From:	Garrahan Paul
To:	FELDON Leah; GOLDSTEIN Meyer; DAVIS George; MONRO David; INAHARA Jill; FELDON Leah; CALDERA Stephanie
Subject:	RE: air toxics temp 2016 - rule status
Date:	Saturday, April 16, 2016 13:35:06
Attachments:	image001.png

I think it makes sense to add something to the record to explain why there is still a need to adopt the temporary rules after deciding that 6S applies. As Meyer says, some could interpret the application of 6S as "solving" the problem (the problem being a lack of applicable regulations), and that the public interest would no longer be prejudiced by a failure to act. You need to be sure that you have documented in the record the justification to adopt temporary rules—i.e., explain why the public interest would STILL be prejudiced if the rules are not adopted. You could do that orally in a presentation to the EQC, but then you would be relying on meeting notes and discussion as your evidence in the record. If the rules are challenged, it would be much better to have a document included in the record that supports the EQC's finding. I think this could be an addendum that staff presents at hearing.

Paul Garrahan
Oregon Department of Justice
971.673.1943 (Tue, Thu, Fri) (Portland)
503.947.4593 (Mon, Wed) (Salem)
503.929.7553 (Mobile)

From: FELDON Leah [mailto:leah.feldon@state.or.us]
Sent: Friday, April 15, 2016 5:39 PM
To: GOLDSTEIN Meyer; DAVIS George; GARRAHAN Paul; MONRO David; INAHARA Jill; FELDON Leah; CALDERA Stephanie
Subject: RE: air toxics temp 2016 - rule status

I'm not sure. Meyer, please discuss with Jill whether this is needed. Jill maybe discuss with Paul. My first impression is that we do not need to, but that this is really great for prepping for EQC.

From: GOLDSTEIN Meyer [mailto:meyer.goldstein@state.or.us]
Sent: Thursday, April 14, 2016 1:43 PM
To: 'DAVIS George'; GARRAHAN Paul; GOLDSTEIN Meyer; MONRO David; INAHARA Jill; FELDON Leah; CALDERA Stephanie
Subject: RE: air toxics temp 2016 - rule status

Do we want to amend the staff report?

From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Thursday, April 14, 2016 12:39
To: GARRAHAN Paul <Paul.GARRAHAN@state.or.us>; GOLDSTEIN Meyer <Meyer.Goldstein@state.or.us>; MONRO David <David.MONRO@state.or.us>; DAVIS George <George.DAVIS@state.or.us>; INAHARA Jill <Jill.INAHARA@state.or.us>; FELDON Leah <Leah.FELDON@state.or.us>; CALDERA Stephanie <Stephanie.CALDERA@state.or.us>
Subject: RE: air toxics temp 2016 - rule status

The following comparisons may be helpful:

EPA rule (6S)	Temporary rule
Applies to 6 metal HAPs	Applies to the same 6 metal HAPs
Only applies to certain furnaces: The furnace is used to produce glass, which contains one or more of the glass manufacturing metal HAP as raw materials, at a rate of at least 45 Mg/yr (50 tpy)	Applies to all furnaces that make glass that contains one of more of the metal HAPs
Because of the limited applicability above, the EPA rule does not apply to the 3 smaller CAGMs	Applies to the 3 smaller CAGMs
Because of the limited applicability above, the EPA rule may not apply to all furnaces that use metal HAP at Bullseye and Uroboros	Applies to all furnaces that use metal HAP at Bullseye and Uroboros
Because of the limited applicability above, the EPA rule may not apply at all to Uroboros	Applies to all furnaces that use metal HAP at Bullseye and Uroboros
Does not specifically consider chromium VI	Does specifically consider chromium VI
Rule basis is technology based, not health risk based	Rule basis is a combination of technology based and health risk based

George

From: Garrahan Paul [mailto:paul.garrahan@state.or.us]
Sent: Thursday, April 14, 2016 12:18 PM
To: GOLDSTEIN Meyer; MONRO David; DAVIS George; INAHARA Jill; FELDON Leah; CALDERA Stephanie
Subject: RE: air toxics temp 2016 - rule status

Meyer's point may be well-taken, in that you may want to consider edits to the staff report to explain how the proposed temporary rules differ from, and are in some key ways more protective than, the requirements under 6S that will apply to these two facilities (to immediately protect public health from hexavalent chromium emissions, in particular, which would not be similarly addressed under 6S). Of course, the temporary rules also immediately apply to other, smaller facilities.

Paul Garrahan
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From: GOLDSTEIN Meyer [mailto:meyer.goldstein@state.or.us]

Sent: Thursday, April 14, 2016 12:00 PM
To: MONRO David; DAVIS George; INAHARA Jill; FELDON Leah; GARRAHAN Paul; CALDERA Stephanie
Subject: RE: air toxics temp 2016 - rule status

I am a little concerned about language in the staff report that suggests we are adopting urgent, temporary rules because without them we have no authority to address this situation.

I'm not sure the justification for temporary rules, which is legally required, is still met.

From: DAVIS George
Sent: Thursday, April 14, 2016 10:57
To: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>; FELDON Leah <FELDON.Leah@deq.state.or.us>; INAHARA Jill <INAHARA.Jill@deq.state.or.us>; MONRO David <MONRO.David@deq.state.or.us>
Subject: RE: air toxics temp 2016 - rule status

Meyer,
No change, we move forward with the temp rules.
George

From: GOLDSTEIN Meyer
Sent: Thursday, April 14, 2016 9:42 AM
To: FELDON Leah; INAHARA Jill; DAVIS George; MONRO David
Subject: air toxics temp 2016 - rule status

Does this change anything about what we're doing with the temporary rules?

Meyer Goldstein
DEQ Agency Rules Coordinator
503-229-6478
811 SW 6th Ave., Portland 97204
Telework Friday 7:00-4:00
503-512-9028

State of Oregon
Department of
Environmental
Quality

Questions about DEQ rulemaking procedures? Try looking here: DEQ Rulemaking Resources

From: DEQ Online Subscriptions [mailto:ordeq@public.govdelivery.com]
Sent: Thursday, April 14, 2016 09:37
To: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>
Subject: DEQ determines Portland art glass manufacturers must comply with more stringent regulation

The Oregon Department of Environmental Quality has determined that two Portland glass manufacturers are subject to regulation under federal air quality rules to control hazardous air pollutants, including metals. This means the companies are now legally required to install pollution control equipment and follow other requirements for testing, monitoring, and record keeping. To view the entire news release, click on the link below.

http://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=1071

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This email was sent to GOLDSTEIN.meyer@deq.state.or.us using GovDelivery, on behalf of the Oregon Department of Environmental Quality (DEQ) · 811 SW 6th Avenue · Portland OR 97204 · 503-229-5696

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