

Summary of Public Comment and Agency Response

Adoption of Federal Air Quality Regulations

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Comment period The public comment period opened on August 12, 2005 and closed at 5:00 pm on September 29, 2005. DEQ held a public hearing on September 22, 2005, at 3:00 pm, at DEQ Headquarters office in Portland, in Room 3A. Two people attended the public hearing but no one testified. One commenter submitted written comments.

Organization of comments and responses Summaries of individual comments and the Department's responses are provided below. The name and address of the commenter follows the summary of comments and responses.

Comment	Response
By creating additional VOC exemptions, the potential for ground-level ozone development will increase.	A number of manufacturers of paints, inks, and adhesives have indicated that if t-butyl acetate were excluded from regulation as a VOC, they would use it in their products in place of other compounds that are as much as 20 to 30 times more likely to form ground-level ozone, or smog. Such substitutions will help decrease ground-level ozone formation.
Furthermore, while EPA may argue that nationally, the compounds may have little photochemical reactivity contributing to ozone production, the formation of ozone is affected by other factors. In the Oregon environment, these VOCs may have more potential to contribute to ozone production than if they were in Arizona.	<p>The Department agrees that the photochemical reactivity of a given compound is affected by the characteristics of the atmosphere in which it reacts, other chemicals that may be present in the air, and the intensity of the sunlight.</p> <p>In the past, EPA used a given compound's reaction rate with the hydroxyl radical to determine if the compound is more or less reactive than the baseline compound, ethane. This approach ignores the characteristics of the atmosphere in which it reacts, other chemicals that may be present in the air, and the intensity of the sunlight.</p> <p>To increase its confidence level, EPA recently started using "incremental reactivities" to supplement the use of the hydroxyl radical reactivity method. The incremental reactivity method consists of making a determination of the mechanism by which a compound breaks down in the atmosphere, and then applies this information to a computer atmospheric model that is designed to predict the worst case reactivity of the compound. This method is thought to be more robust than the hydroxyl radical reactivity method since</p>

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	it takes into account the atmospheric conditions under which the reaction takes place and not just the chemical structure of the molecule under consideration.
<p>Furthermore, while the overall photochemical reactivity may be negligible, if a new source in Oregon emits an exempt VOC, there will be no limit under this exemption as to how much can be emitted. Even with reduced reactivity, if emitted in large enough amounts, these VOCs can still be detrimental to Oregon. DEQ should have to provide more state-specific analysis showing these changes will not negatively impact Oregon.</p>	<p>TBAC will not be considered a VOC for purposes of VOC emissions limitations or VOC content requirements, but will continue to be VOC for purposes of all recordkeeping, emissions reporting, and inventory requirements which apply to VOC. EPA is retaining recordkeeping and reporting requirements for TBAC based on its understanding that even “negligibly reactive” compounds may contribute significantly to ozone formation if present in sufficient quantities and the need to represent these emissions accurately in photochemical modeling analyses.</p> <p>The other 4 compounds, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane, or 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane, or 1,1,1,2,3,3,3-heptafluoropropane, and methyl formate are expected to be used in relatively small amounts and therefore EPA chose not to continue considering these compounds to be VOC for purposes of recordkeeping, emissions reporting, and inventory requirements. During the reassessment of reactivity policy, in order to develop an accurate assessment of the atmospheric chemistry, EPA will begin incorporating at least some of the widely used exempt VOCs into a model that determines a significant, or insignificant, or possibly even a beneficial environmental impact.</p>
<p>All HAPs should be reduced in their permissible emissions, because of recognized dangers to health and the environment. While EPA has found that EGBE is not as toxic, EGBE is not non-toxic. Excusing EGBE from HAP requirements would enable industry to freely emit this once-listed HAP at the expense of environmental and public health.</p>	<p>After extensively reviewing the levels of EGBE in the air, as well as the health and environmental impacts associated with those levels, EPA concluded that potential outdoor exposures to EGBE are not reasonably anticipated to cause human health or environmental problems. This action follows two detailed reviews on the sufficiency and technical merit of a 1997 petition to remove EGBE from the list. Although EGBE use (and, therefore, emissions) may increase, this is expected to be in lieu of other more toxic solvents. Firms must still report EGBE under the Toxics Release Inventory and EPA will continue to regulate it as a VOC.</p>
<p>If EGBE is not listed, how will DEQ’s Air Quality Division be able to control these still dangerous EBGE emissions? DEQ has not provided adequate analysis of whether</p>	<p>EGBE will continue to be regulated as a VOC.</p>

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<p>there are alternative means of controlling what is still a dangerous, though not as toxic as once thought, pollutant that will safeguard public health.</p>	
<p>By adopting NESHAP changes for chromium electroplating, DEQ has not made an adequate demonstration that the revision is protective of Oregon's air and people.</p>	<p>NESHAPs are technologically-based standards, not health-based standards. The Department has reviewed available data on the effectiveness of fume suppressants and found that they are capable of meeting the same level of emission reduction as the technology-based standards originally established in the NESHAP.</p> <p>EPA is required to reevaluate each NESHAP eight years after promulgation to determine if the NESHAP adequately protects the public. This process is known as a "residual risk" assessment. EPA is required to make the NESHAP more stringent if it finds that the NESHAP is not protective of public health and additional emissions reductions are feasible. EPA is currently in the process of determining whether the Chromium Electroplating and Anodizing NESHAP adequately protect public health.</p>
<p>Once Oregon has received authority to regulate hazardous air pollutants, Oregon may create standards that are more stringent. Under the HAP program, a more stringent emission limitation cannot be diminished by an emission standard under Part 63. Despite 40 CFR Part 63.1(a)(3), DEQ has failed to adequately demonstrate that the proposed NESHAP changes will not diminish the more stringent emission regulations of the current framework.</p>	<p>40 CFR 63.1(a)(3) says that a requirement established under 40 CFR part 63 can't be interpreted, construed, or applied to diminish or replace a requirement established by a State authority. 40 CFR 63.1(a)(3) does not bar Oregon from adopting revisions EPA makes to a NESHAP if the revisions make the NESHAP less stringent. With that said, the Department does not believe that the revisions made to the Chromium Electroplating and Anodizing NESHAP do make the NESHAP less stringent.</p>
<p>DEQ contends that the changes would streamline the permitting process, improve flexibility, and reduce costs for businesses but does not adequately address the costs that must be borne by the public.</p>	<p>As stated above, the Department has reviewed available data on the effectiveness of fume suppressants and found that they are capable of meeting the same level of emission reduction as the technology based standards originally established in the NESHAP.</p>

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The current Oregon HAPs that will be changed by adopting 40 CFR Part 63 Subparts DDDD and DDDDD will violate this general provision of the NESHAP program by loosening the standards in Oregon.	Adopting 40 CFR Part 63 Subparts DDDD and DDDDD will not loosen any existing standards in Oregon; these are new standards that have not previously been adopted. Adopting 40 CFR Part 63 Subparts DDDD and DDDDD will add onto existing Oregon standards affecting boilers, process heaters, plywood plants and composite wood products plants.

Name	Organization	Address	Date on comments
Katherine Lin	Northwest Environmental Defense Center	10015 SW Terwilliger Blvd Portland, OR 97129	9/29/2005