



Oregon Department of Environmental Quality

Housing Cost Impact Statement Air Quality 2016 Temporary Rules

TEMPORARY RULE

EFFECTIVE DATE On filing; estimated May 6, 2016

Description of proposed change:

DEQ is adopting regulatory standards that control emissions of metals from colored art glass manufacturing facilities.

DEQ is addressing the urgent need to control metals emissions from small colored art glass manufacturing facilities. As DEQ recently determined through air monitoring and facility inspections, uncontrolled glass furnaces processing colored glass to which arsenic, cadmium, chromium and nickel are added likely emit these metals at levels that can pose an immediate threat to the health of people nearby. Recent monitoring close to a colored art glass facility with uncontrolled furnace emissions showed metals concentrations at levels that can significantly increase risks of cancer and other health problems.

These rules are necessary to address a regulatory gap. No other state or federal standards currently apply to limit potentially unsafe levels of metal emissions from small colored art glass facilities. Waiting for longer-term state or federal solutions could result in unacceptably long periods of additional health risk for people living nearby.

National Emission Standards for Hazardous Air Pollutants (NESHAP) are stationary source standards for hazardous air pollutants. Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects.

Many times the NESHAPs apply to only major sources (sources with 25 tons per year of total HAPs or 10 tons per year of an individual HAP). In some cases the NESHAPs regulate some smaller or area sources of HAPs. But in cases where there is no NESHAP for smaller sources, or where a source is too small to be regulated by an area source NESHAP, DEQ does not have air toxics regulations that apply. The category of small colored art glass facilities operating uncontrolled furnaces are below applicable NESHAP size thresholds and therefore not covered by federal standards.

The proposed rules would fill the regulatory gap by setting operation standards for the smaller art glass businesses that emit air toxics and potentially cause serious health effects.

By prohibiting use of chromium VI, cadmium and arsenic prior to installation of emission control devices at small colored art glass facilities, the temporary rules would immediately decrease risk from airborne metal exposure to people nearby, including children and other sensitive or vulnerable individuals. By prohibiting use of chromium III until DEQ establishes a maximum allowable usage rate, the temporary rules will ensure that facilities are not emitting potentially dangerous amounts of chromium VI.

Description of the need for, and objectives of the rule:

What need is DEQ trying to address?

DEQ is addressing the urgent need to control metals emissions from small colored art glass manufacturing facilities. As DEQ recently determined through air monitoring and facility inspections, uncontrolled glass furnaces processing colored glass to which arsenic, cadmium, chromium and nickel are added likely emit these metals at levels that can pose an immediate threat to the health of people nearby. Recent monitoring close to a colored art glass facility with uncontrolled furnace emissions showed metals concentrations at levels that can significantly increase risks of cancer and other health problems.

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How would the proposed rule address the need?

The proposed rules would fill the regulatory gap by setting operation standards for the smaller art glass businesses that emit air toxics and potentially cause serious health effects.

By prohibiting use of chromium VI, cadmium and arsenic prior to installation of emission control devices at small colored art glass facilities, the temporary rules would immediately decrease risk from airborne metal exposure to people nearby, including children and other

sensitive or vulnerable individuals. By prohibiting use of chromium III until DEQ establishes a maximum allowable usage rate, the temporary rules will ensure that facilities are not emitting potentially dangerous amounts of chromium VI.

List of Rules amended or adopted:

Amend	OAR 340-244-9070
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Costs or savings:

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rules could affect the development costs if the homeowner wanted colored art glass installed in the dwelling. The costs for additional permits, emission control or process equipment could be passed through by businesses providing products and services for such development and construction. DEQ cannot quantify the impact at this time because the available information does not indicate whether the costs would be passed on to consumers and any such estimate would be speculative.