approval in 10 days</li> <li>○ Exempt TEUs: Default approval in 10 days</li> <li>○ De minimis TEUs: [0.1 in 1 million and HI = 0.1] Default approval in 10 days</li> <li>○ Source Risk Assessment Option 1: risk from source + new/mod TEU &lt; Risk Action Level or Conditional Risk Level by using Levels 1-4; can internally offset risk from existing TEU reductions; must receive approval before construction</li> <li>○ Source Risk Assessment Option 2: Include new TEU in new Risk Reduction Plan or Conditional Risk Level needed; approval through Risk Reduction Plan or Conditional Risk Level procedures; must receive approval before construction</li> </ul> </li> </ul>
340-245-0080	Source Risk Assessment	<ul style="list-style-type: none"> <li>• Compliance for existing sources using any of the following: <ul style="list-style-type: none"> <li>○ Less than Risk Action Level by using Levels 1-4</li> <li>○ Risk Reduction Plan (only if can get risk below Risk Action Level)</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>○ Conditional Risk Level (only if TBACT on all significant TEUs and cannot get risk below Risk Action Level – postponement on emission controls possible if not able to pay)</li> <li>○ Risk Reduction Plan and Conditional Risk Level (only if TBACT needed for all significant TEUs and cannot get risk below Risk Action Level - no postponement on emission controls)</li> <li>○ Ambient monitoring can be used in addition to any of the above</li> <li>● Compliance for new sources using any of the following: <ul style="list-style-type: none"> <li>○ Less than Risk Action Level by using Levels 1-4</li> <li>○ Conditional Risk Level (only if TBACT on all significant TEUs and cannot get risk below Risk Action Level - no postponement on emission controls)</li> </ul> </li> <li>● Procedures: <ul style="list-style-type: none"> <li>○ Submit appropriate application and risk assessment within compliance deadline along with appropriate fees</li> </ul> </li> <li>● Exempt and de minimis TEUs not included in risk assessment</li> <li>● Risk from natural gas/propane combustion not included in risk assessment but reported separately</li> <li>● Exempt source determination: <ul style="list-style-type: none"> <li>○ Submit notification with justification to DEQ</li> <li>○ DEQ reviews and writes memo to file to be incorporated in review report of Title V or Air Contaminant Discharge Permit</li> <li>○ Category I public notice (no notice)</li> </ul> </li> </ul> <p>To show source is de minimis or in compliance with any Risk Action Level, source can do the following:</p> <ul style="list-style-type: none"> <li>○ Level 1 Source Risk Assessment - Risk Assessment Tool (lookup table)</li> <li>○ Level 2 Source Risk Assessment - AERSCREEN modeling</li> <li>○ Level 3 Source Risk Assessment - AERMOD modeling</li> <li>○ Level 4 Source Risk Assessment – Comprehensive Health Risk Assessment</li> <li>● If source is de minimis at capacity to emit, DEQ will: <ul style="list-style-type: none"> <li>○ Write memo to file to be incorporated into review report of Title V or Air Contaminant Discharge Permit</li> <li>○ Provide Category I public notice (no notice)</li> <li>○ Track de minimis sources in database for emissions inventory and if RBCs change and reevaluation needed</li> </ul> </li> <li>● If source is in compliance with Risk Action Level at &lt;emission rate to be determined&gt;, DEQ will: <ul style="list-style-type: none"> <li>○ Issue F1 Air Toxics Permit Attachment</li> <li>○ Provide Category II public notice (30 day public notice) for Levels 1-2</li> <li>○ Provide Category III public notice (35 days public notice + hearing if requested) for Levels 3 and 4</li> </ul> </li> <li>● If source is in compliance with Risk Action Level with proposed PTE limit, DEQ will: <ul style="list-style-type: none"> <li>○ Issue F2 Air Toxics Permit Attachment</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>○ Provide Category II public notice (30 day public notice) for Levels 1-2</li> <li>○ Provide Category III public notice (35 days public notice + hearing if requested) for Levels 3 and 4</li> </ul>
340-245-0090	Area Multi-Source Risk Determination	<ul style="list-style-type: none"> <li>● DEQ will model all sources in areas for Area Multi-Source Risk Determination using AERMOD</li> <li>● If any exposure location exceeds Area Multi-Source Risk Action Level: <ul style="list-style-type: none"> <li>○ DEQ will not approve any new/modified TEUs or new/modified sources that impact same exposure location</li> <li>○ De minimis sources are not required to reduce risk</li> <li>○ Sources on Risk Reduction Plan are not required to reduce risk further</li> <li>○ Sources on Conditional Risk Level are not required to reduce risk further</li> <li>○</li> </ul> </li> </ul>
340-245-0200	Modeling Requirements	<ul style="list-style-type: none"> <li>● Modeling protocol must be submitted to DEQ and approved before any modeling is done</li> <li>● Modeling must be done using AERSCREEN, AERMOD or other DEQ approved model</li> <li>● Models will use emissions data, stack parameters, building dimensions, meteorological and topographical data, if applicable</li> </ul>
340-245-0210	Comprehensive Health Risk Assessment Procedure	<ul style="list-style-type: none"> <li>● Comprehensive Health Risk Assessment work plan must be submitted to DEQ and approved before a Comprehensive Health Risk Assessment is conducted</li> <li>● Comprehensive Health Risk Assessment must follow DEQ Air Toxics Risk Assessment Protocol and include: <ul style="list-style-type: none"> <li>○ Identifying source information</li> <li>○ Conceptual Site model with emission sources, existing and reasonably likely future exposed human populations (residents, nonresident adults, nonresident children, and other sensitive populations)</li> <li>○ Exposure assessment of air concentrations at exposure locations, including multipathway considerations, if appropriate</li> <li>○ Toxicity assessment evaluating carcinogenic and noncarcinogenic (separated by organ system) effects, including persistence and bioaccumulation</li> <li>○ Risk characterization with quantitative evaluation of potential health risks</li> <li>○ Quantitative or qualitative uncertainty evaluation of risk assessment</li> </ul> </li> <li>● DEQ will conduct initial completeness review within 30 calendar days of receipt</li> <li>● DEQ will approve, ask for corrections, or reject Comprehensive Health Risk Assessment in writing</li> </ul>
340-245-0220	Risk Reduction Plan Requirements	<p>Risk Reduction Plan must include:</p> <ul style="list-style-type: none"> <li>● Results of Source Risk Assessment with maximum risk before and after full implementation of plan</li> <li>● Two air toxics emissions inventories before and after full implementation of plan</li> <li>● TEUs from which risk will be reduced</li> <li>● Proposed risk reduction measure and if TBACT, evaluation of TBACT</li> </ul>

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		<ul style="list-style-type: none"> <li>• Schedule for implementing risk reduction measures</li> <li>• Proposed Community Engagement Plan</li> </ul> <p>Community Engagement:</p> <ul style="list-style-type: none"> <li>• 30 days after application submittal, source must hold first community engagement meeting</li> <li>• Source may change Risk Reduction Plan as a result of comments from community</li> <li>• 21-35 days after first meeting, source must hold second community engagement meeting</li> <li>• Source may make further changes to Risk Reduction Plan</li> <li>• Source must submit meeting summaries to DEQ, including comments by participants and description of changes made to Risk Reduction Plan as a result</li> </ul> <p>DEQ will draft Air Toxics Permit Attachment with compliance schedule for Risk Reduction Plan and:</p> <ul style="list-style-type: none"> <li>• Provide 7 days for source to review</li> <li>• May revise draft Air Toxics Permit Attachment as a result of source review</li> <li>• Provide 40 day public notice</li> <li>• Schedule and hold a public hearing</li> <li>• Issue the Air Toxics Permit Attachment after considering public comments</li> </ul> <p>After Air Toxics Permit Attachment is issued, source must:</p> <ul style="list-style-type: none"> <li>• Distribute Risk Assessment, Risk Reduction Plan and the Air Toxics Permit Attachment to official neighborhood associations; schools; daycare centers; and community groups and potentially sensitive populations in area of impact</li> <li>• Submit written notification to DEQ of above distribution</li> <li>• Submit semi-annual progress reports to DEQ describing emissions and risk reductions achieved by the Risk Reduction Plan</li> <li>• Schedule and hold an annual community engagement meeting each calendar year that the Risk Reduction Plan is in effect</li> <li>• Submit an annual community engagement meeting summary report to DEQ</li> <li>• Submit a Risk Reduction Plan completion report to DEQ no more than 60 calendar days after completing all Risk Reduction Plan</li> <li>• Provide public notification that the Risk Reduction Plan has been completed</li> </ul> <p>Implementation of Risk Reduction Plan:</p> <ul style="list-style-type: none"> <li>• Source must implement risk reduction measures in an approved Risk Reduction Plan by the dates specified in the Risk Reduction Plan</li> </ul>

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		<ul style="list-style-type: none"> <li>• If risk is less than Modified Schedule Risk Action Level (50 in 1 million, HI = 3), source must implement plan within two years of approval date</li> <li>• Source may ask for two 2-year extension</li> <li>• Second 2-year extension requires public hearing</li> <li>• If risk is greater than or equal to Modified Schedule Risk Action Level (50 in 1 million, HI = 3), source must reduce risk to less than Modified Schedule Risk Action Level within one year of approval date</li> <li>• Source may ask for two 1-year extension</li> <li>• Second 1-year extension requires public hearing</li> <li>• After risk is below Modified Schedule Risk Action Level, source allowed up to one more year to reduce risk to Source Risk Action Level, if possible</li> </ul> <p>Updates to Risk Reduction Plan can be requested because of changes by source or DEQ.</p>
340-245-0230	Conditional Risk Level Requirements	<p>Conditional Risk Level is available to a source that is unable to comply with the Source Risk Action Level even with TBACT installed for all significant TEUs. Periodic TBACT reviews are required to determine if new emission control measures become available, and DEQ may require update of emissions control systems.</p> <p>Requirements:</p> <ul style="list-style-type: none"> <li>• Comprehensive Health Risk Assessment including estimated maximum risk</li> <li>• Demonstration that all significant TEUs have TBACT or request for postponement of risk reductions with proof of inability to pay</li> <li>• Proposed Community Engagement Plan</li> </ul> <p>Postponement of risk reduction requirements:</p> <ul style="list-style-type: none"> <li>• Submittal of: <ul style="list-style-type: none"> <li>○ Reason for postponement</li> <li>○ TBACT determination and cost</li> <li>○ Number of employees at the source</li> <li>○ Description of any other emission reduction measures that will be taken to reduce risk in lieu of TBACT</li> <li>○ Financial information including federal tax returns available to DEQ on a confidential basis</li> </ul> </li> <li>• DEQ will: <ul style="list-style-type: none"> <li>○ Determine whether the source is able to pay for the installation, maintenance and operation of TBACT;</li> <li>○ Use the U.S. Environmental Protection Agency's ABEL, INDIPAY or MUNIPAY computer models to evaluate a respondent's financial condition or ability to pay the full cost of meeting TBACT;</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>○ Consider presence of sensitive populations and percentile of low income and minority persons at exposure locations that will exceed an applicable Risk Action Level</li> <li>○ Attempt to negotiate alternatives to the postponement</li> <li>○ 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</li> <li>● DEQ Director makes the final decision to grant, deny or continue a postponement of risk reductions request in full or in part, may impose any conditions: implementation of reasonable alternative measures, implementation schedules, and requirements for periodic review of the postponement of risk reductions</li> </ul> <p>Community Engagement:</p> <ul style="list-style-type: none"> <li>● 30 days after application submittal, source must hold first community engagement meeting</li> <li>● Source may change Conditional Risk Level as a result of comments from community</li> <li>● 21-35 days after first meeting, source must hold second community engagement meeting</li> <li>● Source may make further changes to Conditional Risk Level</li> <li>● Source must submit meeting summaries to DEQ, including comments by participants and description of changes made to Conditional Risk Level as a result</li> </ul> <p>DEQ will draft Air Toxics Permit Attachment with compliance schedule for Risk Reduction Plan (if needed) and:</p> <ul style="list-style-type: none"> <li>● Provide 7 days for source to review</li> <li>● May revise draft Air Toxics Permit Attachment as a result of source review</li> <li>● Provide 40 day public notice</li> <li>● Schedule and hold a public hearing</li> <li>● Issue the Air Toxics Permit Attachment after considering public comments</li> </ul> <p>After Air Toxics Permit Attachment is issued, source must:</p> <ul style="list-style-type: none"> <li>● Distribute Risk Assessment, Conditional Risk Level, and the Air Toxics Permit Attachment to official neighborhood associations; schools; daycare centers; and community groups and potentially sensitive populations in area of impact</li> <li>● Submit written notification to DEQ of above distribution</li> <li>● Schedule and hold an annual community engagement meeting each calendar year that the Conditional Risk Level is in effect</li> <li>● Submit an annual community engagement meeting summary report to DEQ</li> </ul>

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		<p>Director may approve a Conditional Risk Level that exceeds any DEQ Director Consultation Risk Action Level (100 in 1 million, HI = 3) for an existing source only after providing opportunity for input from OHA, local city and county elected officials, local Indian governing bodies, and state and federal agencies that have jurisdiction in the area of impact. Director will consider this input along with size of the exposed population; environmental justice; number of jobs that may be affected; and toxicity of the pollutants of most concern.</p> <p>Conditional Risk Level Ongoing Requirements:</p> <ul style="list-style-type: none"> <li>• Periodic TBACT reviews submitted to DEQ: <ul style="list-style-type: none"> <li>○ Where TBACT determination is that no additional control is required, submit an annual TBACT update report</li> <li>○ For all other TEUs, submit TBACT update reports beginning no more than five years after permit attachment issuance and every five years thereafter</li> </ul> </li> <li>• Continuation of postponement of risk reduction requests, if applicable</li> <li>• Periodic TBACT reviews must continue until risk no longer exceeds the Source Risk Action Level</li> <li>• When new or improved emissions control measure is identified by TBACT review, DEQ will make a preliminary determination with regard to whether or not the control measure must be installed along with a compliance schedule if needed</li> </ul> <p>Updates to Conditional Risk Levels can be requested because of changes by source or DEQ.</p>
340-245-0240	Source Ambient Monitoring Requirements	<p>Source ambient monitoring data can be used in addition to Risk Assessment Levels 1 through 4 to demonstrate compliance.</p> <p>Ambient Monitoring must:</p> <ul style="list-style-type: none"> <li>• Be conducted for at least 12 months with 75 percent data completeness per quarter</li> <li>• Be conducted in accordance with a DEQ approved Ambient Monitoring Plan <ul style="list-style-type: none"> <li>○ Identify all air toxics that will be monitored</li> <li>○ Describe proposed monitoring locations</li> <li>○ Describe monitoring and analysis protocols <ul style="list-style-type: none"> <li>▪ Frequency of sampling</li> <li>▪ Equipment to be used</li> <li>▪ Analytical methods to be used</li> <li>▪ Quality assurance and quality control measures to be taken and by whom</li> <li>▪ Security measure to protect monitoring equipment</li> </ul> </li> <li>○ Describe how to account for ambient concentrations from other sources</li> <li>○ Describe how meteorological monitoring will be performed</li> <li>○ Describe how data will be reduced</li> <li>○ Describe any process changes that will affect ambient monitoring results</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>• Report data at least monthly</li> <li>• Follow Community Engagement Procedures in Risk Reduction Plan or Conditional Risk Level Requirements</li> </ul> <p>DEQ will draft Air Toxics Permit Attachment with Source Ambient Monitoring Plan requirements and:</p> <ul style="list-style-type: none"> <li>• Provide 7 days for source to review</li> <li>• May revise draft Air Toxics Permit Attachment as a result of source review</li> <li>• Provide 40 day public notice</li> <li>• Schedule and hold a public hearing</li> <li>• Issue the Air Toxics Permit Attachment after considering public comments</li> </ul> <p>After Air Toxics Permit Attachment is issued, source must:</p> <ul style="list-style-type: none"> <li>• Distribute Risk Assessment, Source Ambient Monitoring Plan, and the Air Toxics Permit Attachment to official neighborhood associations; schools; daycare centers; and community groups and potentially sensitive populations in area of impact</li> <li>• Submit written notification to DEQ of above distribution</li> <li>• Schedule and hold an annual community engagement meeting each calendar year that the Source Ambient Monitoring Plan is in effect</li> <li>• Submit an annual community engagement meeting summary report to DEQ</li> <li>• Update the Source Ambient Monitoring Plan if needed</li> <li>• Provide public notification that the Source Ambient Monitoring Plan has been completed</li> <li>• Submit the ambient monitoring data and reassessment of risk-based on the ambient monitoring</li> <li>• Demonstrate, if DEQ determines that ambient monitoring data and reassessment of risk-based on the ambient monitoring are acceptable: <ul style="list-style-type: none"> <li>○ That any category of risk is lower than previously demonstrated and request revisions to its permit attachment, Risk Reduction Plan or Conditional Risk Level, as applicable. Such revisions may include revised risk levels, elimination of requirements to reduce risk or install emissions reduction measures, and elimination of other requirements that would not be necessary at the revised risk level.</li> <li>○ That any category of risk is higher than previously demonstrated and request revisions to its permit attachment, Risk Reduction Plan or Conditional Risk Level, as applicable. Such revisions may include revised risk levels, addition of requirements to reduce risk or install emissions reduction measures, and other requirements that would be necessary at the revised risk level.</li> </ul> </li> </ul>

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340-245-0250	Community Engagement Plan and Notice Requirements	<p>The purpose of community engagement is to provide for direct communication between the owner or operator of a source and the community affected by the source's air toxics emissions, ensuring that Environmental Justice is taken into consideration.</p> <p>Community Engagement Plan must include:</p> <ul style="list-style-type: none"> <li>• Boundary of area of impact</li> <li>• Identification of the following in the area of impact: <ul style="list-style-type: none"> <li>○ Official neighborhood associations</li> <li>○ Schools</li> <li>○ Daycare centers</li> <li>○ Community groups</li> <li>○ Potentially sensitive populations</li> <li>○ All languages spoken by more than ten percent of the population (e) Times, dates and locations of all planned public meetings;</li> </ul> </li> <li>• Complaint line information: A regularly monitored email address or phone number for community members to lodge complaints</li> <li>• Potential plans for a community committee to meet regularly if requested by ten or more residents who live within the area of impact</li> <li>• Plans for continued dialogue with the community after notification requirements are complete if the owner or operator so chooses (newsletters, source tours, or additional public meetings)</li> </ul> <p>Community Engagement Meetings:</p> <ul style="list-style-type: none"> <li>• Public notification by newspaper or U.S. mail in area of impact: <ul style="list-style-type: none"> <li>○ In area of impact tailored to reach sensitive populations and minorities</li> <li>○ Posted on source website</li> <li>○ Contact neighborhood associations, schools, daycare centers, potentially sensitive populations</li> </ul> </li> <li>• Held on weekday evening at ADA compliant location with translation services if needed</li> <li>• Presentation by source describing process, emissions, potential risk, compliance history and plans to reduce risk</li> </ul>
340-245-0300	Air Toxics Permit Attachments	<p>Air Toxics Permit Attachments will:</p> <ul style="list-style-type: none"> <li>• Authorize construction and operation of Toxics Emissions Units</li> <li>• Authorize emissions of air toxics in accordance with limitations</li> <li>• Implement a Risk Reduction Plan</li> <li>• Approve a Conditional Risk Level</li> <li>• Be attached to an operating or construction permit</li> <li>• Not expire</li> </ul>

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		<ul style="list-style-type: none"> <li>• Not be issued if the source only needs an air toxics permit, then a Basic Air Contaminant Discharge Permit will be issued</li> </ul> <p>New sources with a source risk level of 5 in 1 million to 10 in 1 million, or Hazard Index of 0.5 to 1 must:</p> <ul style="list-style-type: none"> <li>• Notify the public within 7 days of application</li> <li>• Hold one public meeting if requested by more than 10 individuals within 30 days of request</li> </ul> <p>Air Toxics Permit Attachment Content must include:</p> <ul style="list-style-type: none"> <li>• A list of all Toxic Emissions Units subject to an Attachment</li> <li>• Annual and Daily Risk limits</li> <li>• Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance</li> <li>• A compliance schedule if necessary</li> </ul> <p>Air Toxics Permit Attachment Modification Procedures:</p> <ul style="list-style-type: none"> <li>• Application must include all necessary information and payment of appropriate fees <ul style="list-style-type: none"> <li>○ Follow Category III public notice procedures (35 days public notice + hearing if requested) for changes: <ul style="list-style-type: none"> <li>▪ That increase risk;</li> <li>▪ To a compliance schedule to extend any compliance dates by six months or more</li> <li>▪ To the Risk Reduction Plan in any way that would significantly change proposed control methods</li> <li>▪ To the Community Engagement Plan in any way that would reduce public involvement</li> </ul> </li> <li>○ Follow Category I public notice procedures (no public notice) for changes that do not: <ul style="list-style-type: none"> <li>▪ Substantively change the Risk Reduction Plan; or</li> <li>▪ Increase the level of risk that the Risk Reduction Plan is intended to achieve.</li> </ul> </li> <li>○ Follow Category II public notice procedures (30 day public notice) for all other changes</li> </ul> </li> </ul> <p>Air Toxics Permit Attachment termination or revocation:</p> <ul style="list-style-type: none"> <li>• Automatic Termination. A permit is automatically terminated upon: <ul style="list-style-type: none"> <li>○ Written request of the permittee, if DEQ determines that a permit is no longer required</li> <li>○ Failure to submit a timely application for permit renewal</li> <li>○ Failure to pay annual fees</li> </ul> </li> <li>• Revocation: <ul style="list-style-type: none"> <li>○ Permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>○ Serious danger to the public health, safety or the environment caused by a permittee's activities</li> </ul> <p>Combining multiple Air Toxics Permit Attachment Applications: Applications can be combined and single highest fee paid.</p>
340-245-0310	Source Risk Limits	<p>Risk limits:</p> <ul style="list-style-type: none"> <li>● Chronic is on a rolling 12 consecutive month basis</li> <li>● Acute is on a daily basis</li> <li>● Established separately for chronic cancer, chronic non-cancer and acute non-cancer risk;</li> <li>● Set at Source Risk Action Levels, Conditional Risk Level, or less than Risk Action Level if area exceeds Area Multi-Source Risk Action Level and source contribute to exceedance, whichever is applicable</li> </ul>
340-245-0320	Calculations	<p>Level 1 Risk Assessment Tool:</p> <ul style="list-style-type: none"> <li>● Sources can use this tool to estimate separate sum or risk ratios for excess cancer risk, chronic noncancer risk and acute noncancer risk based on emissions and stack height and exposure location distance. Table 6A is for annual (chronic) risk and Table 6B is for daily (acute) risk</li> <li>● In lieu of using stack height and distance to nearest exposure location, sources can use the upper-left corner of Risk Assessment Tool to conservatively estimate risk</li> </ul> <p>Sum of Risk Ratios calculation for Levels 2, 3 and 4 Risk Assessments</p> <ul style="list-style-type: none"> <li>● Sources can calculate separate sum of risk ratios for excess cancer risk, chronic noncancer risk, and acute noncancer risk by: <ul style="list-style-type: none"> <li>○ Dividing annual average concentrations by the cancer Risk-Based Concentrations or noncancer chronic Risk-Based Concentrations and summing the ratios for all air toxics and all TEUs</li> <li>○ Dividing maximum 24-hour average concentrations by the acute noncancer Risk-Based Concentrations and summing the ratios for all air toxics and all TEUs</li> </ul> </li> </ul> <p>Determination of source status relative to noncancer Risk Action Levels</p> <ul style="list-style-type: none"> <li>● Compliance with Noncancer Risk Action Levels with * in OAR 340-245-8010 Table 1 will be determined on a case-by-case basis on a target organ-specific basis.</li> <li>● Factors to be considered are: <ul style="list-style-type: none"> <li>○ Magnitude of uncertainty factors embedded in the Toxicity Reference Values used to calculate noncancer Risk Action Levels varies from chemical to chemical.</li> <li>○ Severity and permanence of the health endpoint underlying the toxicity value</li> <li>○ Relevance of the critical study underlying the toxicity value.</li> </ul> </li> </ul>

RULE NUMBER	RULE TITLE	EXPLANATION
		<ul style="list-style-type: none"> <li>○ Potential for cumulative and aggregate toxic exposures that may contribute to the same health effect in the potentially exposed population.</li> <li>○ Sensitivity of the potentially exposed population.</li> <li>○ Level of certainty about and degree to which modeled concentrations of air toxics are likely to be representative of conditions to which the population of concern is being, or could be, exposed.</li> </ul> <p>Significant Figure and Rounding</p> <p>Potential risk should be rounded off to one decimal place for comparison to de minimis levels and rounded off to a whole number for comparison to Risk Action Levels</p> <p>Non-detect source test results</p>
340-245-0330	TBACT and Other Emission Reduction Methods	<p>TBACT (Best Available Control Technology for Toxics)</p> <ul style="list-style-type: none"> <li>● Done on a case-by-case basis using top down approach for TEU <ul style="list-style-type: none"> <li>○ Develop list of air pollution control measures, starting with assessment of chemical or process modifications that reduce or eliminate the toxic chemical then evaluating innovative control technologies, modification of the process or process equipment, management practices, emission controls applied to similar types of TEUs and combinations of these control measures.</li> <li>○ List emission reduction measures in order of effectiveness and possibly eliminate most effective measure based on: <ul style="list-style-type: none"> <li>▪ Technical infeasibility</li> <li>▪ Environmental impacts</li> <li>▪ Unreasonable cost</li> <li>▪ Energy Impacts</li> </ul> </li> <li>○ Evaluate successive reduction measures until a measure is reached that is not eliminated. This measure will be considered TBACT.</li> <li>○ If all reduction measures are eliminated, the TEU is considered to meet TBACT</li> </ul> </li> </ul>
340-245-0340	Emissions Inventory and Modeling Information	<p>Emissions Inventory</p> <ul style="list-style-type: none"> <li>● DEQ may require any permitted or unpermitted source to submit air toxics emissions inventories electronically within 30 days of receipt of written request</li> <li>● Sources can request up to 60 additional days to submit inventory</li> <li>● Inventory must: <ul style="list-style-type: none"> <li>○ Be prepared consistent with DEQ methodology</li> <li>○ Identify all Toxic Emissions Units</li> <li>○ Be calculated at pre-existing Potential to Emit on a 24 hour or annual basis</li> </ul> </li> </ul>

RULE NUMBER	RULE TITLE	EXPLANATION
		<ul style="list-style-type: none"> <li>• DEQ will approve or reject air toxics emissions inventory reports within 60 days of receipt</li> </ul> <p>Modeling</p> <ul style="list-style-type: none"> <li>• The following information must be submitted if modeling is required:               <ul style="list-style-type: none"> <li>○ Site map</li> <li>○ Plot plan with property boundaries, buildings and emissions points with release heights, temperature and volumetric flow rate.</li> </ul> </li> </ul>
340-245-0400	Toxicity Reference Value Hierarchy	<p>DEQ used the following hierarchy of sources of chronic toxicity reference values (TRVs) for carcinogenic and noncarcinogenic effects:</p> <ol style="list-style-type: none"> <li>1. DEQ alone or in consultation with DEQ's Air Toxics Science Advisory Committee (ATSAC) and/or Oregon Health Authority (OHA), including Ambient Benchmark Concentrations (ABCs)</li> <li>2. EPA Integrated Risk Information System (IRIS) database</li> <li>3. EPA Provisional Peer-Reviewed Toxicity Value (PPRTV) database</li> <li>4. Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profiles</li> <li>5. California's Office of Environmental Health Hazard Assessment (OEHHA)</li> </ol> <p>DEQ used the following hierarchy of sources of acute toxicity reference values (TRVs):</p> <ol style="list-style-type: none"> <li>1. DEQ alone or in consultation with DEQ's ATSAC and/or OHA</li> <li>2. ATSDR Acute Minimal Risk Levels</li> <li>3. California's Office of Environmental Health Hazard Assessment (OEHHA) Acute Reference Level (REL)</li> <li>4. ATSDR Intermediate Minimal Risk Levels</li> </ol>
340-245-0410	Calculation of Toxicity Reference Values and Risk-based Concentrations	<p>Toxicity Reference Values:</p> <p>To develop TRVs for noncancer effects, the chronic and acute reference concentrations (RfCs) from the authoritative sources in the hierarchy were used directly as TRVs. For carcinogens, inhalation unit risk (IUR) values were modified by converting them to TRV concentrations associated with a one in one million excess cancer risk.</p> <p>Risk-Based Concentrations:</p> <p>TRVs were used as the basis for risk-based concentrations (RBCs). RBCs were calculated for the following exposure locations for chronic exposure:</p> <ul style="list-style-type: none"> <li>• Residential, including single family homes, apartments, and condominiums</li> <li>• Non-residential children, including schools and daycare facilities</li> </ul>

RULE NUMBER	RULE TITLE	EXPLANATION
		<ul style="list-style-type: none"> <li>• Non-residential adults, including commercial and industrial facilities</li> </ul> <p>RBCs were also developed for short-term acute exposure to people who may spend all or a portion of a day near the facility.</p> <p>Residential RBCs: To account for deposition of chemicals and exposure pathways other than inhalation, DEQ applied multi-pathway adjustment factors to develop RBCs for a select group of chemicals. In addition, some carcinogenic chemicals are especially toxic to infants and children if the chemicals are mutagenic. To account for these effects, early-life adjustment factors were used to develop RBCs, as appropriate.</p> <p>Non-Residential RBCs: In addition to considerations for multi-pathway and early-life chronic exposure, exposure frequency and exposure duration are also included for non-residential scenarios where exposure will be less than continual exposure for a lifetime assumed for the residential scenario.</p>
340-245-0420	Process for Updating Lists of Regulated Air Toxics and Their Risk-Based Concentrations	Every three years, DEQ in consultation with OHA will review the list of air toxics and their toxicity values published by authoritative bodies. Based on that review, DEQ may add, delete, or modify TRVs. As a consequence, RBCs and RERs may also be modified. Updates will be made through the rulemaking process. There is also a mechanism for requesting reviews prior to the triennial review.
340-245-0500	Cleaner Air Oregon Fees	Cleaner Air Oregon fees are contained in OAR 340-220-0050(4) (annual base fees) and OAR 340-216-8030 part 2 (activity fees)
<i>340-245-8010</i>	<i>Table 1 Risk Action Levels and De Minimis Levels</i>	Sources are required to determine compliance with De Minimis Levels, if applicable, or Risk Action Levels.
<i>340-245-8020</i>	<i>Table 2 Air Toxics Reporting List</i>	Sources are required to report emissions of this list of air toxics to DEQ every three years.
<i>340-245-8030</i>	<i>Table 3</i>	The Toxicity Reference Values are the toxicological basis in the calculation of the Risk-Based Concentrations.

<b>RULE NUMBER</b>	<b>RULE TITLE</b>	<b>EXPLANATION</b>
	<i>Toxicity Reference Values</i>	
340-245-8040	<i>Table 4 Adjustment Factors for Risk-Based Concentrations</i>	The adjustment factors were used to incorporate early life, multipathway and nonresidential considerations in the calculation of Risk-Based Concentrations.
340-245-8050	<i>Table 5 Risk-Based Concentrations</i>	Sources are required to evaluate risk by comparing calculated/modeled air toxics concentrations with the Risk-Based Concentrations in this table.
340-245-8060	<i>Table 6 Level 1 Risk Assessment Tool</i>	Sources can use the Level 1 Risk Assessment Tool to calculate air toxics concentrations.
340-245-9000	CAGM rules	DEQ is proposing changes to the Colored Art Glass Manufacturing rules.