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By Email to: westersund.joe@deq.state.or.us
Oregon Environmental Quality Commission
DEQ Headquarters Office
811 SW 6th Avenue
Portland, OR 97204-1390

RE: OFFICIAL COMMENT ART GLASS RULES – 7/28/2016

Dear Commissioners Johnson, Eden, O’Keeffe, Armstrong, and Rider:

Thank you for this opportunity to comment. I am asking you to demonstrate that the Governor really does want to protect public health and to vote against making these Temporary Rules permanent. The rules were passed in haste without adequate consideration or scientific information and are simply not adequate to protect either public health or the environment. The rules need to go back to the drawing boards. However, there is an obvious and simple solution to this problem, and that is to require emission controls to be installed on all emission stacks.

In case you are concerned about the financial aspect of requiring the companies to install emission controls, it is important to remember that the facilities emitting the hazardous air pollutants are using the air for their own profits. But, they do not share the profits. What’s more, the companies receive tax breaks and incentives. The company controls profit and loss and can capitalize expenditures for emission controls. Since the permittees receive the benefit of the air, the financial burden should be placed on them because they are in the best position to pay.

Listed below are just a few of the rules which do not serve to protect the public.

1. Application to Portland. (OAR 340-244-9000) Structuring the rules to apply only to Portland will encourage a facility to relocate the business outside of the city. Portland may say “good riddance” to a bad corporate neighbor, but the people in the next town will suffer the same toxic air problems as Portlanders. These rules should apply to the entire state in order to protect everyone.

2. Regulation according to size. (OAR 340-244-9030, -9040, -9050, and -9060) The rules divide the regulated facilities into Tier 1 and Tier 2, based upon the amount of product manufactured and the type of fuel that is used. If all facilities are not regulated equally, any facility wanting to escape regulation would break up its operation, create smaller facilities, and change its fuel source. These loopholes allow companies to engage in compliance avoidance. The rules should apply to all glass manufacturers, no matter what size.

3. Controlled furnaces/Uncontrolled furnaces. (OAR 340-244-9030, -9040, -9050, and -9060) These rules require that certain metals be melted in a controlled furnace and allow other metals to be melted in an uncontrolled furnace. It is assumed that unnamed metals would be melted in an

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uncontrolled furnace, but this has not been considered. All of these metals have varying health effects on different body systems, including respiratory, reproductive, neurological, or endocrine systems, and may cause cancer. Nor do the controlled furnaces protect human health; the emission controls do not work properly. Recently, it has come to light that hazardous air pollutants are being emitted. This is because the metals, in their gaseous form, are not being cooled enough in unpredictable furnaces, to condense and be filtered through the baghouse, so the heavy metal gas is emitted. In the case of recent tests, it was found that Chromium VI was being emitted. Whether this problem stems from active melting of Chromium VI in direct contravention of the rules or whether it is from dirty bricks that have retained Chromium VI, it is clear that the baghouse is not filtering emissions. The bottom line is that all controlled furnaces must have better emission controls, such as state-of-the-art Thermal Oxidizers, and *no metals should be melted in an uncontrolled furnace.*

4. Chromium. (OAR 340-244-9030, -9040, -9050, and -9060) Over public objections, citation to research, and information from the EPA, the Temporary Rules differentiate between Chromium III and Chromium VI. With additional testing, DEQ has now admitted publically that almost all of the chromium being emitted is hexavalent chromium, the most dangerous form. This means that any trivalent chromium being melted is being transformed into hexavalent chromium. And even though there is now a moratorium on the use of chromium, Bullseye can still ask for an exemption to use chromium under the Temporary Rules. *No Chromium should be allowed in any form.*

5. Monitoring/Self-reporting. (OAR 340-244-9070) The rules require only the monitoring of the emission control devices, not of the actual air emissions. The rule should require monitoring of emissions. In addition, there should be requirements for submission of records, self-reporting, penalties, and enforcement. If the rules contain no teeth, they will not be followed.

6. Benchmark Levels/Allowances. The Ambient Benchmark Concentrations are inconsistent. For example, the daily level for Chromium far exceeds the annual level for Chromium. It appears that these numbers have been made up to suit whatever DEQ wants. And, it is not just Chromium; none of the levels appear to be based on health levels which protect the public. Finally, it is unknown what the 24-hour screening levels mean. They appear to be very important because DEQ has referred to them a number of times. But, DEQ has now stated that these levels are just a number they are aiming for. Whatever the reason, the levels and allowances the HAPs are not health-based and do not protect the public.

I urge you to prove that public health will be protected by the Governor. The solution is very simple: require emission controls on all stacks, emission monitoring, and make all monitoring levels health-based. Thank you for your consideration.

Sincerely,

/s/

Cecilia Y. Youngs
Attorney at Law