

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



Rulemaking Resources

Rulemaking webpage:

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

Rulemaking contact: Jill Inahara

jill.inahara@deq.oregon.gov

Rulemaking notifications: Subscribe to DEQ

https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic_id=ORDEQ_244

DEQ and Kearns & West

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For Zoom technical issues, email

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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
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3:10 p.m.	Next steps
3:15 p.m.	Public input
3:30 p.m.	Adjourn Meeting

Webinar Participation Tips

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.

Participation Guidelines

- 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

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

- **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

- 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

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

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

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

Issues for No Expiration Dates

- 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

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

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

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

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

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

- 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 30th from 9:00am – 1:00pm

Rulemaking contact: Jill Inahara

jill.inahara@deq.state.or.us

Rulemaking notifications: Subscribe to DEQ

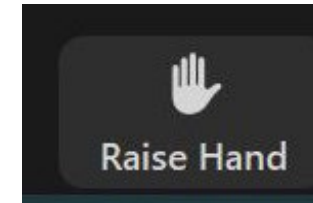
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Public Input Period

- 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!