From:	WESTERSUND Joe
To:	PALERMO Jaclyn
Cc:	INAHARA Jill; GRUNOW Greg; KAUTH Dave; DAVIS George; FELDON Leah; GARRAHAN Paul; artglass2016
Subject:	summary of today"s meeting re art glass rule
Date:	Monday, June 13, 2016 12:20:53 PM

Hi Jaclyn,

I'm sorry you weren't included in the meeting this morning. This meeting was originally organized to talk about a permit enforcement question, but morphed to talk more directly about the art glass rule. I'll make sure you are included in the future.

Here's my summary of the meeting:

These people were on the call: me, Leah, Jill, George Davis, Greg Grunow, Dave Kauth, Paul Garrahan.

The main focus of the meeting was a discussion of a permit enforcement question- if the Tier 1 CAGMs operate between submitting a permit application and before DEQ issues a permit, is that a violation? The consensus is that yes, it is a violation of the rule as written, but the intention of the rule is that the facilities can keep operating, so DEQ will use enforcement discretion not to pursue this violation. Greg Grunow will communicate this to the Tier 1 sources in an email.

Then we talked about 3 potential changes to the art glass rule:

- Should the 10 tpy threshold be lowered?
  - Action item: I will request comment on this question in Notice of Rulemaking (NoR)
- Should it be applicable statewide?
  - Action item: I will request comment on this question in NoR
- Should the source testing requirements for Tier 1s be changed?
  - Proving compliance with the 99% capture efficiency standard may be unnecessarily expensive for Tier 1 CAGMs. If their PM emissions are very low, it will take a long time to capture enough PM to prove 99% capture efficiency.
  - Action item: George Davis and others will come up with draft language and circulate it in time for us to consider including it in the 6/15 Notice of Rulemaking. If that doesn't come together, the backup plan is to submit the NoR with existing rule language but request comment on whether Tier 1 source testing requirements should be changed.

As you know, the NoR has to go out by the end of the day this Wednesday 6/15. I'm available today to discuss and hear your thoughts.

-Joe

-----Original Message-----
From: PALERMO Jaclyn [mailto:jaclyn.palermo@state.or.us]

Sent: Monday, June 13, 2016 11:06 AM
To: WESTERSUND Joe <Joe.WESTERSUND@state.or.us>
Subject: FW: art glass permanent rule: suggestion to lower applicability threshold & make statewide

Joe,

I wasn't aware of the meeting this morning and asked Emil for an update but he wasn't aware of the meeting either. Can you fill me in on the decisions that George is referencing? Also, can you make sure that I am included in future glass rulemaking meetings?

Thanks,
Jaclyn

-----Original Message-----
From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Monday, June 13, 2016 10:29 AM
To: 'PALERMO Jaclyn'; INAHARA Jill; WESTERSUND Joe
Subject: RE: art glass permanent rule: suggestion to lower applicability threshold & make statewide

Jaclyn,
I don't know if you were on the call this morning. FYI, decisions have been made, Joe and Jill know what they are, I figure you guys can talk easier than I can summarize here.
George

-----Original Message-----
From: PALERMO Jaclyn [mailto:jaclyn.palermo@state.or.us]
Sent: Monday, June 13, 2016 8:10 AM
To: GARRAHAN Paul; INAHARA Jill
Cc: PALERMO Jaclyn; WESTERSUND Joe; FELDON Leah; artglass2016; SWAB Christopher; KAUTH Dave; DAVIS George; GRUNOW Greg; GARRAHAN Paul
Subject: RE: art glass permanent rule: suggestion to lower applicability threshold & make statewide

As Jill pointed out, Al Hooten of Alchemy Glass said it's still better to have a rule that regulates these small sources because they are still required to comply, even though DEQ might not be able to regulate this group. He acknowledged that it would just be a deterrent but that should be enough for most to cease operations. I might be mistaken, but I believe this is the first time that DEQ would intentionally add something to the rule that is known to be unenforceable, which seems like a policy directional shift. One that we should really think about and discuss further. Before drafting up language, who would the appropriate person(s) to weigh in on this shift?

-Jaclyn

-----Original Message-----
From: Garrahan Paul [mailto:paul.garrahan@state.or.us]
Sent: Monday, June 13, 2016 7:08 AM
To: INAHARA Jill
Cc: PALERMO Jaclyn; WESTERSUND Joe; FELDON Leah; artglass2016; SWAB Christopher; KAUTH Dave; DAVIS George; GRUNOW Greg; GARRAHAN Paul
Subject: Re: art glass permanent rule: suggestion to lower applicability threshold & make statewide

To answer Jill's question--Yes, you could say in the notice you're contemplating extending coverage to these additional sources and asking for public comment on that.

Paul Garrahan
Oregon Department of Justice
971.673.1943<tel:971.673.1943> (Tue, Thu, Fri) (Portland) 503.947.4593<tel:503.947.4493> (Mon, Wed) (Salem) 503.929.7553<tel:503.929.7553> (Mobile)

On Jun 11, 2016, at 8:16 AM, INAHARA Jill <jill.inahara@state.or.us<mailto:jill.inahara@state.or.us>> wrote:

Hi Everyone,

I'll answer for Joe because he probably has better things to do this weekend! Yes, it was unanimous that the whole committee (missing Mark Riskedall) wanted us to apply the colored art glass rule to the whole state and to lower the applicability threshold. I'm pretty sure Mark would agree with the rest of the committee.

Yes, we also encouraged committee members to include this in their comments during the public notice period. The reason why I think that is too late is because we won't be putting these smaller manufacturers on notice that they would be affected. I don't think we could make such a big change as a result of public comment because we wouldn't be giving these small sources appropriate notice. If we included it now in the public notice, they would know they could be regulated. Is it possible to say we are considering this as a possibility and then add it before we go to EQC, Paul?

I think it would be easy to get a cost estimate for a small baghouse for the fiscal and economic impact statement. I'm not sure if we would require source testing for those types of sources.

I'm a little concerned about waiting for the risk-based permitting program to regulate these small glass manufacturers. It would give them at least 2 more years of operating uncontrolled even if we put them in the first group. And since we don't know how we would set applicability thresholds for the whole program, I'm guessing we would just add them as a source category because I doubt very much that we would use such low production levels to bring in any other sources into the program.

I know this will be a resource issue. Chris gave me a list of glass manufacturers in the whole state but I'm having problems with my VPN so I don't know how many potential sources this is. I'll forward that on after sending this email. I think Chris's list would give us an approximate idea of how many

additional sources would be affected. Abe Fleishman of Northstar thought Katie McClintock of EPA had a list of these very small glass melters but she doesn't. The committee discussed the lack of resources. Al Hooten of Alchemy Glass said it's still better to have a rule that regulates these small sources because they are still required to comply, even though DEQ might not be able to get out to them right away. I think it would be fairly easy to develop a general permit for these sources.

Please let me know if you have any other questions.
Thanks,
Jill

_____
From: FELDON Leah
Sent: Friday, June 10, 2016 5:41 PM
To: WESTERSUND Joe; PALERMO Jaclyn; INAHARA Jill
Cc: artglass2016; DAVIS George
Subject: RE: art glass permanent rule: suggestion to lower applicability threshold & make statewide

Thanks, Joe.

Jaclyn is lead, but I would recommend that we consider this and involve George Davis since he has the “implementation lens.”

One question to start off and then let’s get a meeting scheduled (and you probably won’t be able to involve me due to my schedule, but that is okay as long as all of you connect)…

Was this recommendation one that every committee member agreed to by consensus?

Also, did we encourage committee members to submit their comments during the notice and comment period? (Another place where we can consider suggestions like these since this is somewhat out of the fiscal scope of work.) That might be the best time to consider given the time crunch.

Thanks, Leah

From: WESTERSUND Joe
Sent: Friday, June 10, 2016 5:01 PM
To: FELDON Leah; PALERMO Jaclyn; INAHARA Jill
Cc: artglass2016
Subject: art glass permanent rule: suggestion to lower applicability threshold & make statewide

Hi All,

FYI- at today’s art glass fiscal advisory committee meeting, the committee suggested that the 10 tpy applicability threshold be lowered (perhaps to ~100 lbs), and the rule be made applicable statewide.

Apparently there are a growing number of people essentially making glass out of their garages, and committee members feel those emissions might be significant for the makers and their neighbors.

Jill thought that, if we wanted to consider these changes, it might have to be before public comment (ie next Wednesday 6/15).

Leah and Jaclyn, let me know if you're interested in sketching out what that type of change would look like.

-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>
<mailto:westersund.joe@deq.state.or.us>
Usual Schedule: 8am - 5pm, M-F

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