

Memo

To: Technical Workgroup
From: DEQ and OHA
Date: June 13, 2016
Subject: Applicability [\(UPDATED\)](#)

Introduction

The Cleaner Air Oregon rulemaking is a partnership between Oregon Health Authority and Oregon Department of Environmental Quality to develop a new regulatory system for managing air toxics emissions from industrial sources. The new rules will be based on the potential risk to human health so DEQ can carry out its mission of cleaner air and a healthier Oregon. In developing this new regulatory approach, the two agencies will begin looking at individual sources of industrial emissions across the state in relation to public health benchmarks.

DEQ and OHA have evaluated other state air toxics permitting programs and narrowed the field to six programs for further assessment: Louisville, Kentucky; New Jersey, New York, Rhode Island, South Coast Air Quality Management District, and Washington. Key elements of these air toxics programs will be summarized and presented to the Technical Workgroup and the resulting policy issues will be discussed at Policy Forums around the state and with the Advisory Committee. After receiving input on the different aspects of a risk-based air toxics permitting program from the Technical Workgroup, the Policy Forums, and the Advisory Committee, DEQ/OHA will draft proposed rules and all interested parties will have a chance to comment on the proposed rules during the public notice period in 2017.

DEQ and OHA will be updating this issue paper throughout the rulemaking process based on input from the Technical Workgroup, Policy Forums around the state and the Advisory Committee.

A glossary of terms can be found at this link:
<http://www.deq.state.or.us/nwr/docs/metalsem/8Glossary.pdf>

Purpose

This issue paper addresses the key element of applicability: Which sources should be included in the risk-based air toxics permitting program and why or why not?

Applicability

What size business and types of emitters could be included?
What criteria have other states/locals used to include a source in the program?

Two states regulate new and modified emissions units/processes while four states also included existing facilities at the time their regulations were implemented. DEQ is aware of existing sources in the state that emit air toxics at levels that need evaluation for potential health impacts. Since DEQ permits approximately 2,600 facilities, a screening mechanism may be established to eliminate small facilities that do not pose potential health risks.

DEQ permits whole facilities or sources, not individual emissions units or processes (e.g., a furnace). Existing permits contain separate applicable requirements for individual emissions units or processes but Oregon's Plant Site Emission Limits are based on plant wide emissions.

The following information was gathered at the June 29, 2016 Technical Workgroup meeting:

Pros and Cons of permitting individual pieces of equipment versus whole facility:

- Ambient air doesn't differentiate between whether the air comes from whole facility or individual pieces of equipment.
- Industry loves flexibility and the leniency to figure out how to meet the standard.
- Prescribing regulations to a piece of equipment does not encourage the facility to look at how best to reduce emissions.
- DEQ and OHA should encourage a holistic point of view when regulating air toxics.
- Maximum Achievable Control Technology standards already dissect facilities and regulate on an emissions units (equipment) basis. An additional layer of rules might not be helpful.
- Washington has an "offsetting" requirement which provides an incentive for the facility to get cleaner by reducing emissions in one area while increasing emissions from new or modified equipment.
- From a pollution prevention approach, DEQ and OHA may be able to look at different ways that allows the flexibility to actually prevent pollution. The more holistic approach encourages making the whole process better, not just emissions from one piece of equipment.
- In CA there is a cumulative analysis for all new emissions units. For existing facilities, the analysis is done on a facility-wide basis.
- For large, complex facilities, fence-line impacts depend on where a piece of equipment is located. This can have a dramatic difference between whole facility analysis and single equipment analysis.
- If existing equipment are included in the program, they need to be considered differently (and looked at from the whole facility) than new equipment. New should be controlled when it is installed.

DEQ regulates facilities that generate hazardous waste through its hazardous waste program. Many of these facilities generate extremely hazardous waste as the result of processes that could also emit air toxics. Some hazardous waste generators have air permits while others may not. Should hazardous waste generation be a lens to bring facilities into the risk-based air toxics permitting program?

The following information was gathered at the June 29, 2016 Technical Workgroup meeting:

Pros and Cons of looking beyond current air toxics permitting program

- Look at sources that don't have permits
- Registration could be used for smaller sources
- There are different ways of bringing in sources into the permitting realm, for example, hazardous waste generators.
- EPA's Toxics Release Inventory (TRI) is the most comprehensive source of emissions from businesses that may not be under a permit. It is updated yearly even though some people look at it as just a paper exercise. It's still a good resource to look for potential emitters. Look at facilities that have a higher RSEI (Risk screening environmental indicators) score.

- The hazardous waste program uses RSEI as a tool to prioritize which sources may present hazards but sometimes these are not accurate. TRI is not always accurate. For example, the TRI predicted high manganese levels at Harriet Tubman School, which were not verified and listed Bullseye Glass as having no toxic emissions.
- The first step of an air toxics program has to be assessment of emissions and whether it is a concern for air quality. Looking at what the potential impacts are doesn't guarantee regulation but could help with assessment.

New York and Rhode Island do not include combustion processes in their air toxics permitting programs. New York also excludes incineration processes which are regulated separately, along with combustion processes. DEQ currently permits both incineration and combustion processes for criteria pollutants (CO, NO_x, PM, SO₂, VOC, and lead).

The following information was gathered at the June 29, 2016 Technical Workgroup meeting:

Pros and Cons of Categorical exclusions

- There are different levels of exclusions. For example, some programs only require gas stations to register and report throughput. Registration allows SWCAA to keep track of where emissions are coming from and the levels. This keeps it less cumbersome for small sources.
- One thing that SCAQMD did in their risk based rules was technology requirements rather than risk. They required that certain categories of business have a certain control technology and did not calculate risk from these businesses. SCAQMD's Rule 219 contains a list of categorical exclusions.
- Diesel particulate matter emissions caused an exceptional workload for Washington. Since diesel PM is a regulated air toxics and the threshold is low, it required stationary diesel emergency generators to go through the risk assessment process, which was costly and time consuming for no public health benefit. In some places, it makes sense where there are large backup generators but in other areas, sources had to spend substantial money and time for marginal public health benefit. WA needs a different approach for these sources.
- The air toxics permitting program must have some exemptions because some sources have too low a risk.
- There can be difficulty with categorical exemptions. DEQ and OHA need to have an exit ramp where you can treat a facility differently because of extenuating circumstances. For example, one school has an emergency engine for a cell tower but it is located right next to a classroom. Agencies need to be careful with how categories are crafted and how off-ramps are set up.
- Categorical exemptions provide consistency and ease of use, but there needs to be some way to regulate sources in these categories if needed. If a source meets these conditions, they can be exempt but may be regulated in certain instances.
- Existing sources can cause environmental justice (EJ) issues since they can be located in areas with populations that may be experiencing disparate environmental impacts. DEQ and OHA could be open to criticism if existing sources are not included on the basis of EJ. DEQ and OHA could explore implementation through the lens of the EPA EJ screening tool or any other available tools. A presentation on the EPA EJ screening tool may be beneficial.
- Other possible options or criteria to consider are whether it cover businesses in Oregon.

Program	Program Description
Louisville, Kentucky	<p>The Louisville (Kentucky) Metro Air Pollution Control District regulates new, modified and existing processes or process equipment in their Strategic Toxic Air Reduction program. The program covers all Title V sources and most synthetic minor sources (sources that accept limits on emissions to avoid Title V permitting). There is a general duty clause that the Louisville program can pull in any source or any chemical. The Louisville program is a local only enforceable program.</p>
New Jersey	<p>The New Jersey Department of Environmental Protection regulates new or modified permit units in its air toxics program. It has just begun to evaluate existing Title V sources at renewal if no risk assessment has ever been done for previous permitting actions. If a risk assessment has been done and nothing has changed, a new risk assessment is not required.</p> <p>Applications for new or modified sources of air contaminant emissions emitting over state-of-the-art (SOTA) emission thresholds must be evaluated using state-of-the-art (SOTA) control techniques, including performance limits that are based on air pollution control technology, pollution prevention methods, and process modifications or substitutions that will provide the greatest criteria pollutant emission reductions that are technologically and economically feasible. As indicated above, for each regulated air pollutant, New Jersey regulations set forth de minimis levels below which a permit applicant would not be required to document SOTA [SOTA thresholds for minor facilities are listed in Appendix I Table B of N.J.A.C. 7:27-8 (187 chemicals). SOTA thresholds for major facilities are referenced in N.J.A.C. 7:27-22.35</p> <p>Any source operation at a minor facility which meets the criteria of “significant source” (see NJAC 7:27-8.2(c)) must obtain an air pollution control permit. In the air permit application, any air toxics emitted above reporting thresholds must be listed.</p>
New York	<p>The New York Department of Environmental Conservation regulates new process operations and modifications to existing process operations. Process operations do not include incineration or combustion (regulated and permitted separately). Existing facilities are also evaluated at permit renewal or modification. If the process operations at the facility have annual emissions more than the High Toxicity Air Contaminant emission rate in pounds per year (62 chemicals), the facility owner has two options: reduce emissions to meet the mass emission rate or be subject to the mandatory control requirements found in the air toxics regulation. The EPA National Emission Standards for Hazardous Air Pollutants program takes precedence over the air toxics program unless the process emits a High Toxicity Air Contaminant, and then a Toxic Impact Assessment is required to demonstrate maximum impacts are less than annual guideline concentrations/short-term guideline concentrations and persistent and bioaccumulative triggers.</p> <p>The federal Volatile Organic Compound Reasonably Available Control</p>

Program	Program Description
	<p>Technology program, which controls 80-90% of VOCs, takes precedence over the air toxics program, except for speciated High Toxicity Air Contaminants which are part of the total VOC emissions.</p>
Rhode Island	<p>The Rhode Island Department of Environmental Management regulates new and modified sources with air contaminant emissions (262 substances) greater than the program's Minimum Quantity in pounds per year with permits to construct through the preconstruction permitting program. Registration is required for existing sources where no other permit is required if they emit more than the Minimum Quantity. These registrants are required to submit an annual emissions summary. Sources are not required to get an Air Toxics Operating Permit until requested to do so by Rhode Island. Certain industry sectors (chrome platers, hospitals, boat builders) have been required to get Air Toxics Operating Permits in the past because they were the most significant sources of the forty pollutants with acceptable ambient levels. Consideration of the following factors also helped prioritize source applications: neighborhood concern about odors and or/health impacts; proximity of the source to other sources emitting air toxics; proximity of the source to residential areas, schools or other sensitive receptors; uncertainty about emissions calculations; and elevated short-term emissions of a substance with a one-hour or 24-hour acceptable ambient levels. Rhode Island currently does not have a ranking system for the remaining sources.</p> <p>The following processes are exempt from Rhode Island's air toxics permitting program: application of any pesticide or herbicide; gasoline filling stations; fuel burning equipment where the emission of listed toxic air contaminants is solely from the combustion of fuel oil, propane or natural gas; perchloroethylene emissions from perchloroethylene dry cleaning facilities; sodium hydroxide emissions generated by the addition of sodium hydroxide to an air pollution control system or to a water pollution control/pretreatment system; asbestos abatement projects; lead paint hazard reduction projects; lead paint removal operations; and organic solvent cleaning operations.</p>
South Coast Air Quality Management District (CA)	<p>The South Coast Air Quality Management District permits new permit units, relocations, and modifications to existing permit units which emit toxic air contaminants. Permit units can be grouped together in a single permit (e.g., if multiple pieces of equipment exhaust to a single control device). Rule 1401 regulates new sources and has Maximum Individual Cancer Risk cumulative values from all toxic air contaminants set at one in one million (1.0×10^{-6}) at any receptor location if the permit unit is constructed without Best Available Control Technology for Toxics (T-BACT). The Maximum Individual Cancer Risk is ten in one million (1.0×10^{-5}) at any receptor location if the permit unit is constructed with T-BACT and a cancer burden greater than 0.5. The cumulative increase in total chronic or total acute hazard index from a new, relocated or modified unit will not exceed 1.0 at any receptor location.</p> <p>Existing sources (excludes diesel) are regulated on a facility-wide basis rather than a unit basis in Rule 1402. The Significant Risk Level is a Maximum Individual Cancer Risk of one hundred in one million (1.0×10^{-4}), or a total</p>

Program	Program Description
	<p>acute or chronic Hazard Index of five (5.0). The Action Risk Level is a Maximum Individual Cancer risk of twenty-five in one million (25×10^{-6}), cancer burden of 0.5, or a total acute or chronic Hazard Index of three (3.0) and the cancer burden is an Maximum Individual Cancer risk of greater than or equal to one in one million (1×10^{-6}).</p> <p>Emissions from new permit units are based on potential to emit while existing units report actual emissions.</p> <p>Under the Facility Prioritization Procedures for AB2588 Hot Spots Program, each toxic substance (182 chemicals) has a “Degree of Accuracy” that is a de minimis threshold emission level in pounds/year for the quadrennial emissions inventory reporting requirement. As a result, emissions of air toxics from the whole facility that are greater than one-half of their corresponding degree of accuracy must be inventoried and reported for prioritization. Conversely, total facility toxic emissions less than one-half of their corresponding degree of accuracy levels do not need to be reported and are not considered in the prioritization.</p>
Washington	<p>The Washington Department of Ecology air toxics program permits new and modified emissions units. Potential (worst case) emission increases from the new or modified emission units are compared to de minimis levels in units of pounds per hour, pounds per day or pounds per year (WAC 173-460-150) of air toxics of interest (398 chemicals). If sources emit more than the de minimis levels, they are required to do a first tier review to show their emissions are below acceptable source impact levels (for 5,056 chemicals – Southwest Clean Air Agency only) after T-BACT is installed. One way to show emissions are below acceptable source impact levels is to demonstrate that emissions are at or below the small quantity emission rates, also in units of pounds per hour, pounds per day or pounds per year. This approach is less cumbersome than it sounds and is meant to capture small changes in emissions. When a new facility is proposed, Ecology evaluates the combined emission of all emissions units.</p> <p>Ecology also has authority to define source specific Reasonably Available Control Technology to address an air quality problem with existing sources of toxic air pollutants. This is not specific to air toxics.</p> <p>http://app.leg.wa.gov/RCW/default.aspx?cite=70.94.154</p>

What are the advantages of these approaches?

Note: this is each state’s/local’s evaluation of their own program.

Program	Program Description
Louisville, Kentucky	The advantage of focusing on two categories, Title V and Synthetic Minor, was that the categories existed and were well defined.
New Jersey	Having a diverse criteria of what is classified as “significant source” ensures

Program	Program Description
	<p>that sources with the greatest amounts of air contaminant emissions have their emissions evaluated for health risks.</p> <p>Many source operations at both major and minor facilities now qualify for “General Permits.” General permits can be obtained on-line, have greatly streamlined the New Jersey Air Program, and provide a straightforward way to obtain air permits. “General Permits” were developed because of the Air Program’s knowledge of significant source operations and the methods in place to confirm that any source which obtains a General Permit will not cause a significant health impact.</p>
New York	New York revised Part 212 recently (summer 2015) so it is difficult to say what the advantages and disadvantages of the program are. When working on permit modifications, permit conditions are tightened up, which is an advantage.
Rhode Island	Because of limited resources, Rhode Island must delineate and prioritize which sources must get Air Toxics Operating Permits. Not having a ranking system gave them flexibility in choosing what industry sector to target.
South Coast Air Quality Management District (CA)	South Coast’s thresholds for permitting are sound and regulate the appropriate sources.
Washington	<p>One advantage to Ecology’s program is that sources whose emissions are close to the levels requiring a second tier risk assessment are willing to limit emissions in order to avoid doing a risk assessment, not necessarily to add pollution control equipment. This forces applicants to be realistic on what they intend to do rather than ask for unnecessarily high levels of emissions.</p> <p>Another advantage is that the de minimis levels are set very low so any modification must go through the screening process.</p> <p>When required, sources must evaluate Best Available Control Technology (T-BACT) for air toxics. In most cases, T-BACT for air toxics is the same as BACT for criteria pollutants. In some situations, additional controls are needed to satisfy the T-BACT requirement. For example, afterburners are installed to control air toxics, which would not be required for criteria pollutant BACT. Unfortunately, afterburners can be a significant source of NOx and potentially trigger Title V applicability for a source, which is a tradeoff.</p>

What are the disadvantages of these approaches?

Note: this is each state’s/local’s evaluation of their own program.

Program	Program Description
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Program	Program Description
Louisville, Kentucky	The disadvantage of focusing on two categories, Title V and Synthetic Minor, was that it has the potential to capture some sources with significant emissions of criteria pollutants that do not emit toxic air contaminants.
New Jersey	Certain sources of air pollution, such as fugitives from storage piles and construction sites, are not regulated.
New York	<ul style="list-style-type: none"> • New York has an old definition of air contaminant that has not changed. It requires permitting trace amounts of air toxics beyond the list of High Toxicity Air Contaminants. New York is creating a guidance document that allows pre-control emissions to be excluded from the permit if emissions are low enough. • The rules don't address cumulative risk. Regions handle cumulative risk differently, some add up the risk and others do not. • The grain loading limits (the rate at which particles are emitted from a pollution source in the units of grains per cubic foot of gas emitted) have not changed in over 30 years. A source might be able to meet the 0.05 gr/dscf limit but it could be 100% arsenic. In that situation, the hazard ranking would need to be reevaluated. • New York chose to include filterable particulate and not condensable particulate in their rules. There were too many unresolved issues regarding condensable particulate at the time the rules were adopted. • T-BACT determinations need to address what is acceptable risk. If the acceptable risk is one in one million, what happens if the risk is 1.4 in one million? A conservative approach in addition to conservative models was used to establish risk so maybe a higher risk would be acceptable if T-BACT were installed.
Rhode Island	Without a ranking system or clear requirements on who was required to get an Air Toxics Operating Permit, industries that posed the highest risk were not targeted. The lack of a system also caused inconsistency because another industry sector that had similar emissions to a targeted sector may not have been required to get a permit.
South Coast Air Quality Management District (CA)	AB2588 controls fugitive emissions but they must first be quantified in order to determine risk levels. Fugitive emissions are hard to quantify and permit. The petroleum industry has characterized fugitive emissions well but industries such as metals grinding/melting, plating, aggregate/cement, auto body shops, wood working, and landfills have not.
Washington	<p>One disadvantage of Washington Ecology's program is that it does not evaluate existing sources. When the program was first implemented, 25-28 years ago, the thought was that all sources would modify eventually but that has not happened in all cases. Existing sources could be accounted for in background concentrations but the rules do not provide any guidance on how to do this.</p> <p>Ecology has not developed a method to include the toxicity or environmental threat of air toxics in the cost effectiveness of a T-BACT analysis, which</p>

Program	Program Description
	could justify a higher economic impact in requiring T-BACT for a new or modified emissions unit.

Does the approach result in overly conservative or not sufficiently conservative coverage? Does it include all appropriate facilities?

There are several program components that could make a DEQ program sufficiently conservative, such as what chemicals should be regulated, what is the toxicity of the regulated chemicals, what risk levels are acceptable, etc. Four states think their programs are sufficiently conservative. Only one state thought their program was overly conservative because of resource limitations. Also, the programs that only look at new or modified sources may not be conservative enough because they may miss existing sources that potentially emit significant air toxics.

Program	Program Description
Louisville, Kentucky	The STAR program includes a default value for non-carcinogens, which has been expanded for carcinogens. This makes the program easier to implement but also very stringent.
New Jersey	New Jersey’s approach is sufficiently conservative because the significant source criteria has been developed and updated over many years and reflects the source operations with the highest potential air contaminant emissions.
New York	New York’s approach is sufficiently conservative because it uses a conservative approach in toxicity ratings and also employs conservative models.
Rhode Island	Rhode Island’s approach was overly conservative only because the state does not have the resources to review and/or permit all the 130 facilities that emit over the Minimum Quantity.
South Coast Air Quality Management District (CA)	South Coast’s approach is sufficiently conservative because it regulates all the facilities that it should. The administrative aspect of tracking the thousands of facilities is the challenge.
Washington	Since the de minimis levels are so low, Ecology’s approach is sufficiently conservative for the sources it regulates.

Would the program’s criteria cover types of industry found in Oregon?

All the programs reviewed regulate some sources that are similar to those located in Oregon. Only Rhode Island focused on regulating by industry type which will be changed in the future. All states also have both urban and rural industrial sources, so any of the programs could be implemented in Oregon.

Program	Program Description
Louisville, Kentucky	Large facilities: <ul style="list-style-type: none"> • Two coal-fired power plants (one switched to natural gas) • Two Ford Motor Assembly plants • GE Appliance Park • Rubbertown (a chemical manufacturing complex) • All other Title V sources and most synthetic minor sources
New Jersey	Title V permits ~300 Minor source permits (includes gas stations, dry cleaners, storage tanks etc.) Large facilities: <ul style="list-style-type: none"> • Chemical plants • Pharmaceutical companies • Resource recovery (trash burners) • Combined cycle natural gas electric generation facilities
New York	The New York program looks at processes, not industry type, so the process approach picks up everything. New York has asphalt plants, wood products facilities, cement plants, data centers, chip fabricators, chemical plants that make resin and a very large industrial sector near Niagara Falls (DuPont, 3M, etc.). <ul style="list-style-type: none"> • Title V permits ~200-250 process permits • Title V permits ~200 combustion permits (25 tons per year - Significant Emission Rate for volatile organic compounds and nitrogen oxides [severe ozone nonattainment area]) • State permits ~1,200 (process and combustion) • Registration ~5,000 dry cleaners in New York City alone
Rhode Island	There are approximately 600-700 facilities in Rhode Island, with 130 of them reporting over the Minimum Quantity. These facilities include boat manufacturers, platers, sewage sludge incinerators, power generation, and metal parts coating.
South Coast Air Quality Management District (CA)	South Coast has approximately 350 core industries and 25,000 total permittees. The industry-wide categories include: retail gasoline dispensing, perchloroethylene dry cleaning, auto body shops, fiberglass molding, printing, metal plating, and wood stripping /refinishing of which there are approximately a few thousand.
Washington	Oregon and Washington have similar sources, including wood products, electronics manufacturing, aerospace, and volatile organic compound sources.

TECHNICAL QUESTION: If we use program elements from other states, will they cover facilities in OR?

Do state or local programs cover existing, new and modified sources? What are the approaches and how do they differ for new and modified sources versus existing sources? Why did state/local agencies choose the particular approach?

As stated above, one program regulate only new and modified emissions units/processes while five programs also include existing facilities in their air toxics programs. For the programs that regulate new, modified and existing sources, two programs use the same approach for all of these sources while three programs use different approaches.

Program	Program Description
Louisville, Kentucky	Louisville’s program regulates both new/modified and existing process and process equipment that are located at a stationary source. The different approach with respect to new/modified versus existing process and process equipment was to prevent new problems from occurring and, perhaps also, to require sources to continue to reduce emissions when they improve their facilities by adding new or modifying equipment (i.e., the source would not be grandfathered in at a cumulative risk goal of 7.5 in one million but would have to use the latest technology to further reduce risk over time to 3.8 in one million).
New Jersey	New Jersey has focused on new or modified permits; however, facility wide health risks of major facilities are being evaluated upon review of an Operation Permit renewal.
New York	New York uses the same approach for permitting new/modified sources and existing sources because they thought EPA’s NESHAP and NSPS programs do a good job on regulating new sources. The New York air toxics rules fill the gaps when EPA is delayed on doing residual risk rulemaking.
Rhode Island	Rhode Island uses the same approach for applicability by permitting new, modified and existing sources that emit over the Minimum Quantities.
South Coast Air Quality Management District (CA)	South Coast regulates new, modified and existing sources, but has different Maximum Individual Cancer Risk levels and cancer burden levels for new and existing sources.
Washington	As stated above, Ecology did not permit existing sources for air toxics when the program was implemented. Existing sources were grandfathered in because Ecology does not have the legislative authority to regulate them. The exception is that Ecology could use a Reasonably Available Control Technology process to address an existing source (or category of sources) if it was determined to pose a problem.

[The following information was gathered at the June 29, 2016 Technical Workgroup meeting:](#)

[Pros and cons of regulating new/modified sources and existing sources:](#)

- [New and modified are low hanging fruit](#)

- The existing sources are where the resources need to go. Ambient air does not differentiate when facility was built.
- To design the program correctly, you will have to capture new and existing sources.
- At a minimum, all sources need to register their locations and what their emissions will be.
- If you miss existing sources, you will be doing your program a disservice.
- The existing sources are an extremely important part of your program.
- One of the reasons that WA focused on new sources is that it had the authority for only new sources. The thought was that over time, existing facilities would need to modify, and then they would have to meet screening or adopt T-BACT. Note – this plays out in many cases.
- It's important to know if you have the authority and manpower to carry out regulation of existing sources.
- Southwest Washington Clean Air Agency's regulations that cover new and modified sources are limited to only modified portions of the facility, not existing units at that modified facility. They can only look at the difference the modification causes. That is a disadvantage of the program.
- Existing facilities are likely to emit more, have the worst technologies, and also might not have the capital to update.
- New/modified emissions units are a great place to start an air toxics program.
- Title V does not generate new requirements for an existing source; it is designed to gather all applicability requirements and include monitoring, recordkeeping and reporting requirements.
- From the toxicology point of view, the most important thing is the substance of concern. Several programs have very conservative screening levels so this brings in many air toxics into the review.
- Driving businesses out of state is also a consideration. There are economic concerns that should be evaluated. Is there a way to have incentives at the same time as tighter regulation? For example, regulation phases out perc drycleaners, but also a source of funding to help people convert to cleaner equipment.
- DEQ and OHA may run into a fairness issue by not looking at existing sources. Why should new sources be held to a higher standard than existing sources?
- Regulation might not get you everything you want. DEQ and OHA need to look to other tools as well.
- Once a permit is issued in SCAQMD, the permit is forever. There is no renewal process. Maybe DEQ and OHA can use the renewal process to implement updates.

Determining which sources should be subject to DEQ's air toxics risk-based permitting program will be key to the success of the program. Will the sources that are posing the highest risk be included? Are small sources that pose very low risk screened out of the program up front? The following are policy questions

that should be addressed to make sure DEQ's air toxics risk-based permitting program is regulating the sources with the highest impacts.

Do DEQ and OHA have the technical information assembled in this issue paper to inform these policy choices? Are there unique aspects of air toxics permitting programs not described in this paper that DEQ and OHA should consider? Is there technical information or considerations missing from this issue paper?

- ❖ Should DEQ regulate by:
 - Permit category?
 - Standard Industrial Classification (SIC) code?
 - Some combination of the above?
 - Other?
- ❖ Should DEQ regulate new sources? Modified sources? Existing sources?
- ❖ Should DEQ permit individual emissions units or processes for air toxics emissions or the whole facility?
- ❖ Should some broad categories be excluded from the program (gas stations, certain categories of fuel burning equipment, rock crushers, etc.)?
- ❖ Should DEQ look beyond the current permitting program for potential air toxic sources such as facilities that generate extremely hazardous waste?