



Submitted to: DEQ comment website

July 29, 2016

Oregon DEQ
Attn: Joe Westersund
811 SW Sixth Avenue
Portland, OR 97204-1390

RE: OAR 340-244 proposed changes

Dear Mr. Westersund:

The Northwest Pulp and Paper Association (NWPPA) submits the following comments on the Department of Environmental Quality's updates to OAR 340, division number 244 for proposed changes for art glass manufacturer air emission permanent rules.

On behalf of its members, NWPPA routinely participates in the development air quality rules and has participated in prior DEQ air quality rulemakings. NWPPA members hold Title V air operating permits and ACDP air operating permits. Please accept these comments on behalf of our Association members.

DEQ Specific Questions

Comment 1:

Oregon DEQ must have solid scientific-based evidence of emissions and a well-reasoned regulatory approach that fairly applies to all source categories for any Oregon air toxics regulatory program. The program should be developed in a holistic manner and not one emission source category at a time.

Discussion:

The Department should consider pausing and reflecting on their findings from their Air Toxics Technical Advisory Committees and the future Regulatory Reform Advisory Committee before implementing final rules for art glass manufacturers because the questions of regional applicability, source size, and control technology are all fair questions for public input but are being asked at the wrong time when a completely revamped air toxics program has not designed, broadly discussed by the public and scheduled for fair implementation for all emission categories across Oregon. The rules for art glass manufacturers could possibly set precedents or be more stringent or not match requirements for other emission source categories without the benefit of a complete public process to address other emission categories.

Overarching Regulatory Concepts

Comment 2:

The proposed rules appear to build in an expectation for de facto requirements for ambient modeling of air emissions when a final air toxics regulatory program has not yet been developed.

Discussion:

We object that the proposed art glass rules appear to choose a path and set a precedent for an air toxics regulatory program without the benefit of a full public process across all emission categories. We ask the Department to explain how this rulemaking will align/work with the current rulemaking processes underway.

Comment 3:

The proposed rules appear to take the current air toxic program ambient benchmarks and change them into regulatory standards, or “ambient air quality standards” via back calculation through emissions modeling to get to a stack test limit without the benefit of: a complete toxicity assessment for a specific pollutant, or a risk assessment for the facility or consideration of local background concentrations of the specific pollutant.

Discussion:

We object that the proposed art glass rules appear to choose a path and set a precedent for an air toxics regulatory program without the benefit of a full public process across all emission categories. We ask the Department to explain how this rulemaking approach will align/work with the current rulemaking processes underway.

340-244-9090

Other Metal HAPs

(1) If DEQ determines that ambient concentrations of a metal HAP in the area of a CAGM pose an unacceptable risk to human health and that emissions from an uncontrolled glass-making furnace at the CAGM are a contributing factor, then DEQ must set a limit on the CAGM’s use of the metal HAP of concern in uncontrolled glass-making furnaces, by agreement or in a permit, to reduce such risk. DEQ must consult with the Oregon Health Authority when applying this rule.

Comment 4:

The proposed language in 340-244-9090 specifies a regulatory path for DEQ in consultation with the Oregon Health Authority if the Department were to make a specific determination of unacceptable risk. However, what is not specified is: 1) how the Departments make the initial risk determination -- specifically what risk level triggers a determination; and, 2) what is the target for the reduced risk. We ask the Department to clarify what is the risk level that would trigger such a determination? How is the ambient concentration level connected to the future control limit? What level of risk reduction is incorporated into the final target? What are the

cost considerations when installing technology to meet any future control limits? What is the target timeframe for installation of control technology? Furthermore we object that the proposed art glass rules appear to choose a path and set a precedent for an air toxics regulatory program without the benefit of a full public process across all emission categories. We ask the Department to explain how this rulemaking approach will align/work with the current rulemaking processes underway.

Thank you for the opportunity to comment. I can be contacted at 503-844-9540 to answer any questions.

Sincerely,

Kathryn VanNatta
Director of Regulatory and Government Affairs
Northwest Pulp and Paper Association

cc: NWPPA Members