

Cleaner Air Oregon - Rule Guide

RULE NUMBER	RULE TITLE	EXPLANATION
340-245-0005	Purpose and Overview	<ul style="list-style-type: none"> • The purpose of Cleaner Air Oregon is to prioritize and protect the health and well-being of all Oregonians from the risk of air toxics emissions from industrial and commercial sources. • The long-term goal of Cleaner Air Oregon is that the risk from all existing facilities be below 100 in 1 million and hazard index of 3 by the year 2030. • An overview of all the rules in this division is included.
340-245-0010	Applicability and Jurisdiction	<ul style="list-style-type: none"> • Division 245 applies to all areas of the state (except federal lands) and to all sources, both permitted and unpermitted • OHA will help implement division 245 • Rules can be used by Lane Regional Air Pollution Agency • Other existing air quality rules still apply to Cleaner Air Oregon sources
340-245-0020	Definitions	Defines new terms
340-245-0022	Abbreviations	Defines new abbreviations
340-245-0030	Affected Sources and Requirements	<ul style="list-style-type: none"> • New, modified, reconstructed and existing sources must complete risk assessment along with new/modified Toxics Emissions Units (TEUs) • Explains new/modified TEUs that will not be approved: <ul style="list-style-type: none"> ○ Does not comply with TEU requirements in OAR 340-245-0070 (see below); ○ Does not comply with source requirements in OAR 340-245-0080 (see below), if required; or ○ Emissions would cause or contribute to exceedance of the Area Multi-Source Risk Action Levels of 75 in 1 million or HI of 3 or ANRAL up to 10, whichever is higher • Explains new sources that will not be approved: <ul style="list-style-type: none"> ○ Does not comply with source requirements in OAR 340-245-0080 (see below); ○ Exceeds any Permit Denial Risk Action Level of 50 in 1 million or HI of 3; or ○ Emissions would cause or contribute to exceedance of the Area Multi-Source Risk Action Levels of 75 in 1 million or HI 3 or ANRAL up to 10, whichever is higher. • Explains an existing sources will not be permitted above Existing Source Permit Denial Risk Action Levels of 500 in 1 million or HI of 30 • Explains when an updated Risk Assessment is required: <ul style="list-style-type: none"> ○ Increase in risk requested by source; ○ Error found by source; or ○ Requested by DEQ (change in Risk-Based Concentrations, suspected issues)
340-245-0040	Implementation	<ul style="list-style-type: none"> • DEQ will implement Cleaner Air Oregon in two tiers

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		<ul style="list-style-type: none"> • Tier 1 will be composed of 80 sources and could take 5 years to complete • 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 • DEQ may add sources to Tier 1 if needed, based on new, updated or corrected information • DEQ will evaluate no more than one area as a potential Multi-Source Risk Area in Tier 1 • DEQ will report to the Environmental Quality Commission annually on the progress and results of implementing Cleaner Air Oregon for the first 5 years of implementation • DEQ will continue with Tier 2 after Tier 1 is complete and apply lessons learned in Tier 1 • Sources may voluntarily submit an application for an Air Toxics Permit Attachment before being called in. The source will be added to the appropriate spot in the ranked list and will be processed as resources allow
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"> • Level 1 – 30 days • Level 2 - 60 days • Level 3 – 180 days • Level 4 – 270 days • Risk Reduction Plan – 270 days • Conditional Risk Level – 270 days • TBACT Plan and Conditional Risk Level – 270 days
340-245-0060	Exempt TEUs and TEU Designation	<p>Exempt Toxic Emissions Units:</p> <ul style="list-style-type: none"> • Those on Categorically Insignificant Activities list • Those that don't emit air toxics <p>TEU designation:</p> <ul style="list-style-type: none"> • Individual pieces of equipment • Probably same designation as in existing air quality permit
340-245-0070	New or Modified TEU Requirements	<p>Requirements:</p> <ul style="list-style-type: none"> • May need approval under Notice of Construction rules (division 210) • Approval through any of the following: <ul style="list-style-type: none"> ○ Risk Reduction: Default approval in 10 days ○ Exempt TEUs: Default approval in 10 days ○ De minimis TEUs: [0.1 in 1 million and HI of 0.1] Default approval in 10 days

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		<ul style="list-style-type: none"> ○ TEU approval for sources that have applied for, but have not yet been issued an Air Toxics Permit Attachment. For sources that applied for, but have not yet been issued an Air Toxics Permit Attachment, DEQ will approve new or modified TEUs as follows: <ul style="list-style-type: none"> ▪ The owner or operator does not request an increase to any Source Risk Limit requested in the application, so the owner or operator may proceed with the construction or modification upon receipt of written approval from DEQ or a new or modified Air Toxics Permit Attachment, as applicable; or ▪ The owner or operator requests an increase to any Source Risk Limit requested in the application, so the owner or operator may proceed with the construction or modification upon issuance of an Air Toxics Permit Attachment. ○ TEU approval for sources that have been issued an Air Toxics Permit Attachment. For sources that have been issued an Air Toxics Permit Attachment, DEQ will approve new or modified TEUs as follows: <ul style="list-style-type: none"> ▪ No changes to the Air Toxics Permit Attachment are required as a result of the new or modified TEU, so the owner or operator may proceed with construction or modification upon receipt of written approval from DEQ; or ▪ Changes to the Air Toxics Permit Attachment are required as a result of the new or modified TEU, so the owner or operator may proceed with the construction or modification upon issuance of an Air Toxics Permit Attachment. ○ TEU approval for sources that submitted a Risk Assessment Notification. For sources that submitted a Risk Assessment Notification because their risk was below de minimis levels and were not required to obtain an Air Toxics Permit Attachment, DEQ will approve new or modified TEUs as follows: <ul style="list-style-type: none"> ▪ An Air Toxics Permit Attachment is not required so the owner or operator may proceed with construction or modification upon receipt of written approval from DEQ; or ▪ An Air Toxics Permit Attachment is required so the owner or operator may proceed with the construction or modification upon issuance of an Air Toxics Permit Attachment. ● The owner or operator must submit all information required for a new or revised Source Risk Assessment or a new or revised application for an Air Toxics Permit Attachment.
340-245-0080	Source Risk Assessment	<ul style="list-style-type: none"> ● Compliance for existing sources using any of the following: <ul style="list-style-type: none"> ○ Less than Risk Action Level by using Levels 1-4 ○ Risk Reduction Plan (only if can get risk below Risk Action Level) ○ 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) ○ TBACT 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) ○ Cleaner Air Oregon ambient monitoring can be used in addition to any of the above

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340-245-0090	Area Multi-Source Risk Determination	<ul style="list-style-type: none"> ● DEQ will designate Multi-Source Risk Areas if any location exceeds 2/3 of any Area Multi-Source Risk Action Level (75 in 1 million or HI of 3 or ANRAL up to 10) by: <ul style="list-style-type: none"> ○ Modeling using AERMOD or ○ Using results of an individual Source Risk Assessment ● If any exposure location exceeds any Area Multi-Source Risk Action Level: <ul style="list-style-type: none"> ○ DEQ will notify persons on the electronic notice distribution list, post information on DEQ's website and provide maps if requested ○ DEQ will not approve any new/modified TEUs or new/modified sources if emissions would cause or contribute to exceedance of the Area Multi-Source Risk Action Levels (75 in 1 million or HI of 3 or ANRAL up to 10, whichever is higher) ○ De minimis sources are not required to reduce risk ○ Sources on Risk Reduction Plan are not required to reduce risk further ○ Sources on Conditional Risk Level are not required to reduce risk further <p>DEQ will hold public meetings in areas where risk exceeds 2/3 of Area Multi-Source Risk Action Levels (75 in 1 million or HI of 3 or ANRAL up to 10)</p>
340-245-0100	Alternate Noncancer Risk Action Levels	<p>DEQ, in consultation with OHA, may allow higher Alternate Noncancer Risk Action Levels (ANRALs) because of:</p> <ul style="list-style-type: none"> ● Uncertainty factors in Toxicity Reference Values ● Differences between the original intent of the toxicity reference values developed by authoritative bodies and how they are being applied under the Cleaner Air Oregon rules ● Whether air toxics impacting the same health effect are present in water, soil or food in the community in addition to air ● Whether the potentially exposed community has characteristics that could make them especially susceptible to the effects of environmental contaminants ● Whether the air toxics contributing to risk pose acute or chronic health conditions. <p>An owner or operator may request an ANRAL:</p>

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340-245-0200	Modeling Requirements	<ul style="list-style-type: none"> • Modeling protocol must be submitted to DEQ and approved before any modeling is done • Modeling must be done using AERSCREEN, AERMOD or other DEQ approved model • Models will use emissions data, stack parameters, building dimensions, meteorological and topographical data, if applicable • Modeling results must be submitted to DEQ for approval
340-245-0210	Comprehensive Health Risk Assessment Procedure	<ul style="list-style-type: none"> • Comprehensive Health Risk Assessment work plan must be submitted to DEQ and approved before a Comprehensive Health Risk Assessment is conducted • Comprehensive Health Risk Assessment must follow the DEQ approved work plan and include: <ul style="list-style-type: none"> ○ Identifying source information ○ Problem formulation step ending with development of conceptual site model with emission sources, existing and reasonably likely future exposed human populations (residents, nonresident adults, nonresident children, and other sensitive populations) ○ Exposure assessment of air concentrations at exposure locations, including multipathway considerations, if appropriate ○ Toxicity assessment evaluating carcinogenic and noncarcinogenic (separated by organ system) effects, including persistence and bioaccumulation ○ Risk characterization with quantitative evaluation of potential health risks ○ Quantitative or qualitative uncertainty evaluation of risk assessment • DEQ will conduct initial completeness review within 45 days of receipt • DEQ will approve, ask for corrections, or reject Comprehensive Health Risk Assessment in writing
340-245-0220	Risk Reduction Plan Requirements	<p>Risk Reduction Plans are for sources that can reduce risk to less than Risk Action Levels. TBACT Plans are for sources that need Conditional Risk Levels after installing TBACT on all significant Toxics Emissions Units.</p> <p>Risk Reduction Plan or TBACT Plan must include:</p> <ul style="list-style-type: none"> • Identifying information • Results of Source Risk Assessment with maximum risk before and after full implementation of plan • Two air toxics emissions inventories before and after full implementation of plan • TEUs from which risk will be reduced • Proposed risk reduction measure and if TBACT, evaluation of TBACT • Schedule for implementing risk reduction measures

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		<ul style="list-style-type: none"> • Request for time extension, if applicable • Proposed Community Engagement Plan <p>Community Engagement:</p> <ul style="list-style-type: none"> • 45 days after application submittal, source must hold first community engagement meeting • Source may change Risk Reduction Plan as a result of comments from community • 30-45 days after first meeting, source must hold second community engagement meeting • Source may make further changes to Risk Reduction Plan • Source must submit meeting summaries to DEQ, including comments by participants and description of changes made to Risk Reduction Plan as a result <p>DEQ will draft Air Toxics Permit Attachment with compliance schedule for Risk Reduction Plan/TBACT Plan if application is complete and:</p> <ul style="list-style-type: none"> • Provide 7 days for source to review • May revise draft Air Toxics Permit Attachment as a result of source review • Provide 40 day public notice • Schedule and hold a public hearing • Issue the Air Toxics Permit Attachment after considering public comments <p>After Air Toxics Permit Attachment is issued, source must:</p> <ul style="list-style-type: none"> • Distribute Risk Assessment, Risk Reduction Plan/TBACT 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 • Submit written notification to DEQ of above distribution • Submit semi-annual progress reports to DEQ describing emissions and risk reductions achieved by the Risk Reduction Plan/TBACT Plan • Schedule and hold an annual community engagement meeting each calendar year that the Risk Reduction Plan/TBACT Plan is in effect • Submit an annual community engagement meeting summary report to DEQ • Submit a Risk Reduction Plan/TBACT Plan completion report to DEQ no more than 60 calendar days after completing all Plan requirements • Provide public notification that the Plan has been completed <p>Implementation of Risk Reduction Plan/TBACT Plan:</p> <ul style="list-style-type: none"> • Source must implement risk reduction measures in an approved Risk Reduction Plan/TBACT Plan by the dates specified in the Risk Reduction Plan/TBACT Plan

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		<ul style="list-style-type: none"> • If risk is: <ul style="list-style-type: none"> ○ Less than or equal to the Accelerated Schedule Risk Action Level (50 in 1 million or HI of 3 or ANRAL + 3, whichever is higher): <ul style="list-style-type: none"> ▪ Plan must be fully implemented in three (3) years of Plan approval date ▪ One 2-year extension is allowed based on showing of good cause, approvable by DEQ in an Air Toxics Permit Attachment modification ○ Greater than the Accelerated Schedule Risk Action Level (50 in 1 million or HI of 3 or ANRAL + 3, whichever is higher): <ul style="list-style-type: none"> ▪ Plan must be fully implemented in two (2) years of Plan approval date ▪ One 2-year extension is allowed based on showing of good cause, approvable by DEQ in an Air Toxics Permit Attachment modification ○ Greater than or equal to the applicable Permit Denial Risk Action Level (Existing sources: 500 in 1 million or HI of 30): <ul style="list-style-type: none"> ▪ Risk must be reduced to less than or equal to applicable Permit Denial Risk Action Level in six (6) months of Plan approval date ▪ Plan must be fully implemented in two (2) years of Plan approval date ▪ One 2-year extension is allowed based on showing of good cause, approvable by DEQ in an Air Toxics Permit Attachment modification ○ If risk is greater than any applicable Director Consultation Risk Action Level (Existing sources: >100 in 1 million or HI > 10 or > (ANRAL + 5), whichever is higher); then source subject to OAR 340-245-0230(7) (see below). <p>Updates to Risk Reduction Plan/TBACT 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. A Conditional Risk Level must be set at the lowest reasonable level taking into consideration factors such as the source's current TEUs, any future TEUs that have been approved by DEQ, current or anticipated future operations, pre-existing PTE, or new PTE or risk-limiting conditions proposed by the owner or operator.</p> <p>Requirements:</p> <ul style="list-style-type: none"> • Comprehensive Health Risk Assessment including estimated maximum risk • Demonstration that all significant TEUs have TBACT or request for postponement of risk reductions with proof of inability to pay • Proposed Community Engagement Plan <p>Postponement of risk reduction requirements:</p>

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		<ul style="list-style-type: none"> • Submittal of: <ul style="list-style-type: none"> ○ Reason for postponement ○ TBACT determination and cost ○ Number of employees at the source ○ Description of any other emission reduction measures that will be taken to reduce risk in lieu of TBACT ○ Audited financial information including federal tax returns available to DEQ on a confidential basis • DEQ will: <ul style="list-style-type: none"> ○ Determine whether the source is able to pay for the installation, maintenance and operation of TBACT; ○ 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. Ability to pay usually means owner or operator has 70% probability of being able to absorb the cost of installing TBACT ○ Consider presence of sensitive populations and percentile of low income, minority persons and residents under 5 years old at exposure locations that will exceed an applicable Risk Action Level ○ Attempt to negotiate alternatives to the postponement ○ 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 • 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 <p>Community Engagement:</p> <ul style="list-style-type: none"> • 45 days after application submittal, source must hold first community engagement meeting • Source may change Conditional Risk Level as a result of comments from community • 30-45 days after first meeting, source must hold second community engagement meeting • Source may make further changes to Conditional Risk Level • Source must submit meeting summaries to DEQ, including comments by participants and description of changes made to Conditional Risk Level as a result <p>DEQ will draft Air Toxics Permit Attachment with compliance schedule for TBACT Plan (if needed) and:</p> <ul style="list-style-type: none"> • Provide 7 days for source to review • May revise draft Air Toxics Permit Attachment as a result of source review

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		<ul style="list-style-type: none"> • Provide Category III public notice procedures (35 days public notice + hearing if requested) for sources with risk less than or equal to any Director Consultation Risk Action Level • Provide Category IV public notice procedures (Informational meeting before permit drafting, 40 days public notice + hearing) for sources with risk above any Director Consultation Risk Action Level • Schedule and hold a public hearing • Issue the Air Toxics Permit Attachment after considering public comments <p>After Air Toxics Permit Attachment is issued, source must:</p> <ul style="list-style-type: none"> • 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 • Submit written notification to DEQ of above distribution • Schedule and hold an annual community engagement meeting each calendar year that the Conditional Risk Level is in effect • Submit an annual community engagement meeting summary report to DEQ <p>Director Consultation</p> <ul style="list-style-type: none"> • Director may approve Conditional Risk Level (New sources: >10 in 1 million or HI > 1; Existing sources: >100 in 1 million or HI > 10 or > (ANRAL + 5), whichever is higher) after consultation with OHA, local elected officials, and local impacted community • Director will consider input received: <ul style="list-style-type: none"> ○ Alternative location for a new source ○ Size of exposed population ○ Size of disproportionately impacted vulnerable or sensitive populations ○ Economic impact on the local community, including but not limited to the number of jobs that may be affected; and ○ Potential impact on public health <p>Conditional Risk Level Implementation Requirements:</p> <ul style="list-style-type: none"> • Periodic TBACT reviews submitted to DEQ: • Where TBACT determination is that no additional control is required, submit an annual TBACT update report • For all other TEUs, submit TBACT update reports beginning no more than five years after permit attachment issuance and every five years thereafter • Continuation of postponement of risk reduction requests, if applicable • Periodic TBACT reviews must continue until risk no longer exceeds the Source Risk Action Level

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		<ul style="list-style-type: none"> 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 <p>Updates to Conditional Risk Levels can be requested because of changes by source or DEQ.</p>
340-245-0240	Cleaner Air Oregon Monitoring Requirements	<ul style="list-style-type: none"> Cleaner Air Oregon monitoring data can be used in addition to Risk Assessment Levels 1 through 4 to demonstrate compliance. Cleaner Air Oregon monitoring plan must be submitted to DEQ, along with a proposed Community Engagement Plan, and approved before any monitoring is done. DEQ will provide written approval of a Cleaner Air Oregon Monitoring Plan. <p>Community Engagement:</p> <ul style="list-style-type: none"> 45 days after application submittal, source must hold first community engagement meeting Source may change Cleaner Air Oregon monitoring plan as a result of comments from community 30-45 days after first meeting, source must hold second community engagement meeting Source may make further changes to Cleaner Air Oregon monitoring plan Source must submit meeting summaries to DEQ, including comments by participants and description of changes made to Cleaner Air Oregon monitoring plan as a result <p>Cleaner Air Oregon monitoring must:</p> <ul style="list-style-type: none"> Be conducted for at least 12 months with 75 percent data completeness per quarter Be conducted in accordance with a Cleaner Air Oregon Monitoring Protocol developed in accordance with the Cleaner Air Oregon Monitoring Protocol Template and approved by DEQ <ul style="list-style-type: none"> Identify all air toxics that will be monitored Describe proposed monitoring locations Describe monitoring and analysis protocols <ul style="list-style-type: none"> Frequency of sampling Equipment to be used Analytical methods to be used Quality assurance and quality control measures to be taken and by whom Security measure to protect monitoring equipment Describe how to account for ambient concentrations from other sources Describe how meteorological monitoring will be performed Describe how data will be reduced Describe any process changes that will affect ambient monitoring results Report data at least monthly <p>After Cleaner Air Oregon Monitoring Plan is approved, source must:</p>

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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"> • Boundary of area of impact • Identification of the following in the area of impact: <ul style="list-style-type: none"> ○ Official neighborhood associations ○ Schools ○ Daycare centers ○ Community groups ○ Potentially sensitive populations ○ All languages spoken by more than ten percent of the population • Times, dates and locations of all planned public meetings;

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		<ul style="list-style-type: none"> • Complaint line information: A regularly monitored email address or phone number for community members to lodge complaints • Potential plans for a community committee to meet regularly if requested by ten or more residents who live within the area of impact • 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) <p>Community Engagement Meetings:</p> <ul style="list-style-type: none"> • Public notification by newspaper or U.S. mail in area of impact: <ul style="list-style-type: none"> ○ In area of impact tailored to reach sensitive populations and minorities ○ Posted on source website ○ Contact neighborhood associations, schools, daycare centers, potentially sensitive populations • Held on weekday evening at ADA compliant location with translation services if needed • Presentation by source describing process, emissions, potential risk, compliance history and plans to reduce risk • Notification to DEQ of: <ul style="list-style-type: none"> ○ Map of notification area ○ Public notification materials ○ Verification of distribution <p>DEQ recommends arranging a meeting between DEQ and the owner or operator to discuss community engagement meeting plans prior to or upon submittal of the Community Engagement Plan</p>
340-245-0300	Air Toxics Permit Attachments	<p>Air Toxics Permit Attachments will:</p> <ul style="list-style-type: none"> • Authorize construction and operation of Toxics Emissions Units • Authorize emissions of air toxics in accordance with limitations • Approve, modify, and implement a Risk Reduction Plan • Approve and modify a Conditional Risk Level and require ongoing implementation • Be attached to an operating or construction permit • Not expire • Will be attached to a Basic Air Contaminant Discharge Permit if the source only needs a permit because of air toxics <p>Application requirements:</p> <ul style="list-style-type: none"> • Identifying information • Contact information of local contact person • A description of the source's production processes and a flow chart

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		<ul style="list-style-type: none"> • A plot plan showing the location and height of air contaminant emissions locations at the source, including the nearest residential and commercial property • The type and quantity of fuels used by the source • An estimate of the amount and type of each air toxic emitted by the source in terms of daily, or monthly and yearly rates, showing calculation procedures • Estimated efficiency of air pollution control devices in place at the source under present or anticipated operating conditions • Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements • A Land Use Compatibility Statement signed, if required by the local planning agency • Any other information requested by DEQ <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"> • Notify the public within 7 days of application • Hold one public meeting if requested by more than 10 individuals within 30 days of request <p>Air Toxics Permit Attachment content must include:</p> <ul style="list-style-type: none"> • A list of all Toxic Emissions Units subject to an Attachment • Annual and Daily Risk limits • Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance • A compliance schedule if necessary <p>Application review and processing:</p> <ul style="list-style-type: none"> • DEQ will preliminarily review the application to determine the adequacy and completeness of the information within 30 days after receiving the application • Application is complete only after all applicable fees are submitted to DEQ • If additional required information is needed, DEQ will promptly ask for the needed information, will set a deadline for submittal, and charge the applicable incomplete application fee • DEQ will preliminarily consider an application to be withdrawn if the applicant fails to submit information requested within the deadline specified • When DEQ considers an application to be withdrawn, an owner or operator that wishes to resubmit the application must pay a resubmittal fee that is in addition to all specific activity fees associated with the application. • When DEQ deems the information in the application is adequate for processing, DEQ will so notify the applicant.

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		<ul style="list-style-type: none"> • If DEQ is prepared to issue an Air Toxics Permit Attachment, then DEQ will prepare a review report that sets forth the legal and factual basis for the draft Air Toxics Permit Attachment conditions <p>Public notice requirements:</p> <ul style="list-style-type: none"> • The minimum public notice procedures are listed in the applicable sections of OAR 340-245-0080 (see above) • DEQ may enhance the public notice procedures at its discretion <p>Air Toxics Permit Attachment modification procedures:</p> <ul style="list-style-type: none"> • Application must include all necessary information and payment of appropriate fees <ul style="list-style-type: none"> ○ Follow Category III public notice procedures (35 days public notice + hearing if requested) for changes: <ul style="list-style-type: none"> ▪ That increase risk; ▪ To a compliance schedule to extend any compliance dates by six months or more ▪ To the Risk Reduction Plan in any way that would significantly change proposed control methods ▪ To the Community Engagement Plan in any way that would reduce public involvement ○ Follow Category I public notice procedures (no public notice) for changes that do not: <ul style="list-style-type: none"> ▪ Substantively change the Risk Reduction Plan; or ▪ Increase the level of risk that the Risk Reduction Plan is intended to achieve. ○ Follow Category II public notice procedures (30 day public notice) for all other changes <p>Air Toxics Permit Attachment termination or revocation:</p> <ul style="list-style-type: none"> • Automatic Termination. A permit is automatically terminated upon: <ul style="list-style-type: none"> ○ Written request of the permittee, if DEQ determines that a permit is no longer required ○ Failure to submit a timely application for permit renewal ○ Failure to pay annual fees • Revocation: <ul style="list-style-type: none"> ○ 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 ○ Serious danger to the public health, safety or the environment caused by a permittee's activities <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>Source Risk Limits:</p> <ul style="list-style-type: none"> • Apply on a rolling 12 consecutive month basis for chronic risk • Apply on a daily basis for acute risk

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		<ul style="list-style-type: none"> • Are established separately for chronic cancer, chronic non-cancer and acute non-cancer risk; • 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
340-245-0320	Calculations	<p>Level 1 Risk Assessment Tool:</p> <ul style="list-style-type: none"> • Sources can use this tool to estimate separate sum of 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 • In lieu of using stack height and distance to nearest exposure location, sources can use the upper-left corner of Risk Assessment Tool as a default to conservatively estimate risk <p>Sum of Risk Ratios calculation for Levels 2, 3 and 4 Risk Assessments</p> <ul style="list-style-type: none"> • 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"> ○ 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 ○ Dividing maximum 24-hour average concentrations by the acute noncancer Risk-Based Concentrations and summing the ratios for all air toxics and all TEUs <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> <p>Owners and operators of sources must use the DEQ Source Sampling Manual (see OAR 340-200-0035)</p> <ul style="list-style-type: none"> • Reference test methods for measuring air toxics and • Criteria to determine how to analyze non-detect data from source tests conducted in accordance with OAR 340 division 212
340-245-0330	TBACT and Other Emission Reduction Methods	<p>TBACT (Best Available Control Technology for Toxics)</p> <ul style="list-style-type: none"> • Presumptive TBACT: If EPA has adopted a National Emission Standards for Hazardous Air Pollutants (NESHAP) for a source category and has completed a Risk and Technology Review for that source category, then the requirements stated in that NESHAP are presumed to meet TBACT, and a case-by-case determination is not required if the NESHAP imposes an emission limitation or emission control requirement on the TEU; and is in effect at the time of the TBACT determination. If DEQ determines that a more effective control measure exists for TEUs in the source category of any NESHAP, then the owner or operator must make a case-by-case TBACT determination.

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		<ul style="list-style-type: none"> • Case-by-Case TBACT determination: Otherwise, sources must submit a case-by-case TBACT analysis for DEQ approval using a top down approach for each TEU by: <ul style="list-style-type: none"> ○ Developing list of air pollution control measures, including 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. ○ Listing emission reduction measures in order of effectiveness and possibly eliminating the most effective measure based on: <ul style="list-style-type: none"> ▪ Technical infeasibility ▪ Environmental impacts ▪ Unreasonable cost ▪ Energy Impacts ○ Evaluating successive reduction measures until a measure is reached that is not eliminated. This measure will be considered TBACT. • If all reduction measures are eliminated, the TEU is considered to meet TBACT
340-245-0340	Emissions Inventory and Modeling Information	<p>Emissions Inventory:</p> <ul style="list-style-type: none"> • DEQ may require any permitted or unpermitted source to submit air toxics emissions inventories electronically within 30 days of receipt of written request • DEQ will require a periodic state-wise emissions inventory every three years to correspond with EPA’s National Air Toxics Assessment reporting year (2020, 2023, 2026, etc.) • Sources can request up to 60 additional days to submit inventory • Inventory must: <ul style="list-style-type: none"> ○ Be prepared consistent with DEQ methodology ○ Identify all Toxic Emissions Units ○ Be calculated at pre-existing Potential to Emit on a 24 hour or annual basis • DEQ will approve or reject air toxics emissions inventory reports within 60 days of receipt <p>Modeling:</p> <ul style="list-style-type: none"> • The following information must be submitted if modeling is required: <ul style="list-style-type: none"> ○ Site map ○ Plot plan with property boundaries, buildings, emissions points with release heights, temperature and volumetric flow rate, and fugitive emission points <p>Sources must keep records for 5 years from the emissions inventory submittal date</p>

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340-245-0400	Toxicity Reference Value Hierarchy	<p>DEQ and OHA used the following hierarchy of sources of chronic toxicity reference values for carcinogenic and noncarcinogenic effects:</p> <ol style="list-style-type: none"> 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) 2. EPA Integrated Risk Information System (IRIS) database 3. EPA Provisional Peer-Reviewed Toxicity Value (PPRTV) database 4. Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profiles 5. California’s Office of Environmental Health Hazard Assessment (OEHHA) <p>DEQ used the following hierarchy of sources of acute toxicity reference values:</p> <ol style="list-style-type: none"> 1. DEQ alone or in consultation with DEQ’s ATSAC and/or OHA 2. ATSDR Acute Minimal Risk Levels 3. California’s Office of Environmental Health Hazard Assessment (OEHHA) Acute Reference Level (REL) 4. ATSDR Intermediate Minimal Risk Levels <p>If the short-term toxicity reference value is lower than the chronic noncancer toxicity reference value, the chronic noncancer toxicity reference value will be used for the short-term toxicity reference value because chronic noncancer toxicity reference values are generally more reliable.</p>
340-245-0410	Calculation of Toxicity Reference Values and Risk-based Concentrations	<p>Toxicity Reference Values:</p> <p>To develop Toxicity Reference Values for noncancer effects, the chronic and acute reference concentrations (RfCs) from the authoritative bodies in the hierarchy were used directly as Toxicity Reference Values. 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>Toxicity Reference Values were used as the basis for Risk-Based Concentrations. Risk-Based Concentrations were calculated for the following exposure locations for chronic exposure:</p> <ul style="list-style-type: none"> • Residential, including single family homes, apartments, and condominiums • Non-residential children, including schools and daycare facilities • Non-residential adults, including commercial and industrial facilities <p>Risk-Based Concentrations 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 Risk-Based Concentrations:</p>

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		<p>To account for deposition of chemicals and exposure pathways other than inhalation, DEQ applied multi-pathway adjustment factors to develop Risk-Based Concentrations 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 Risk-Based Concentrations, as appropriate.</p> <p>Non-Residential Risk-Based Concentrations: 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	<p>Air Toxics Reporting List</p> <ul style="list-style-type: none"> • The Air Toxics Reporting List is comprised of California Air Resources Board’s Toxic Air Contaminant Identification List Appendix A-1, Washington’s Table of ASIL, SQER and de minimis emission values, Oregon’s Toxics Focus list, and EPA’s Hazardous Air Pollutants list • Every three years, DEQ in consultation with OHA will review the list of air toxics from the above four lists. Based on that review, DEQ may add or remove air toxics from the reporting list • Sources must report emissions of any newly listed air toxic during the next periodic state-wide emissions inventory required in OAR 340-245-0340 following the new listing or earlier upon request by DEQ <p>Risk-Based Concentrations</p> <ul style="list-style-type: none"> • The list Risk-Based Concentrations is comprised of all air toxics from the Air Toxics Reporting List for which OHA and DEQ were able to find or set RBCs. • 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 Toxicity Reference Values. As a consequence, Risk-Based Concentrations may also be modified. Updates will be made through the rulemaking process. • DEQ will use the RBCs in OAR 340-245-8050 Table 5 in Source Risk Assessments for setting any necessary permit limits to limit cancer or noncancer risk. <p>Changes to the reporting list or RBC list</p> <ul style="list-style-type: none"> • Any person may petition DEQ and OHA to update the lists of regulated air toxics to add or remove air or revise an RBC outside of or by different preference than the hierarchy listed in OAR 340-245-0400 • If DEQ and OHA determine that updates are warranted as a result of a petition, DEQ will propose updates to RBCs or additions or removals of air toxics through the rulemaking process.

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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)
340-245-8010	<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.
340-245-8020	<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.
340-245-8030	<i>Table 3 Toxicity Reference Values</i>	The Toxicity Reference Values are the toxicological basis in the calculation of the Risk-Based Concentrations.
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 through 340-245-9080	Colored Art Glass Manufacturing Facility rules	DEQ is proposing changes to the Colored Art Glass Manufacturing Facility rules. See the Crosswalk for details