



# Oregon Department of Environmental Quality

## Housing Cost Impact Statement Art Glass Permanent Rulemaking

A housing cost impact statement is an estimate of the effect of a proposed rule or ordinance on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel.

|                |   |
|----------------|---|
| HEARING DATES  | 6:00 p.m., July 19, 2016                        |
| ADDRESS        | DEQ Headquarters, 811 SW 6 <sup>th</sup> Avenue |
| CITY/STATE     | Portland OR, 97204                              |
| PHONE          | 503-229-5696                                    |
| PERMANENT RULE |   |
| EFFECTIVE DATE | On filing, June 15, 2016                        |

**Below please provide a description of the estimated savings or additional costs that will result from this proposed change. Provide a brief explanation of how the cost or savings estimate was determined. Identify how change impacts costs in categories specified:**

### **Description of proposed change:**

DEQ proposes the following changes to OAR 340, division number 244 that will control metals emissions from colored art glass manufacturing (CAGM) facilities in the Portland area.

Air toxics emissions from certain types of industrial businesses like colored art glass manufacturers are not fully regulated under federal requirements. Based on sampling DEQ has concluded that uncontrolled furnaces used in such colored art glass manufacturing are more likely than not to emit potentially unsafe levels of certain metals, including arsenic, cadmium, hexavalent chromium and nickel. The permanent rules that DEQ proposes for EQC adoption are intended to protect the public health and the environment by ensuring the air emissions from colored art glass facilities do not cause unsafe levels of metals in the air nearby.

EQC adopted temporary rules on April 21, 2016 and this proposed rulemaking will make those rule changes permanent. If no action is taken those rules will expire 180 days after adoption, on October 18, 2016. DEQ is also seeking comment on possible rule modifications that would make the proposed permanent rules apply to more sources than do the temporary rules, as noted in the "Request for other options" section of the Notice of Proposed Rulemaking.

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

### **What need would the proposed rule address?**

DEQ is addressing the need to control metals emissions from CAGM facilities. As DEQ recently determined through air monitoring and facility inspections, uncontrolled glass furnaces processing colored glass to which metal Hazardous Air Pollutants (HAP) are added 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 has shown metals concentrations at levels that can significantly increase risks of cancer and other health problems.

These rules are necessary to address a regulatory gap. A federal regulation called NESHAP 6S is applicable to some furnaces at the largest CAGMs, but smaller facilities and furnaces also use and emit metal HAP in quantities likely to pose an unacceptable risk to people nearby. No other state and federal standards currently apply that would limit potentially unsafe levels of metal emissions from these types of colored art glass facilities.

### **How would the proposed rule address the need?**

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

The proposed rules create two tiers of CAGM based on production and furnace type. The larger Tier 2 CAGMs would be required to install emission control devices on all furnaces using metal HAP and to perform source testing and dispersion modeling to measure and limit emissions of hexavalent chromium. The smaller Tier 1 CAGMs can install emission control devices on all furnaces using metal HAP, use source testing and modeling to demonstrate that emissions are below source impact levels without controls, or stop using metal HAP in one or more furnaces.

These rules would decrease the risk from airborne metal exposure to people nearby, including children and other sensitive or vulnerable individuals.

### **How will DEQ know the rule addressed the need?**

The rule requires source testing to demonstrate the effectiveness of emissions control devices and to measure emissions in several other cases (hexavalent chromium emissions from Tier 2 facilities and metal HAP emissions from Tier 1 facilities opting to operate uncontrolled furnaces). Source testing will quantify metal HAP emissions and emissions reductions.

DEQ is also performing ambient air monitoring near several CAGMs, which can verify whether metal HAP concentrations in the air people breathe have been reduced to safe levels.

## **List of rules adopted or amended:**

|        |   |
|--------|---|
| Repeal | OAR 340-244-0010(T), 340-244-9000(T), 340-244-9010(T), 340-244-9020(T), 340-244-9030(T), 340-244-9040(T), 340-244-9050(T), 340-244-9060(T), 340-244-9070(T), 340-244-9080(T), 340-244-9090(T) |
|--------|---|

Adopt OAR 340-244-9000, 340-244-9010, 340-244-9020, 340-244-9030, 340-244-9040, 340-244-9050, 340-244-9060, 340-244-9070, 340-244-9080, 340-244-9090

Amend OAR 340-244-0010

**Materials and labor costs increase 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 that the proposed rules could affect the development cost if a house is constructed using colored art glass as a material, and if CAGM increase their prices in response to the proposed rule. However, the possible housing cost impact of these proposed changes appears to be infinitesimal because colored art glass represents an exceedingly small proportion of the development cost of a home.

**Land costs increase or savings:**

None.