

# Oregon Air Quality Permitting Updates 2022

## Rulemaking Advisory Committee Meeting 3

Feb. 24, 2022

12:30 p.m. – 3:30 p.m.

For Zoom technical issues, email [bvaldez@kearnswest.com](mailto:bvaldez@kearnswest.com)



# Rulemaking Resources

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**Rulemaking webpage:**

<https://www.oregon.gov/deq/rulemaking/Pages/aqpermits2022.aspx>

**Rulemaking contact: Jill Inahara**

[jill.inahara@deq.oregon.gov](mailto:jill.inahara@deq.oregon.gov)

**Rulemaking notifications:** Subscribe to DEQ

[https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic\\_id=ORDEQ\\_244](https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic_id=ORDEQ_244)

# DEQ and Kearns & West

## Oregon DEQ

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# RAC #3 Agenda

Time	Topic
12:30 p.m.	Welcome, agenda overview, and participation guidelines
12:35 p.m.	RAC Meeting #2 Review
1 p.m.	Environmental Justice Considerations discussion
1:50 p.m.	Break
2:05 p.m.	No expirations
2:25 p.m.	Short-term activity permit
2:35 p.m.	National Ambient Air Quality Standards (NAAQS) clarifications
2:50 p.m.	No excess emissions for 48 hours
3 p.m.	Petition for General Permits
3:10 p.m.	Next steps
3:15 p.m.	Public input
3:30 p.m.	Adjourn Meeting

# Webinar Participation Tips

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## Thank you for joining us today!

- Please join audio by either phone or computer, not both.
- RAC members: Stay on mute when not speaking, and please join us on video if able.
- RAC members are joined as panelists and members of public as attendees.
- For discussion and comments, use “Raise Hand” button to get in the queue; if joined by phone press \*9.
- Say your name and affiliation before speaking.
- Move around and take care of yourself as needed!
- For Zoom technical issues, email [bvaldez@kearnswest.com](mailto:bvaldez@kearnswest.com).

# Participation Guidelines

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- Honor the agenda and strive to stay on topic
- Provide a balance of speaking time
- Bring concerns and ideas up for discussion at the earliest point in the process
- Address issues and questions – focus on substance and avoid personal attacks
- Seek to learn and understand each other's perspective
- Listen and speak with respect



# Role of RAC members

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This is an advisory committee and discussions will be used by DEQ to inform its draft rules.

- Prepare for and set aside time for the meetings and review materials in advance.
- Stay focused on the specific agenda topics.
- Provide constructive comments.
- Treat everyone and his/her/their opinions with respect.
- Allow one person to speak at a time.

# RAC Meetings

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- **RAC #1**
  - Notice of Intent to Construct, technical clarifications, and typos and non-technical clarifications
- **RAC #2**
  - Generic Plant Site Emission Limits and change permit type
- **RAC #3**
  - Short-term activity permit, no expirations, National Ambient Air Quality Standards clarifications, no excess emissions for 48 hours and petition for General permits
- **RAC #4**
  - Outstanding issues and fiscal impact

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# Environmental Justice Considerations

## **ORS 182.545 Duties of natural resource agencies**

In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:

- (1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.
- (2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.
- (3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.
- (4) Create a citizen advocate position that is responsible for:
  - (a) Encouraging public participation;
  - (b) Ensuring that the agency considers environmental justice issues; and
  - (c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes. [2007 c.909 §4]

# Key Principles for Environmental Justice

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- Meaningful involvement
  - How does/could the proposed rule concepts create transparency and enhance opportunities for public participation?
- Understanding impacts
  - How does/could the proposed rule concepts enhance or allow for analysis of impacts to frontline communities?
  - How does/could the proposed rule concepts reduce emissions in environmental justice communities?
- Actions to support environmental justice
  - What additional steps can be taken for:
    - Notice to Construct
    - Generic PSEs
    - Other



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# New Hazardous Air Pollutant

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EPA recently added 1-bromopropane (1-BP) to the list of Hazardous Air Pollutants under Section 112 of the Clean Air Act. Uses include:

- An aerosol solvent in asphalt, aircraft, and synthetic fiber manufacturing
- A vapor and immersion degreaser in metals, metal products, plastics, optics, and electronics manufacturing
- A cleaning solvent for dry cleaning
- An adhesive in laminates and foam products
- A chemical intermediate in pharmaceuticals, pesticides, quaternary ammonium compounds, flavors, and fragrances

# No Expirations for Less Complex ACDPs

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## **Issue:**

Most facilities change little between permit issuance and renewal. Staff time would be better spent addressing major issues.

## **Potential Solution:**

- No expirations for General, Basic and Simple ACDPs
- Provide for changes by source or DEQ when needed

# Renewal Timeframes

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- General ACDP – 10 years
- Basic ACDP – 10 years
- Simple ACDP – 5 years

# Issues for No Expiration Dates

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- Is public notice at permit modifications sufficient without the ability to comment at renewal?
- What factors should DEQ use to determine when a permit should be modified?
- Others?

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# Short-Term Activity ACDPs

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## Issue:

Short-Term Activity ACDPs are only for unexpected or emergency activities, operations or emissions.

## Potential Solution:

Broaden scope to allow for planned, short-term activities:

- operation or source test of a pilot or an exploratory emissions unit;
- temporary installation for storage as a result of exceptional events (e.g., natural disasters or abundant harvests exceeding available storage capacity); and
- Other similar types of temporary activities that emit air contaminants.

Short-term activities limited to 60 days with possible 60-day extension.

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# Clarify AQ Modeling Requirements

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## **Issue:**

DEQ has started requiring NAAQS modeling through an Internal Management Directive. Do we need further clarification in rule?

## **Potential Solution:**

Clarify modeling must be submitted to determine compliance with NAAQS:

- New sources submit with application
- Existing sources submit at renewals or modifications if requested by DEQ

# NAAQS Exceedance Verification

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## **Issue:**

Rules do not clearly identify modeling to verify NAAQS exceedance [OAR 340-226-0140(1)]

## **Potential Solution:**

Clarify DEQ's ability to use modeling in addition to monitoring (by DEQ or sources) for NAAQS exceedance verification

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# Limit Excess Emissions

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## Issue:

Excess emission rules allow 48 hours of operation without control devices

## Potential Solution:

- Require source to reduce or cease operation immediately until excess emissions have been brought under control, unless doing so could result in physical damage to equipment or injury to employees.
- Continued operation only allowed if procedures are approved in writing, in advance, by DEQ.

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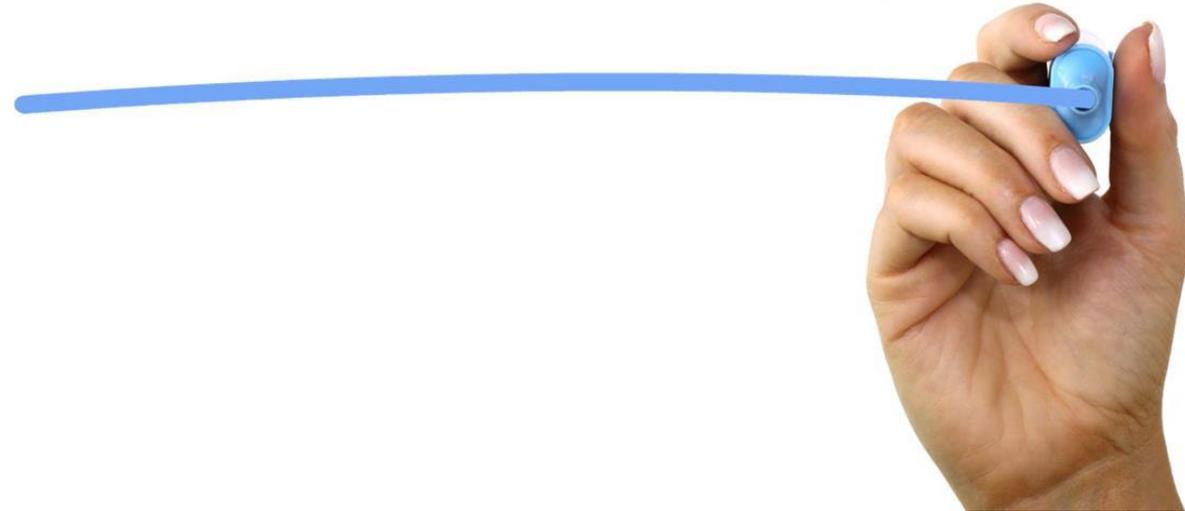
# Petition for More General ACDP Categories

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## Petition should include:

- Justification for why a new category General ACDP should be developed;
- Approximate number of businesses that would be eligible for the General ACDP; and
- Criteria for qualification of the General ACDP. [OAR 340-216-0060]

# QUESTIONS



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# Next steps

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- DEQ intends to post a meeting summary
- Please fill out the post-RAC#3 meeting survey
- Deadline to submit written comments post-RAC#3 is March 10, 2022
- Sign up for meeting notifications
- Next RAC meeting is scheduled for March 30<sup>th</sup> from 9:00am – 1:00pm

**Rulemaking contact: Jill Inahara**

[jill.inahara@deq.state.or.us](mailto:jill.inahara@deq.state.or.us)

**Rulemaking notifications:** Subscribe to DEQ

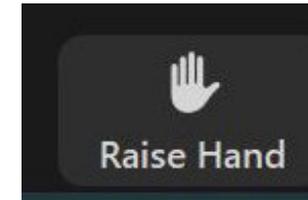
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# Public Input Period

- Public input period: 3:15 p.m. – 3:30 p.m.
- Raise your hand if you'd like to make a comment
- When making public input, please:
  - Respect time limits as assigned
  - Use respectful language
  - Address issues and questions—focus on substance
  - When possible, relate comments to topics on the RAC agenda
- Public input will be considered by DEQ but is not part of the formal comment period



Thank you!