From:	GRUNOW Greg
To:	DAVIS George; GARRAHAN Paul; KAUTH Dave; GRUNOW Greg; PALERMO Jaclyn; WESTERSUND Joe; JOHNSON Keith; FELDON Leah
Cc:	artglass2016
Subject:	RE: working copies of art glass rule text & response to comments
Date:	Thursday, August 18, 2016 2:38:48 PM
Attachments:	artglass2016 revised rules(ggg).docx

Great job on this George. I only have a couple comments...

In the definitions of Tier 1 & Tier 2 CAGMs, I think we should stay with the original 12-month year applicability thresholds and not change to monthly thresholds. My reasoning for this is summarized in a comment in the draft rule.

In 340-244-9090 "Other Metal Glass-making HAPs," it appears that the language of the rule limits our ability to regulate anything other than the “glass-making HAPs” defined in 340-244-9010 (elemental or compounds of arsenic, cadmium, chromium, cobalt, lead, manganese, nickel and selenium). See my summarized in a comment in the draft rule.

Grunow

-----Original Message-----
From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Wednesday, August 17, 2016 3:41 PM
To: GARRAHAN Paul; DAVIS George; KAUTH Dave; GRUNOW Greg; PALERMO Jaclyn; WESTERSUND Joe; JOHNSON Keith; FELDON Leah
Cc: artglass2016
Subject: RE: working copies of art glass rule text & response to comments

Hi Paul,

Thanks, I like that. Here's what I've got (note other changes in the meantime):

(c) Raw material includes materials that contain glass-making HAPs in amounts that materially affect the properties of the finished product such as color or bubbles, whether in the form of a powder, glassified, vitrified, or in some other form. (For example, one pound of cadmium sulfide may be used in a glass formulation for the purpose of achieving a particular color throughout the final glass product. The pound of cadmium sulfide may be added in powder form, or in a glassified or vitrified form; both of these are raw materials.

Reference to color expanded to color or bubbles. Arsenic is not used for color, it's used to suppress bubbles.

George

From: GARRAHAN Paul
Sent: Wednesday, August 17, 2016 2:57 PM
To: DAVIS George; DAVIS George; KAUTH Dave; GRUNOW Greg; PALERMO Jaclyn; WESTERSUND Joe; JOHNSON Keith; FELDON Leah
Cc: artglass2016
Subject: RE: working copies of art glass rule text & response to comments

George: Regarding the definition and the example, what do you think about including my language, and then using your example as a parenthetical? I'd be good with that.

Paul Garrahan
Oregon Department of Justice
503.947.4593 (Direct)
503.929.7553 (Mobile)

-----Original Message-----
From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Wednesday, August 17, 2016 2:40 PM
To: GARRAHAN Paul; DAVIS George; KAUTH Dave; GRUNOW Greg; PALERMO Jaclyn; WESTERSUND Joe; JOHNSON Keith; FELDON Leah
Cc: artglass2016
Subject: RE: working copies of art glass rule text & response to comments

Hi Paul,

Thanks for your comments. A couple of quick responses:

Regarding the example, the problem we have is that it's hard to explain, and for readers to understand, what is "glass, the finished product" vs "glass, the raw material". Both are glass, both colored, both contain HAPs. The example seemed the clearest way to avoid confusion, but your point is taken and I'll try to come up with something else.

Regarding the focus on raw materials, your are correct about that focus but that's really all we have to go on now.

Finally, regarding 9020, thanks, I'll just repeat the temp rule language.

Everyone else,

The rules are supposed to go to the commission on August 29, right? That's 7 working days from now. Just sayin'.

And, I'll be out of the office the two days before the EQC meeting.

George

From: GARRAHAN Paul
Sent: Wednesday, August 17, 2016 1:47 PM
To: DAVIS George; KAUTH Dave; GRUNOW Greg; PALERMO Jaclyn; WESTERSUND Joe; JOHNSON Keith;

FELDON Leah
Cc: artglass2016; DAVIS George
Subject: RE: working copies of art glass rule text & response to comments

George (and all): Here are my suggestions and comments on your two questions.

Regarding OAR 340-244-9010(11), the definition of "raw material," it is fine to use examples, but the risk is that the examples are later interpreted to narrow the intended meaning of the term more than intended. I wonder if instead of the example in subsection (c), it said: "Raw material includes glass materials that contain glass-making HAPs in amounts that materially affect the color of the finished product and that are used as coloring agents, whether in the form of a powder, glassified, vitrified, or in some other form."

I also note that you have focused this definition on glass-making HAPs as raw materials. I'm sure you've already thought through this, but I suggest that you verify that that is broad enough to include any potential coloring substitutes or new materials that could be used in the future. (I readily acknowledge that this comment is a reach beyond my scientific knowledge, it is just something that struck me when reading the definition.)

Regarding OAR 340-244-9020, I don't think you need to include all of that language about what was required under the temporary rules. The Sept. 1 deadline was in place under the temporary rules. Now you're affirming that date was the deadline and that any source that missed that date is in violation of the deadline. Perhaps it would be weird if the EQC was adopting a brand-new rule and imposing a deadline that preceded the rule adoption date, but that's not the case here. My suggestion is to leave the language as provided in the temporary rule.

These comments and my other comments and suggested edits are in redline form in the attached document. Please let me know if you would like to discuss these further or have any questions.

Paul Garrahan
Oregon Department of Justice
503.947.4593 (Direct)
503.929.7553 (Mobile)

From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Friday, August 12, 2016 3:12 PM
To: KAUTH Dave; GRUNOW Greg; PALERMO Jaclyn; WESTERSUND Joe; JOHNSON Keith; FELDON Leah; GARRAHAN Paul
Cc: artglass2016; DAVIS George
Subject: RE: working copies of art glass rule text & response to comments

Hi all,

More changes were made today to the draft rules and summary doc referenced below in Joe's email. There are lots of changes from the temp rule....

Paul, there are a couple of changes that I think need legal review: 244-9010(11)(c), use of an example in the rules, and 244-9020(1), reference to a date that precedes the effective date of the rules.

I've also worked out draft BLDS language and can drop that in if and when necessary.

George

From: WESTERSUND Joe
Sent: Thursday, August 11, 2016 5:42 PM
To: FELDON Leah <FELDON.Leah@deq.state.or.us<mailto:FELDON.Leah@deq.state.or.us>>; PALERMO Jaclyn <PALERMO.Jaclyn@deq.state.or.us<mailto:PALERMO.Jaclyn@deq.state.or.us>>; JOHNSON Keith <JOHNSON.Keith@deq.state.or.us<mailto:JOHNSON.Keith@deq.state.or.us>>; KAUTH Dave

<KAUTH.Dave@deq.state.or.us<mailto:KAUTH.Dave@deq.state.or.us>>; GRUNOW Greg <GRUNOW.Greg@deq.state.or.us<mailto:GRUNOW.Greg@deq.state.or.us>>; DAVIS George <DAVIS.George@deq.state.or.us<mailto:DAVIS.George@deq.state.or.us>>; GARRAHAN Paul <Paul.GARRAHAN@state.or.us<mailto:Paul.GARRAHAN@state.or.us>>
Cc: artglass2016 <artglass2016@deq.state.or.us<mailto:artglass2016@deq.state.or.us>>
Subject: working copies of art glass rule text & response to comments

Hi All,

George is working away at revising the text of the art glass rules, and he and I are working together on the response to comments. I plan to email the group around the end of next week to ask for a first-round review. In the meantime, if you'd like to see our working documents you can find them on Sharepoint here:

Revised rules: http://deqsps/programs/rulemaking/lq/airtoxics2016/docs/artglass2016%20revised%20rules.docx
Summary of rule changes:
http://deqsps/programs/rulemaking/lq/airtoxics2016/docs/summary%20of%20rule%20changes.docx
Response to comments:
http://deqsps/programs/rulemaking/lq/airtoxics2016/docs/draft%20comments%20and%20responses.docx

(Paul, since Sharepoint doesn't give you access, let me know if you'd like me to email you a copy).

-Joe

_____

Joe Westersund
Oregon Department of Environmental Quality
811 SW 6th Avenue, Portland, OR 97204
(503) 229-6240 office
westersund.joe@deq.state.or.us<mailto:westersund.joe@deq.state.or.us>
Usual Schedule: 8am - 5pm, M-F

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