

Division 245

CLEANER AIR OREGON

340-245-0005

Purpose and Overview

(1) This statement of purpose and overview is an aid to understanding the rules in OAR 340-245-0010 through 340-245-8050 that follow, and is not for the purpose of regulation or compliance.

(2) Purpose. The purpose of Oregon's risk-based toxic air contaminant permitting program, known as Cleaner Air Oregon, is to:

(a) Prioritize and protect the health and well-being of all Oregonians with a special focus on sensitive populations such as children;

(b) Analyze public health risk due to toxic air contaminant emissions from industrial and commercial sources based on verified science and data;

(c) Consider similar regulations in other states and jurisdictions and use a science-based, consistent and transparent process for communicating and addressing risks from industrial and commercial emissions of toxic air contaminants, provide regulatory predictability to businesses and the communities they are a part of; and

(d) Reduce exposure to industrial and commercial toxic air contaminant emissions while supporting an environment where businesses and communities can thrive.

(3) Overview.

(a) OAR 340-245-0010, Applicability and Jurisdiction, OAR 340-245-0020, Definitions, and OAR 340-245-0022, Abbreviations and Acronyms, describe which sources the risk-based toxic air contaminant permitting program applies to and specifies definitions, abbreviations and acronyms to be used in the program;

(b) OAR 340-245-0030, Submittal and Payment Deadlines, provides the deadlines by which owners or operators must submit risk assessment compliance information when required by DEQ under this division. That rule generally provides owners or operators more time to submit the more complex assessments;

(c) OAR 340-245-0040, Emissions Inventory, authorizes DEQ to require a source to submit an inventory of all of its toxic air contaminant emissions to be used in a risk assessment and to submit periodic emissions inventory updates;

(d) OAR 340-245-0050, Risk Assessment Procedures, includes requirements and procedures for the owners and operators of sources to undertake any of the four levels of risk assessment to demonstrate compliance and determine what requirements apply. The first level of risk assessment is a conservative estimate that is likely to overestimate risk. As the levels progress

from Level 1 to Level 4, the assessments become more complex but also provide increasingly more site-specific and refined risk estimates. An owner or operator can choose to start with any level of risk assessment;

(e) OAR 340-245-0060, Toxic Emissions Units, explains how TEUs are analyzed and regulated in the context of assessing and regulating risk from an entire source. This rule includes the criteria for a TEU to be designated exempt or aggregated because it poses very low risk and the requirements for approval of new and modified TEUs;

(f) OAR 340-245-0100, Toxic Air Contaminant Permit Addenda, includes the procedural requirements for obtaining a permit addendum or a new operating permit under these rules. A Toxic Air Contaminant Permit Addendum will amend the source's Air Contaminant Discharge Permit or Title V Operating Permit until the requirements in the addendum can be incorporated into the source's operating permit, but will remain separate for a source that has a General Air Contaminant Discharge Permit;

(g) OAR 340-245-0110, Source Risk Limits, explains how risk limits will be set in Toxic Air Contaminant Permit Addenda or in operating permits with conditions required under this division;

(h) OAR 340-245-0120, Community Engagement, contains requirements for community engagement meetings and other aspects of community engagement;

(i) OAR 340-245-0130, Risk Reduction Plan Requirements, specifies how an owner or operator of an existing source must develop a plan to reduce risk, if required to do so, because the source risk exceeds the TBACT Level or the Risk Reduction Level. Risk can be reduced using a variety of methods as long as they are enforceable as permit conditions and achieve the required level of risk reduction. Provisions for Voluntary Risk Reduction are included in this rule;

(j) OAR 340-245-0140, Pollution Prevention, explains how the owner or operator of a source must perform a pollution prevention analysis when required under OAR 340-245-0130;

(k) OAR 340-245-0150, Postponement of Risk Reduction, specifies how an owner or operator of a source may request postponement of risk reduction due to financial hardship;

(l) OAR 340-245-0200, Risk Estimates, explains how the owner or operator of a source must perform the calculations required in this division. This rule explains how calculations should be rounded to evaluate compliance with Source Risk Limits;

(m) OAR 340-245-0210, Modeling and Risk Assessment Work Plan Requirements, contains air quality modeling and work plan requirements for owners or operators of sources that are required to assess risk;

(n) OAR 340-245-0220, TBACT and TLAER Procedures, explains how the owner or operator of a source must perform, respectively, a Toxics Best Available Control Technology or Toxics Lowest Achievable Emission Rate analysis;

(o) OAR 340-245-0230, Toxic Air Contaminant Monitoring Requirements, allows an owner or operator of a source to perform air monitoring to determine actual concentrations of toxic air contaminants in the ambient air around a source;

(p) OAR 340-245-0300 and 340-245-0310, Toxicity Reference Values and Process for Updating Lists of Regulated Toxic Air Contaminants and Their Risk-Based Concentrations, describe the list of authoritative sources that publish toxicity information that the EQC considers, upon the recommendation of DEQ, in consultation with OHA, to determine the RBCs and the process of how the RBCs may be updated;

(q) OAR 340-245-0400, Cleaner Air Oregon Fees, specifies the permitting fees that apply to sources subject to the rules in this division; and

(r) OAR 340-245-8000 through 340-245-8050, Tables, include the established Risk Action Levels, lists of the regulated toxic air contaminants, the values used to develop Risk-Based Concentrations and the Level 1 Risk Assessment Tool.

(4) The long-term goal of Cleaner Air Oregon is to achieve a 50% reduction in the number of existing sources posing either an excess cancer risk of more than 25 in a million or a Hazard Index of more than 1 by the year 2034.

(5) This program supplements requirements in OAR chapter 340, division 244, Oregon Federal Hazardous Air Pollutant Program, and division 246, Oregon State Air Toxics Program. This program includes four levels of risk assessment and allows sources to choose any level of assessment to assess risk. Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 3 and 13.
Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155, and Or Laws 2018, ch. 102, §§ 2, 3, 6, and 13.

340-245-0010

Applicability and Jurisdiction

(1) This division applies in all areas of the state and to all sources, excluding sources located on tribal and federal lands that are not subject to regulation by DEQ.

(2) DEQ may consult with OHA as necessary on the implementation of the rules in this division.

(3) Subject to the requirements in this division and OAR 340-200-0010(3), Lane Regional Air Protection Agency is designated by the EQC to implement the rules in this division within its area of jurisdiction.

(4) This division applies to entire sources as well as to individual TEUs.

(5) The owner or operator of a source subject to this division may also be subject to other air quality rules including but not limited to those listed below, either in relation to its obligations under this division or independent of this division.

- (a) OAR chapter 340, division 209, Public Participation;
- (b) OAR chapter 340, division 210, Stationary Source Notification Requirements;
- (c) OAR chapter 340, division 212, Stationary Source Testing and Monitoring;
- (d) OAR chapter 340, division 214, Stationary Source Reporting Requirements;
- (e) OAR chapter 340, division 216, Air Contaminant Discharge Permits, including fees;
- (f) OAR chapter 340, division 218, Oregon Title V Operating Permits;
- (g) OAR chapter 340, division 220, Oregon Title V Operating Permit Fees;
- (h) OAR chapter 340, division 224, New Source Review;
- (i) OAR chapter 340, division 226, General Emission Standards;
- (j) OAR chapter 340, division 244, Oregon Federal Hazardous Air Pollutant Program; and
- (k) OAR chapter 340, division 246, Oregon State Air Toxics Program.

(6) Disclaimer. Compliance with this division does not authorize the emission of any toxic air contaminant in violation of any other federal, state, or local law or regulation, or exempt the owner or operator from any other applicable law or regulation.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 3 and 13.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155, and Or Laws 2018, ch. 102, §§ 2, 3, 6, and 13.

340-245-0020

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) “ABEL” means a computer model developed by EPA that evaluates a corporation's or partnership's ability to afford compliance costs, cleanup costs or civil penalties. ABEL is available upon request from DEQ.

(2) “Actual toxic air contaminant emission rate” means:

(a) For an existing source, the toxic air contaminant emissions rate from the source’s actual production; or

(b) For a new or reconstructed source, the toxic air contaminant emissions rate from the reasonably anticipated actual production by the new or reconstructed source.

(3) “Acute” means evaluated over a 24-hour period or day.

(4) “Acute exposure location” means an exposure location outside the boundary of a source being modeled for daily average concentrations of a toxic air contaminant, and that is:

(a) A chronic exposure location; or

(b) A location where people may spend several hours of one day.

(5) “AERMOD” is the EPA approved steady-state air dispersion model, specified in 40 CFR part 51, Appendix W, "Guidelines on Air Quality Models (Revised)," that is the primary model used for the analysis of ambient concentrations for regulatory compliance. AERMOD uses a fully developed set of meteorological and terrain data. AERMOD stands for American Meteorological Society/Environmental Protection Agency Regulatory Model. AERMOD is available upon request from DEQ.

(6) “AERSCREEN” is the EPA approved screening dispersion model, specified in 40 CFR part 51, Appendix W, "Guidelines on Air Quality Models (Revised)," based on AERMOD. The model uses conservative screening meteorology to produce estimates of "worst-case" concentration estimates that are equal to or greater than the estimates produced by AERMOD. AERSCREEN stands for American Meteorological Society/Environmental Protection Agency Regulatory Screening Model. AERSCREEN is available upon request from DEQ.

(7) “Aggregate TEU Level” means the risk action levels, as identified under that name in OAR 340-245-8010 Table 1, that aggregated TEUs may not exceed, based on a calculation of the cumulative risk of all aggregated TEUs.

(8) “Aggregated TEUs” means all of a source’s TEUs that are identified by an owner or operator with total cumulative risk less than the Aggregate TEU Level. A TEU that is identified as one of the aggregated TEUs is referred to in the singular as an aggregated TEU.

(9) “Area of impact” means the geographic area where risk is determined to be above the applicable Risk Action Level, and is determined by AERMOD or other comparable model approved by DEQ.

(10) “Chronic” means evaluated over a one-year period or longer.

(11) “Chronic exposure location” means an exposure location outside the boundary of a source being modeled for annual average concentrations of a toxic air contaminant, and can be either:

(a) A residential exposure location; or

(b) A non-residential exposure location.

(12) “Community Engagement Level” means the risk action levels, as identified under that name in OAR 340-245-8010 Table 1, at which DEQ will conduct community engagement.

(13) “Construction permit” means a Construction Air Contaminant Discharge Permit issued under OAR chapter 340, division 216, or a Standard Air Contaminant Discharge Permit used for approval of Type 3 or 4 changes under OAR chapter 340, division 210.

(14) “De minimis source” means a source whose excess cancer risk, chronic noncancer risk and acute noncancer risk estimates are each less than or equal to the Source Permit Level in OAR 340-245-8010 Table 1 when calculated based on the source’s capacity, as determined under OAR 340-245-0050(7).

(15) “DEQ notice date” means the date that DEQ sends a notice to an owner or operator that a risk assessment is required.

(16) “Environmental Justice” means equal protection from environmental and health hazards, and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality, and play. Environmental Justice communities include minority and low-income communities, tribal communities, and other communities traditionally underrepresented in the public process.

(17) “Excess cancer risk” means the probability of developing cancer resulting from exposure to toxic air contaminant emissions from a TEU or an entire source under an applicable exposure scenario, over and above the background rate of cancer. Excess cancer risk is expressed in terms of “X” in a million, and means that approximately “X” number of additional cases of cancer would be expected in a population of one million people subject to the applicable exposure scenario.

(18) “Exempt source” means a source at which all TEUs are exempt TEUs or a source that has no TEUs that emit toxic air contaminants, as determined under OAR 340-245-0050(6).

(19) “Exempt TEU” means a TEU that DEQ has determined is exempt under OAR 340-245-0060(3). An exempt TEU is not required to comply with any other requirements of this division, other than those applicable to qualify as an exempt TEU and OAR 340-245-0060(4)(c)(A).

(20) “Existing source” means a source that:

(a) Commenced construction before November 16, 2018; or

(b) Submitted all necessary applications to DEQ under OAR 340 divisions 210 or 216 before November 16, 2018, and all such applications were deemed complete by DEQ.

(21) “Existing TEU” means a TEU that is not a new or modified TEU.

(22) “Exposure location” means a location where people, including sensitive populations, actually live or normally congregate and will be exposed to a toxic air contaminant present in the air, and thus be the location of an air quality modeling receptor at which toxic air contaminant concentrations and risk are evaluated. Exposure locations are associated with exposure scenarios

and identified based on allowed land use zoning, except as allowed under OAR 340-245-0210(1)(a)(F) or when DEQ has sufficient information to determine that an area is being used in a manner contrary to its land use zoning.

(23) “Exposure scenario” means a set of assumptions about how a population is exposed to toxic air contaminants. Included in the assumptions are the type of people exposed (e.g., children or adults), and the frequency and duration of exposure associated with the scenario (e.g., residential or occupational use). Exposure scenarios are associated with exposure locations.

(24) “Fixed capital cost” means the capital needed to purchase and construct all the depreciable components of a source.

(25) “Hazard Index number” or “Hazard Index,” as defined in Oregon Laws 2018, chapter 102, section 2, means a number equal to the sum of the hazard quotients attributable to toxic air contaminants that have noncancer effects on the same target organs or organ systems.

(26) “Hazard quotient,” as defined in Oregon Laws 2018, chapter 102, section 2, means a calculated numerical value that is used to evaluate noncancer health risk from exposure to a single toxic air contaminant. The calculated numerical value is the ratio of the air concentration of a toxic air contaminant to the noncancer Risk-Based Concentration at which no serious adverse human health effects are expected to occur.

(27) “Immediate Curtailment Level” means the risk action levels, as identified under that name in OAR 340-245-8010 Table 1, at which an existing source will not be permitted to postpone risk reduction under OAR 340-245-0160.

(28) “INDIPAY” means a computer model developed by EPA that evaluates an individual's ability to afford compliance costs, cleanup costs or civil penalties. INDIPAY is available upon request from DEQ.

(29) “Inhalation Unit Risk” means the upper-bound lifetime excess cancer risk estimated to result from continuous exposure to a toxic air contaminant at a concentration of $1 \mu\text{g}/\text{m}^3$ in air. The interpretation of inhalation unit risk would be as follows: if unit risk = 2×10^{-6} per $\mu\text{g}/\text{m}^3$, then two excess cancer cases (upper bound estimate) are expected to develop per one million people if exposed daily for 70 years to one microgram of the toxic air contaminant per cubic meter of air.

(30) “Multipathway” means consideration of exposure pathways in addition to inhalation of chemicals in air, such as incidental ingestion and dermal contact with toxic air contaminants migrating to soil and water.

(31) “MUNIPAY” means a computer model developed by EPA that evaluates a municipality's or regional utility's ability to afford compliance costs, cleanup costs or civil penalties. MUNIPAY is available upon request from DEQ.

(32) “New or modified TEU” means a TEU at an existing source where one of the following criteria is met:

- (a) Approval to construct or operate under OAR 340-210-0205 through 340-210-0250 was not required for the TEU, and construction commenced on or after November 16, 2018;
- (b) Approval to construct or operate under OAR 340-210-0205 through 340-210-0250 is or was required for the TEU, and the owner or operator submitted the application on or after November 16, 2018; or
- (c) Approval to construct or operate under OAR 340-210-0205 through 340-210-0250 was required for the TEU, but the owner or operator did not obtain the approval as required, and construction commenced on or after the following, as applicable:
- (A) For Type 1 changes under OAR 340-210-0225, 10 days before November 16, 2018;
- (B) For Type 2 changes under OAR 340-210-0225, 60 days before November 16, 2018;
- (C) For Type 3 changes under OAR 340-210-0225, 120 days before November 16, 2018; and
- (D) For Type 4 changes under OAR 340-210-0225, 240 days before November 16, 2018;
- (d) With respect to a modification to a TEU, approval to construct or operate refers to approval to construct or operate the modification.
- (33) “New source” means a source that is not an existing source.
- (34) “Noncancer risk” means the chance of noncancer harmful effects to human health resulting from exposure to toxic air contaminant emissions from a TEU or an entire source under an applicable exposure scenario. There are two types of noncancer risk, chronic and acute. Noncancer risk is expressed numerically using the Hazard Index. Below a Hazard Index of 1, adverse noncancer health effects are unlikely, and above a Hazard Index of 1, adverse noncancer health effects become more likely.
- (35) “Nonresident” means people who regularly spend time at a location but do not reside there. This includes, but is not limited to, children attending schools and daycare facilities and adults at workplaces.
- (36) “Nonresidential exposure location” means an exposure location outside the boundary of a source where people may reasonably be present for a few hours several days per week, possibly over a period of several years, and that is zoned for uses that do not allow residential use. A nonresidential exposure location includes non-residential worker exposure locations and non-residential child exposure locations.
- (37) “Notification area” means the area of impact or the area within a distance of 1.5 kilometers of a source, whichever is greater.
- (38) “Operating permit” means a General, Basic, Simple or Standard Air Contaminant Discharge Permit under OAR chapter 340, division 216 or an Oregon Title V Operating Permit under OAR chapter 340, division 218.

(39) “Owner or operator” means any person who owns, leases, operates, controls, or supervises a stationary source.

(40) “Permit Denial Level” means the risk action levels, as identified under that name in OAR 340-245-8010 Table 1, at which DEQ will not approve an operating permit for a new source, as provided in OAR 340-245-0100(5).

(41) “Pollution Prevention” means any practice that reduces, eliminates, or prevents pollution at its source, as described in OAR 340-245-0140.

(42) “Reconstructed,” as defined in Oregon Laws 2018, chapter 102, section 2, means an individual project is constructed at an air contamination source that, once constructed, increases the hourly capacity of any changed equipment to emit and where the fixed capital cost of new components exceeds 50 percent of the fixed capital cost that would have been required to construct a comparable new source.

(43) “Residential exposure location” means an exposure location outside the boundary of a source where people may reasonably be present for most hours of each day over a period of many years, including individual houses and areas that are zoned to allow residential use either exclusively or in conjunction with other uses.

(44) “Risk” means the chance of harmful effects to human health resulting from exposure to a toxic air contaminant emitted from a TEU or an entire source under an applicable exposure scenario. For the purpose of these rules, risk includes three types of risk: excess cancer risk, chronic noncancer risk, and acute noncancer risk.

(45) “Risk Action Level,” as identified under OAR 340-245-8010 Table 1, means the levels of risk posed by a source or a TEU at which particular requirements of these rules will apply, or the owner or operator will be required to take specific action, depending on the risk posed to the area of impact as described in these rules.

(46) “Risk assessment” means a procedure that identifies toxic air contaminant emissions from a source or a TEU and calculates the risk from those emissions. This term specifically refers to the procedures under OAR 340-245-0050(8) through (11) and may include the results of air monitoring as allowed under OAR 340-245-0050(1)(c)(B). The procedures are designated Level 1 through Level 4, respectively, with complexity of a risk assessment increasing as the level numeration increases, (i.e., a Level 1 Risk Assessment is the simplest and a Level 4 Risk Assessment is the most complex).

(47) “Risk limit” means a condition or requirement in a permit or permit addendum that serves to limit the risk from a source or part of a source. Such conditions or requirements may include, but are not restricted to, limits on risk from the source or part of a source, limits on emissions of one or more toxic air contaminants, limits on emissions from one or more TEUs, or limits on source operation. A Source Risk Limit established under OAR 340-245-0110 is a risk limit.

(48) “Risk-Based Concentration” or “RBC” means the concentration of a toxic air contaminant listed in OAR 340-245-8040 Table 4 that, for the designated exposure scenario, results in an

excess cancer risk of one in one million, or a noncancer hazard quotient of one for either chronic exposure or acute daily exposure.

(49) “Risk Reduction Level” means the risk action levels, as identified under that name in OAR 340-245-8010 Table 1, at which the owner or operator of an existing source will be required to have an approved Risk Reduction Plan under OAR 340-245-0130.

(50) “Sensitive Population” means people with biological traits that may magnify the harmful effects of toxic air contaminant exposures that include individuals undergoing rapid rates of physiological change, such as children, pregnant women and their fetuses, and individuals with impaired physiological conditions, such as elderly people with existing diseases such as heart disease or asthma. Other sensitive populations include those with lower levels of protective biological mechanisms due to genetic factors and those with increased exposure rates.

(51) “Significant TEU” means a TEU that is not an exempt TEU and is not an aggregated TEU.

(52) “Source Permit Level” means the risk action levels, as identified under that name in OAR 340-245-8010 Table 1, below which a source will be considered a de minimis source.

(53) “Source risk” means the cumulative risk from all toxic air contaminants emitted by all significant TEUs at a source except that the source risk calculation for a de minimis source will include consideration of all of the source’s TEUs, including both significant TEUs and aggregated TEUs.

(54) “TBACT Level” means the risk action levels, as identified under that name in OAR 340-245-8010 Table 1, below which an existing source will be considered to be in compliance with these rules without having to further reduce its risk, and above which will require the owner or operator of the existing source either to demonstrate that its significant TEUs meet TBACT or to further reduce risk from the source, under OAR 340-245-0050(1)(c).

(55) “TLAER Level” means the risk action levels, as identified under that name in OAR 340-245-8010 Table 1, below which a new or reconstructed source will be considered to be in compliance with these rules, and above which will require the owner or operator of the new or reconstructed source to demonstrate that its significant TEUs meet TLAER, under OAR 340-245-0050(2)(b).

(56) “Toxic air contaminant” means an air pollutant that has been determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health and is listed in OAR 340-245-8020 Table 2.

(57) “Toxic Air Contaminant Permit Addendum” means written authorization that incorporates the requirements under this division into a permit by amending an Air Contaminant Discharge Permit or a Title V Operating Permit, or in the case of a source assigned to a General Air Contaminant Discharge Permit, means written authorization imposing requirements under this division as additional source-specific permit conditions.

(58) “Toxicity Reference Value” or “TRV” means the following:

(a) For carcinogens, the air concentration corresponding to a one in one million excess cancer risk, calculated by dividing one in one million (0.000001) by the inhalation unit risk specific to that toxic air contaminant as established by the authoritative body that establishes the value, and as approved by the EQC; and

(b) For noncarcinogens, the air concentration above which relevant effects might occur to humans following environmental exposure, and below which is reasonably expected that effects will not occur.

(59) “Toxics Best Available Control Technology” or “TBACT” means a toxic air contaminant emission limitation or emission control measure or measures based on the maximum degree of reduction of toxic air contaminants that is feasible, determined using the procedures in OAR 340-245-0220.

(60) “Toxics emissions unit” or “TEU” means an emissions unit or one or more individual emissions producing activities that emit or have the potential to emit any toxic air contaminant, as designated under OAR 340-245-0060.

(61) “Toxics Lowest Achievable Emission Rate” or “TLAER” means that rate of emissions which reflects the most stringent emission limitation which is achieved in practice by a source in the same class or category of sources as the proposed source, determined using the procedures in OAR 340-245-0220.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 3 and 13.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155, and Or Laws 2018, ch. 102, §§ 2, 3, 6, and 13.

340-245-0022

Abbreviations and Acronyms

As used in this division:

(1) “HI” means Hazard Index.

(2) “IUR” means Inhalation Unit Risk.

(3) “m³” means cubic meter.

(4) “NESHAP” means National Emission Standards for Hazardous Air Pollutants, established by the Environmental Protection Agency under section 112 of the Clean Air Act, 42 U.S.C. §7412.

(5) “NSPS” means New Source Performance Standards, established by the Environmental Protection Agency under section 111(b) of the Clean Air Act, 42 U.S.C. §7411(b).

- (6) “OHA” means Oregon Health Authority.
- (7) “PTE” means Potential to Emit.
- (8) “RBC” means Risk-Based Concentration.
- (9) “TBACT” means Toxics Best Available Control Technology.
- (10) “TEU” means Toxics Emissions Unit.
- (11) “TLAER” means Toxics Lowest Achievable Emission Rate.
- (12) “TRV” means Toxicity Reference Value.
- (13) “µg” means microgram.
- (14) “µg/m³” means micrograms per cubic meter.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 3 and 13.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155, and Or Laws 2018, ch. 102, §§ 2, 3, 6, and 13.

340-245-0030

Submittal and Payment Deadlines

(1) When required to demonstrate compliance with OAR 340-245-0040, 340-245-0050 or 340-245-0060, the owner or operator of a source must submit to DEQ all information and specific activity fees under OAR 340-216-8030 Table 3 required by, and by the deadlines specified in, subsections (a) through (j), as applicable, except as allowed under section (2). The owner or operator of a new or reconstructed source must also submit the following information but the time deadlines in subsections (a) through (j) do not apply.

(a)(A) An emissions inventory under OAR 340-245-0040 that will be used in the risk assessment must be submitted to DEQ no later than 90 days after the DEQ notice date; and

(B) For an existing source, if the owner or operator is submitting DEQ-approved source test data to supplement the emissions inventory, the updated emissions inventory must be submitted to DEQ no later than 150 days after the DEQ notice date. The owner or operator must also submit a modeling protocol and Level 3 or Level 4 Risk Assessment work plan prior to or concurrent with the submission of source test data, if applicable;

(b) The modeling protocol under OAR 340-245-0210 must be submitted to DEQ no later than 30 days after receiving DEQ approval of the emissions inventory under subsection (a);

- (c) The Level 3 or Level 4 Risk Assessment work plan under OAR 340-245-0210 must be submitted to DEQ no later than 60 days after receiving DEQ approval of the updated emissions inventory under subsection (a);
- (d) A Level 1 or Level 2 Risk Assessment under OAR 340-245-0050(8) or (9) must be submitted to DEQ no later than 60 days after DEQ approval of the modeling protocol required under subsection (b);
- (e) A Level 3 Risk Assessment under OAR 340-245-0050(10) must be submitted to DEQ no later than 120 days after DEQ approval of the Level 3 Risk Assessment work plan required under subsection (c);
- (f) A Level 4 Risk Assessment under OAR 340-245-0050(11) must be submitted to DEQ no later than 150 days after DEQ approval of the Level 4 Risk Assessment work plan required under subsection (c);
- (g) If risk from the source is greater than the Immediate Curtailment Level, a report describing the immediate action taken by the owner or operator to reduce risk to below the Immediate Curtailment Level must be submitted to DEQ no later than seven days after DEQ approval of a Level 3 Risk Assessment or a Level 4 Risk Assessment under subsection (e) or (f);
- (h) A Toxic Air Contaminant Monitoring Plan under OAR 340-245-0230 and an application for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 must be submitted to DEQ no later than 30 days after DEQ approval of a Level 3 Risk Assessment or a Level 4 Risk Assessment under subsection (e) or (f);
- (i) A Risk Reduction Plan under OAR 340-245-0130 and an application for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 must be submitted to DEQ no later than 120 days after DEQ approval of a Level 3 or a Level 4 Risk Assessment under subsection (e) or (f); and
- (j) For owners or operators that are not required to submit a Risk Reduction Plan and who do not choose to perform air monitoring, an application for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 must be submitted to DEQ within 30 days after DEQ approval of any level of risk assessment, whichever is applicable.
- (2) Upon receipt of a submittal described in section (1), DEQ will review the submittal and if DEQ determines that any additional information, corrections, or updates are required in order to approve the submittal, then DEQ will provide the owner or operator with a written request to provide such information by a date certain.
- (3) An owner or operator may request an extension of time from a deadline established in section (1) or section (2) by providing DEQ with a written request no fewer than 15 days prior to the submittal deadline. DEQ may grant an extension based on the following criteria:
- (a) The owner or operator has demonstrated progress in completing the submittal; and

(b) A delay is necessary, for good cause shown by the owner or operator, related to obtaining more accurate or new data, performing additional analyses, or addressing changes in operations or other key parameters, any of which are likely to have a substantive impact on the outcomes of the submittal.

(4) If DEQ determines it is not able to approve the owner or operator's submittal, or if the owner or operator does not timely provide additional information or corrections requested by DEQ, then in addition to any other remedies available, DEQ may:

(a) With sufficient factual basis, modify the information provided by the owner or operator, approve it as modified, and the owner or operator must pay the document modification fee in OAR 340-216-8030 Table 3; or

(b) Inform the owner or operator of the deficiency, and provide the owner or operator with a revised deadline to submit the needed information.

(5) Recordkeeping. The owner or operator of a source that provides DEQ with any information related to a risk assessment completed under this rule must retain all of its records related to the risk assessment for five years from the date the information is submitted to DEQ.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 3 and 13.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155, and Or Laws 2018, ch. 102, §§ 2, 3, 6, and 13.

340-245-0040

Emissions Inventory

(1) Individual emissions inventory for risk assessment. For the purpose of assessing risk, DEQ may require the owner or operator of any permitted or unpermitted source to submit an emissions inventory of all toxic air contaminants emitted by the source listed in OAR 340-245-8020 Table 2. The owner or operator must assess risk from the toxic air contaminants in OAR 340-245-8040 Table 4 and must address uncertainty in a Level 3 or Level 4 Risk Assessment for the toxic air contaminants in OAR 340-245-8020 Table 2 that do not have RBCs. The owner or operator must submit the emissions inventory electronically to DEQ no later than 90 days after the DEQ notice date unless DEQ allows additional time under OAR 340-245-0030.

(2) Periodic state-wide emissions inventory.

(a) Once every three years, DEQ may require the owners and operators of all permitted and unpermitted sources to submit an updated toxic air contaminant emissions inventory of all toxic air contaminants emitted by the source listed in OAR 340-245-8020 Table 2. The reporting year will generally correspond with EPA's National Emission Inventory reporting year (2020, 2023, 2026, etc.);

(b) The owner or operator must submit its updated emissions inventory electronically to DEQ no later than 60 days after the date that DEQ sends a written request by electronic mail or regular U.S. mail, to the owner or operator, unless DEQ allows additional time under OAR 340-245-0030; and

(c) DEQ may also require the owner or operator of a source that has previously submitted a toxic air contaminant emissions inventory to submit an updated emissions inventory if DEQ discovers or learns additional information that indicates that the source's emissions have changed since it completed its most recent emissions inventory.

(3) Emissions inventory requirements.

(a) When required to submit an emissions inventory, the owner or operator must submit:

(A) A list of TEUs that emit toxic air contaminants. The owner or operator must include exempt TEUs but does not have to calculate toxic air contaminant emissions from the exempt TEUs. The list of TEUs that emit toxic air contaminants should not be limited to what is listed in a source's operating permit but should include all operations at the source that emit toxic air contaminants;

(B) A list of production, fuel and material usage rates that are used to calculate toxic air contaminant emissions for each TEU for the following:

(i) For any emissions inventory, the actual production or usage in the calendar year preceding the year DEQ's written request is made, or for new or reconstructed sources, the reasonably anticipated actual production or usage;

(ii) For an emissions inventory required under section (1), potential production or usage based on the following:

(I) Annual production and usage that are used to calculate the Source Risk Limit if the owner or operator chooses to be permitted based on a requested PTE or risk limit; or

(II) Potential production or usage based on capacity that is used to prove the source is de minimis if the owner or operator chooses to be permitted as a de minimis source;

(iii) For an emissions inventory required under section (1), potential production or usage for the projected maximum day. The owner or operator must use knowledge of process to calculate the maximum daily production and process rates;

(C) Material balance information using Safety Data Sheets (formerly Material Safety Data Sheets) and Technical Data Sheets, as applicable, for VOC-containing materials used in any process; and

(D) Operating schedule (hours/day, days/year, seasonal variability) for the source, including schedules for each TEU, if different, for the calendar year preceding the year DEQ's written request is made and the year based on a requested PTE or risk limit;

(b) Owners or operators of sources with Title V, Standard and Simple Air Contaminant Discharge Permits, and unpermitted sources when DEQ so requires, must also submit:

(A) A list of all toxic air contaminants emitted by the source; and

(B) The amount of each toxic air contaminant emitted from each TEU, reported as maximum mass emitted per 24 hour period for each toxic air contaminant that has an acute RBC, and as mass emitted per year for each toxic air contaminant that has an annual RBC or has no RBC, with the emission factors used or material balance information, as appropriate, for the following:

(i) For any emissions inventory, actual emissions for the calendar year preceding the year DEQ's written request is made, or for new or reconstructed sources, emissions based on the reasonably anticipated actual production or usage; and

(ii) For an emissions inventory required under section (1), emissions based on the following, and including startup and shutdown emissions for sources required to do so under OAR 340-214-0310:

(I) Requested PTE or risk limit used to calculate the Source Risk Limit if the owner or operator chooses to be permitted based on a requested PTE or risk limit; or

(II) Capacity that is used to prove the source is de minimis if the owner or operator chooses to be permitted as a de minimis source;

(iii) For an emissions inventory required under section (1), maximum daily production. The owner or operator must use knowledge of process to calculate the maximum daily emissions;

(C) The name of each resource used to obtain toxic air contaminant emission factors or methodologies used to calculate emissions (e.g., AP-42 or WebFIRE, California Air Toxic Emission Factors, source test data, continuous monitoring data, etc.).

(4) Review of toxic air contaminant emissions inventory reports. DEQ shall use the procedures in OAR 340-245-0030 to review any emissions inventory in determining its completeness, consider extensions requests, and request additional information, if needed.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0050

Risk Assessment Procedures

(1) Existing source.

(a) When notified in writing by DEQ, at DEQ's discretion, the owner or operator of an existing source with an operating permit must either demonstrate that it is an exempt source or:

(A) Assess risk from the source using any of the Level 1 through Level 4 Risk Assessment procedures in sections (8) through (11);

(B) Assess risk from the source using the emissions inventory submitted under OAR 340-245-0040(1); and

(C) Follow the applicable calculation procedures under OAR 340-245-0200.

(b) If the owner or operator of an existing source proposes to modify the source in a way that would require compliance under OAR chapter 340, division 224, "New Source Review," excluding actions described in OAR 340-224-0010(2)(b) and (d)(B) that require compliance only as Type B State New Source Review, then the owner or operator must perform a risk assessment and demonstrate compliance under this division and must include its compliance demonstration under this division with its application submitted under OAR chapter 340, division 224.

(c) The owner or operator must demonstrate compliance with paragraph (A), (B), (C) or (D), and also comply with paragraph (E), if applicable.

(A) The owner or operator must demonstrate that the source is a de minimis source by following the procedure in section (7), or demonstrate that the risk from the source is less than or equal to the TBACT Level. The owner or operator of a source whose risk is less than or equal to the TBACT Level must apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 with Source Risk Limits or an application that modifies the existing permit in a manner that ensures that the risk from the source will be less than or equal to the TBACT Level.

(B) Toxic air contaminant monitoring.

(i) Before the owner or operator of a source may begin air monitoring, the owner or operator must complete and submit to DEQ a Level 3 or Level 4 Risk Assessment and comply with the applicable requirements of OAR 340-245-0230.

(I) If the Level 3 or Level 4 Risk Assessment calculates risk from the source that exceeds an excess cancer risk of 200 in one million or a Hazard Index of 20, then the owner or operator may not delay submission of an application for a Toxics Air Contaminant Permit Addendum and subsequent implementation of the approved Risk Reduction Plan prepared under OAR 340-245-0130; and

(II) If the Level 3 or Level 4 Risk Assessment calculates risk from the source that does not exceed an excess cancer risk of 200 in one million or a Hazard Index of 20, then DEQ shall issue a Toxics Air Contaminant Permit Addendum addressing only toxic air contaminant monitoring requirements, including a reporting and compliance schedule for implementing the Toxic Air Contaminant Monitoring Plan required under OAR 340-245-0230;

(ii) Upon completion and DEQ approval of toxic air contaminant monitoring in compliance with OAR 340-245-0230, the owner or operator must use the toxic air contaminant monitoring results,

in association with other applicable, relevant data to determine compliance requirements under paragraph (c)(A), (C), or (D) and apply for a Toxic Air Contaminant Permit Addendum modification under OAR 340-245-0100;

(C) TBACT compliance. If the risk from the source is greater than the TBACT Level and less than or equal to the Risk Reduction Level, and all significant TEUs meet TBACT under OAR 340-245-0220, then the owner or operator must apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 that includes Source Risk Limits that ensure the risk from the source will be less than or equal to the Risk Reduction Level; or

(D) Risk Reduction Plan. The owner or operator may demonstrate compliance with this paragraph under either subparagraph (i), (ii), or (iii), whichever is applicable:

(i) If the risk from the source is greater than the TBACT Level and the owner or operator can make physical, operational or process changes to reduce the risk to less than or equal to the TBACT Level, then the owner or operator must apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 that includes a Risk Reduction Plan under OAR 340-245-0130 and Source Risk Limits that ensure that the risk from the source will be less than or equal to the TBACT Level;

(ii) If the risk from the source is greater than the TBACT Level and less than or equal to the Risk Reduction Level, but not all significant TEUs meet TBACT under OAR 340-245-0220, then the owner or operator must either reduce risk below the TBACT Level under subparagraph (i) or apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 that includes a Risk Reduction Plan under OAR 340-245-0130 to meet TBACT on all significant TEUs and Source Risk Limits that ensure that the risk from the source will be less than or equal to the Risk Reduction Level; or

(iii) If the risk from the source is greater than the Risk Reduction Level, then the owner or operator must apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 that includes a Risk Reduction Plan under OAR 340-245-0130 with additional risk reduction measures and Source Risk Limits that ensure that the risk from the source will be less than or equal to the Risk Reduction Level;

(E) If the risk from the source is greater than the Immediate Curtailment Level, then the owner or operator must take immediate action to reduce risk to below the Immediate Curtailment Level.

(2) New or reconstructed source.

(a)(A) The owner or operator of a proposed new or reconstructed source that is required to obtain a Simple or Standard Air Contaminant Discharge Permit, and that is not an exempt source, must also perform a risk assessment, and if applicable, apply for a Toxic Air Contaminant Permit Addendum concurrently with an application for a permit under OAR chapter 340, division 216, before a permit is issued. If DEQ approves the applications, then DEQ will incorporate the toxic air contaminant permit conditions directly into the new Simple or Standard Air Contaminant Discharge Permit and will not issue a separate Toxic Air Contaminant Permit Addendum.

(B) DEQ may require the owner or operator of a proposed new or reconstructed source that is required to obtain a Basic or a General Air Contaminant Discharge Permit to perform a risk assessment and demonstrate compliance with this division, and if applicable, apply for a Toxic Air Contaminant Permit Addendum concurrently with an application for a permit under OAR chapter 340, division 216.

(i) If DEQ approves the applications for a source that will have a Basic Air Contaminant Discharge Permit, then DEQ will incorporate the toxic air contaminant permit conditions directly into the new operating permit.

(ii) If DEQ approves the applications for a source that will be assigned to a General Air Contaminant Discharge Permit, then DEQ will issue a Toxic Air Contaminant Permit Addendum as a source-specific addendum to the new operating permit that will not be incorporated into the operating permit.

(C) Any owner or operator of a proposed new or reconstructed source that is required to perform a risk assessment must:

(i) Assess risk from the source using any of the Level 1 through Level 4 Risk Assessment procedures in sections (8) through (11);

(ii) Assess risk from the source using the emissions inventory submitted under OAR 340-245-0040(1); and

(iii) Follow the applicable calculation procedures under OAR 340-245-0200.

(b) The owner or operator of a new or reconstructed source must demonstrate compliance with either paragraph (A) or (B).

(A) The owner or operator must demonstrate that the source is a de minimis source by following the procedure in section (7), or demonstrate that the risk from the source is less than or equal to the TLAER Level. The owner or operator of a source whose risk is less than or equal to the TLAER Level must apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 or an operating permit with Source Risk Limits that ensure that the risk from the source will be less than or equal to the TLAER Level; or

(B) TLAER compliance. If the risk from the new or reconstructed source is greater than the TLAER Level and less than or equal to the Permit Denial Level, and all significant TEUs meet TLAER under OAR 340-245-0220, then the owner or operator must apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100 or an operating permit that includes Source Risk Limits that ensure the risk from the source will be less than or equal to the Permit Denial Level.

(3) Other sources. When notified in writing by DEQ, the owner or operator of a source that is not subject to sections (1) or (2) must perform a risk assessment using any of the Level 1 through Level 4 Risk Assessment procedures in sections (8) through (11). DEQ may notify such a source after determining through an investigation or file review that the source may emit toxic air contaminants in quantities that may cause the source's risk to exceed the Source Permit Level.

(4) A risk assessment for a source must include all TEUs at the source, as of the date that the owner or operator submits an application under OAR 340-245-0100 for a Toxic Air Contaminant Permit Addendum, except for the following:

(a) Exempt TEUs;

(b) Gas combustion TEUs, as provided under section (5); and

(c) Aggregated TEUs, except when the owner or operator is requesting approval as a de minimis source under section (7).

(5) Gas combustion exemption. This exemption applies to TEUs that solely combust natural gas, propane, liquefied petroleum gas, and, when approved by DEQ in response to a written request by an owner or operator, pretreated landfill gas and pretreated digester gas or biogas. Risk from toxic air contaminants emitted from such combustion must be calculated and reported in the risk assessment, but the risk from such toxic air contaminants may be treated as follows:

(a) At each exposure location, risk must be reported as two values:

(A) The risk from toxic air contaminants emitted from such combustion of natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas or biogas ; and

(B) The risk from all other toxic air contaminant emissions;

(b) At each exposure location, the risk from toxic air contaminants emitted solely from the combustion of natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas or biogas may be excluded from the total risk for the purpose of determining compliance with Risk Action Levels and may be omitted from any requirements determined under a Risk Reduction Plan under OAR 340-245-0130 if good air pollution control practices are followed; and

(c) Notwithstanding subsections (a) and (b), an owner or operator must include in its risk assessment any toxic air contaminants that are emitted from materials that are contacted by the flame or combustion gases from the combustion of natural gas, propane, liquefied petroleum gas, pretreated landfill gas or pretreated digester gas or biogas. Materials that may emit toxic air contaminants include but are not limited to VOCs combusted in thermal oxidizers and materials dried in direct-contact dryers.

(6) Exempt Source Determination.

(a) To be approved as an exempt source, no later than 30 days after the date that DEQ sends a notice under subsection (1)(a) or with submittal of an application for a new or reconstructed source under subsection (2)(a), the owner or operator must submit information to DEQ that demonstrates that all TEUs at the source are exempt TEUs; and

(b) Upon receipt of a submittal from an owner or operator under subsection (a), DEQ will:

(A) Review the submissions and, if approved, write a memo to the DEQ file for the source summarizing the assessment that will be:

(i) Incorporated into the review report of a permitted source upon permit issuance or renewal; or

(ii) Maintained in the file and tracked in a DEQ database.

(B) Follow the Category I public notice procedure in OAR chapter 340, division 209, prior to approving or denying the request to be considered an exempt source; and

(C) Keep records of exempt sources in a database for the emissions inventory and future communication if RBCs change or other information about risk is received such that toxic air contaminant emissions must be reevaluated.

(7) De minimis Source Determination.

(a) To be approved as a de minimis source, the owner or operator must assess risk at the capacity of each TEU, including aggregated TEUs, using any of the Level 1 through Level 4 Risk Assessment procedures in sections (8) through (11). The owner or operator must submit to DEQ the following:

(A) Information that demonstrates that the source does not exceed the Source Permit Level if the owner or operator is not required to operate and maintain control devices to remain a de minimis source;

(B) Information that demonstrates that the existing source does not exceed the Source Permit Level if the owner or operator is required to operate and maintain control devices to remain a de minimis source, and the existing operating permit includes necessary conditions to operate and maintain the control devices; or

(C) An application for a Toxic Air Contaminant Permit Addendum that demonstrates that the source does not exceed the Source Permit Level if the owner or operator is required to operate and maintain control devices to remain a de minimis source, and the source is a new source or the existing operating permit does not include necessary conditions to operate and maintain the control devices;

(b) Upon receipt of a submittal from an owner or operator under subsection (a), DEQ will:

(A) Review the submissions and, if approved, either:

(i) Write a memo to the DEQ file for the source summarizing the assessment that will be:

(I) Incorporated into the review report of a permitted source upon permit issuance or renewal; or

(II) Maintained in the file and tracked in a DEQ database for sources that meet the criteria in paragraph (a)(A) or (B); or

(ii) Issue a Toxic Air Contaminant Permit Addendum or operating permit, for sources that meet the criteria in paragraph (a)(C);

(B) Follow the Category I public notice procedure in OAR chapter 340, division 209, prior to approving or denying the request to be considered a de minimis source; and

(C) Keep records of de minimis sources in a database for the emissions inventory and future communication if RBCs change or other information about risk is received such that toxic air contaminant emissions must be reevaluated.

(8) Level 1 Risk Assessment. To complete a Level 1 Risk Assessment, the owner or operator must comply with OAR 340-245-0210(1) and then assess risk by using the Level 1 Risk Assessment Tool in OAR 340-245-8050 Table 5 to determine toxic air contaminant concentrations at approved exposure locations.

(a) The owner or operator must follow the directions for using the Level 1 Risk Assessment Tool described in OAR 340-245-0200(2);

(b) For sources with multiple stacks, stacks must either be considered individually using OAR 340-245-8050 Tables 5A and 5B with risk calculated as the summation of individual stack risk, or the stacks combined into a single stack in a manner approved by DEQ and risk calculated for that single stack;

(c) A Level 1 Risk Assessment will not be approved if the source is located near elevated terrain that DEQ determines could invalidate the assumptions used to develop the Level 1 Risk Assessment Tool; and

(d) If DEQ concludes that the source complies with this division based on a Level 1 Risk Assessment, then DEQ will follow the Category II public notice procedure in OAR chapter 340, division 209 for issuance of the Toxic Air Contaminant Permit Addendum.

(9) Level 2 Risk Assessment. To complete a Level 2 Risk Assessment, the owner or operator must comply with OAR 340-245-0210(1) and then assess risk by submitting a modeling protocol, conducting modeling, and performing a risk assessment. The owner or operator must use AERSCREEN or comparable screening model approved by DEQ to determine air concentrations at approved exposure locations. If DEQ concludes that the source complies with this division based on a Level 2 Risk Assessment, then DEQ will follow the Category II public notice procedure in OAR chapter 340, division 209 for issuance of the Toxic Air Contaminant Permit Addendum.

(10) Level 3 Risk Assessment. To complete a Level 3 Risk Assessment, the owner or operator must comply with OAR 340-245-0210 and then assess risk by submitting a modeling protocol and a risk assessment work plan, conducting modeling, and performing a risk assessment. The owner or operator must use AERMOD or comparable model approved by DEQ to determine air concentrations at approved exposure locations. If DEQ concludes that the source complies with this division based on a Level 3 Risk Assessment, then DEQ will follow the Category III public notice procedure in OAR chapter 340, division 209 for issuance of the Toxic Air Contaminant Permit Addendum.

(11) Level 4 Risk Assessment. To complete a Level 4 Risk Assessment, the owner or operator must comply with OAR 340-245-0210 and then assess risk by submitting a modeling protocol and a risk assessment work plan, conducting modeling, and performing a risk assessment. The owner or operator must use AERMOD or comparable model approved by DEQ to determine air concentrations at approved exposure locations. The risk assessment must include toxicity and bioaccumulation assessments, and may include proposed modifications to default exposure assumptions as specified in OAR 340-245-0210. If DEQ concludes that the source complies with this division based on a Level 4 Risk Assessment, then DEQ will follow the Category III public notice procedure in OAR chapter 340, division 209 for issuance of the Toxic Air Contaminant Permit Addendum.

(12) DEQ may require the owner or operator of a source to conduct and submit an additional multipathway risk evaluation for any level of risk assessment if DEQ determines that airborne deposition of chemicals could be important for scenarios not included in the default multipathway adjustment factor assumptions used in the original risk assessment for the source.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0060

Toxic Emissions Units

(1) TEU Designation. An owner or operator must designate TEUs in the same manner as the owner or operator designated emissions units listed in a source's operating or construction permit, if they are designated, unless the owner or operator requests a different designation in writing and DEQ approves that request in writing. The request for a new or a different TEU designation must be compatible with the following:

- (a) TEUs may not be designated in such a way as to avoid the requirements of this division;
- (b) An individual emissions-producing activity that exhausts through multiple stacks or openings must be designated as an individual TEU;
- (c) Where multiple emissions-producing activities exhaust through a common opening, exhaust stack or emissions control device, each emissions producing activity may be considered a single TEU or may be considered separate TEUs; and
- (d) The list of TEUs should not be limited to what is listed in a source's operating permit but should include all processes and activities that emit toxic air contaminants.

(2) Aggregated TEUs.

(a) An owner or operator must designate the same TEUs as aggregated TEUs for all of the different types of risk: excess cancer risk, chronic noncancer risk and acute noncancer risk;

(b) After an owner or operator has designated the source's aggregated TEUs in a modeling protocol or risk assessment work plan submitted in writing to DEQ, the owner or operator must request approval to change its designation; and

(c) An owner or operator may request approval to construct a new aggregated TEU or modify an existing aggregated TEU if the total risk from the aggregated TEUs, including the new or modified TEU, remains less than or equal to the Aggregate TEU Level.

(3) Exempt TEUs. A TEU is an exempt TEU if:

(a)(A) The TEU is listed in the definition of Categorically Insignificant Activity in OAR 340-200-0020, excluding subsection (a), of that definition, and except that a maintenance and repair shop that is defined as categorically insignificant under OAR 340-200-0020 will not be considered an exempt TEU if DEQ makes a finding that a particular maintenance and repair shop emits an amount of toxic air contaminants that may create a risk to human health; or

(B) The owner or operator of the TEU has demonstrated to DEQ's satisfaction that the TEU is not likely to emit toxic air contaminants in more than trace amounts. The demonstration may include any information the owner or operator considers relevant, including but not limited to:

(i) The chemical make-up of the materials handled or processed in the TEU; the type of handling or processing in the TEU, including whether or not the handling or processing is likely to alter the chemical make-up of the materials; and the chemical make-up or likely chemical make-up of the materials emitted by the TEU; and

(ii) Any toxic air contaminant present in materials emitted are only trace contaminants that are not intentionally present in the materials handled, processed or produced in the TEU, and are present in such small amounts that they would typically not be listed in a Safety Data Sheet, product data sheet or equivalent document.

(4) New or modified TEU requirements.

(a) The owner or operator of a source that has not been notified in writing by DEQ that they are required to submit a risk assessment and that proposes to construct a new or modified TEU must comply with OAR 340-210-0205 through 340-210-0250 before beginning construction of the new or modified TEU;

(b) The owner or operator of a source that has submitted a Toxic Air Contaminant Permit Addendum application but has not yet been issued a Toxic Air Contaminant Permit Addendum or an operating permit in compliance with this division and that proposes to construct a new or modified TEU must do the following before beginning construction of the new or modified TEU:

(A) Comply with OAR 340-210-0205 through 340-210-0250; and

(B) Submit an updated Toxic Air Contaminant Permit Addendum application;

(c) The owner or operator of a source that has been issued a Toxic Air Contaminant Permit Addendum or an operating permit in compliance with this division must follow the applicable procedures in paragraphs (c)(A) through (C) and must pay to DEQ all applicable specific activity fees under OAR 340-216-8030 Table 3.

(A) New or modified exempt TEUs. If the proposed new or modified exempt TEU is subject to National Emission Standards for Hazardous Air Pollutants or New Source Performance Standards requirements, then the owner or operator must request approval of a new or modified exempt TEU under this rule and under OAR 340-210-0205 through 340-210-0250;

(B) New or modified aggregated TEUs. The owner or operator must request approval of a new or modified TEU to be an aggregated TEU by demonstrating that the risk from the aggregated TEUs, including the new or modified TEU, will be less than or equal to the Aggregate TEU Level. The owner or operator may use any risk assessment procedure, Level 1 through Level 4, under OAR 340-245-0050(8) through (11) for the TEU. The owner or operator must receive DEQ approval of the modeling protocol and the risk assessment work plan under OAR 340-245-0210 before performing the risk assessment, if applicable.

(i) If the owner or operator can demonstrate compliance using a Level 1 Risk Assessment in OAR 340-245-0050(8), the owner or operator may begin construction or modification of the TEU 10 days after DEQ receives the approval request or on the date that DEQ approves the proposed construction in writing, whichever is sooner, unless DEQ notifies the owner or operator in writing no later than 10 days after DEQ receives the request that the proposed construction or modification is not approvable as an aggregated TEU; or

(ii) If the owner or operator uses a Level 2, Level 3 or Level 4 Risk Assessment under OAR 340-245-0050(9) through 340-245-0050(11) to demonstrate that the new or modified TEU may be approved as an aggregated TEU, then the owner or operator may not begin construction of the new or modified aggregated TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or operating permit that approves the TEU;

(C) New or modified significant TEUs.

(i) The owner or operator must request approval of a new or modified significant TEU by submitting an application to modify its Toxic Air Contaminant Permit Addendum or operating permit that includes the following:

(I) Information necessary to assess the risk from the new or modified significant TEU using any risk assessment procedure, Level 1 through Level 4, under OAR 340-245-0050(8) through (11). The owner or operator may add the risk from the new or modified TEU to prior results from the latest risk assessment for the source rather than updating the entire risk assessment for the source. The owner or operator must receive DEQ approval of the modeling protocol and the risk assessment work plan under OAR 340-245-0210 before performing the risk assessment, if applicable;

(II) Information necessary to verify that the new or modified significant TEU meets TLAER, if the source risk is greater than the TLAER Level for a new or reconstructed source, or meets TBACT, if the source risk is greater than the TBACT Level for an existing source;

(ii) The owner or operator of a proposed new or modified significant TEU may not begin construction of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or an operating permit that approves the TEU;

(iii) If a source that was previously determined to be an exempt source under OAR 340-245-0050(6) or a de minimis source under OAR 340-245-0050(7) will no longer be an exempt source or a de minimis after the new or modified significant TEU is constructed, the owner or operator must follow the procedures in this section and apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100. Such an owner or operator may not begin construction of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or an operating permit that approves the TEU; and

(iv) In conjunction with seeking authorization for the construction of a new or modified significant TEU, if the owner or operator makes simultaneous changes to existing TEUs other than the new or modified significant TEU for the purpose of reducing source risk, then the owner or operator may not begin operation of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or operating permit that approves all such changes to the other TEUs;

(d) DEQ will not approve an application for a Toxic Air Contaminant Permit Addendum required under this rule for a new or modified TEU if:

(A) The TEU does not comply with this rule; or

(B) The source does not comply with OAR 340-245-0050, if required.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0100

Toxic Air Contaminant Permit Addenda

(1) Purpose and Intent.

(a) A Toxic Air Contaminant Permit Addendum and conditions included in an operating permit to comply with this division are used to:

(A) Authorize the owner or operator of a source to construct or modify TEUs that discharge toxic air contaminants;

(B) Authorize the owner or operator of a source to discharge toxic air contaminants subject to enforceable permit requirements, limitations, and conditions, including to:

- (i) Establish enforceable risk limits for the purpose of limiting the risk from toxic air contaminants from a source;
 - (ii) Approve, modify and implement a Risk Reduction Plan and require the owner or operator of a source to implement the ongoing requirements; and
 - (iii) Approve, modify and implement a Voluntary Risk Reduction Plan and require the owner or operator of a source to implement the ongoing requirements;
- (C) Approve, modify and implement a Toxic Air Contaminant Monitoring Plan; and
- (D) Approve postponement of risk reduction;
- (b) A Toxic Air Contaminant Permit Addendum:
- (A) For the owner or operator of a source with a General Air Contaminant Discharge Permit, is issued as a source-specific addendum to the operating permit and will not be incorporated into the operating permit;
- (B) For the owner or operator of a source with an operating permit other than a General Air Contaminant Discharge Permit:
- (i) Is issued to the owner or operator as an addendum to the operating permit and will be incorporated into the operating permit at the time of a permit modification or renewal that subjects all permit conditions to the Category II or Category III public notice procedure in OAR chapter 340, division 209; or
 - (ii) Will not be issued when the toxic air contaminant permit conditions are incorporated directly into an operating permit after such changes were subject to a public notice period under OAR chapter 340, division 209.
- (C) May not be issued to an owner or operator before the source has obtained an operating permit; and
- (D) May not be issued in lieu of an otherwise required operating or construction permit.
- (2) A Toxic Air Contaminant Permit Addendum amends a source's operating permit, but if the terms of such addendum and the operating permit contain any limit or restriction applicable to the same emissions or processes, then the owner or operator must comply with the more stringent limit or restriction.
- (3) Application Requirements. An owner or operator requesting a new or modified Toxic Air Contaminant Permit Addendum must submit an application that includes all of the information specified in subsections (3)(a) through (r) as well as the relevant information required under OAR 340-245-0050. The owner or operator must submit all required information by the submittal deadlines in OAR 340-245-0030, certified by a responsible official that the information submitted is true, accurate, and complete. The owner or operator must submit to DEQ at least two paper copies and one electronic copy of the application.

- (a) Identifying information, including the name of the person that owns or operates the source, the owner's or operator's mailing address, the source address, and a description of the nature of business being operated, the name, phone number and email address of the primary contact at the source who is responsible for compliance with the permit, the permit number for an existing source, and the SIC or NAICS code of the source;
- (b) The name of a person authorized to receive requests from DEQ for additional data and information;
- (c) A description of the source's production processes and a flow chart of each process;
- (d) A plot plan showing the location and height of air contaminant emissions locations at the source. The plot plan must also indicate the nearest residential and commercial properties;
- (e) The type and quantity of all fuel used by the source;
- (f) For owners or operators of sources with Basic or General Air Contaminant Discharge Permits, an emissions inventory required under OAR 340-245-0040(3)(a);
- (g) For owners or operators of sources with Title V, Standard, or Simple Air Contaminant Discharge Permits, an emissions inventory required under OAR 340-245-0040(3)(a) and (b);
- (h) Estimated efficiency of air pollution control devices in place at the source under present or anticipated operating conditions;
- (i) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements under OAR 340-226-0120(1) and (2);
- (j) The final DEQ-approved modeling protocol required under OAR 340-245-0210;
- (k) The final DEQ-approved Level 3 or Level 4 Risk Assessment work plan required under OAR 340-245-0210, if applicable;
- (l) The final DEQ-approved risk assessment required under OAR 340-245-0050;
- (m) Information sufficient to demonstrate that a TEU meets TBACT or TLAER under OAR 340-245-0220, if applicable;
- (n) For sources whose risk is greater than or equal to the TBACT Level before any additional risk reduction measures are considered, a pollution prevention analysis that meets the requirements of OAR 340-245-0140;
- (o) The final DEQ-approved Risk Reduction Plan under OAR 340-245-0130, if applicable;

- (p) The final DEQ-approved postponement of risk reduction under OAR 340-245-0150, if applicable;
 - (q) The final DEQ-approved Toxic Air Contaminant Monitoring Plan under OAR 340-245-0230, if applicable; and
 - (r) Any other information requested by DEQ.
- (4) Application review and processing.
- (a) DEQ shall use the procedures in OAR 340-245-0030 to review an application submitted under this rule to determine its completeness, consider extension requests, and request additional information, if needed;
 - (b) If DEQ determines that a Toxic Air Contaminant Permit Addendum is not required during preliminary review of an application or at any time during application processing, DEQ will notify the applicant in writing;
 - (c) After DEQ considers an application complete, DEQ may hold a public meeting to inform the community about the application and receive feedback;
 - (d) When DEQ has determined it is prepared to approve an application for a Toxic Air Contaminant Permit Addendum or operating permit, DEQ will prepare a review report and either draft Toxic Air Contaminant Permit Addendum or a draft operating permit with conditions that comply with this division;
 - (e) Prior to initiating any public notice procedure required under OAR 340-245-0050, DEQ will provide a copy of the draft Toxic Air Contaminant Permit Addendum or operating permit to the owner or operator and will provide the owner or operator 14 days to review and provide feedback to DEQ. DEQ may grant an extension for review of the draft permit addendum or operating permit for good cause shown by the owner or operator. Following consideration of comments from the owner or operator, DEQ may revise the draft Toxic Air Contaminant Permit Addendum or operating permit before placing it on public notice; and
 - (f) Public notice requirements for issuance of a Toxic Air Contaminant Permit Addendum or operating permit with conditions required under this division.
- (A) The minimum public notice procedures for issuance are described in the applicable sections of OAR 340-245-0050. DEQ may enhance the public notice procedures at its discretion;
- (B) When required to provide public notice, DEQ will make available to the public the draft Toxic Air Contaminant Permit Addendum or operating permit and a review report that sets forth the legal and factual basis for the permit conditions, including references to the applicable regulatory provisions, the source's most recent risk assessment results, and the level of risk assessment that the source used to perform the risk assessment; and
- (C) Prior to determining whether to issue, revise, or deny a Toxic Air Contaminant Permit Addendum or an operating permit with conditions required under this division, DEQ must

consider public comments it receives under the applicable public notice procedures that are relevant to the draft permit addendum or operating permit and within the scope of DEQ's authority.

(5) DEQ may not issue a Toxic Air Contaminant Permit Addendum or an operating permit for a source if:

(a) The owner or operator of a proposed new or reconstructed source does not comply with OAR 340-245-0050, 340-245-0060 and this rule, as applicable;

(b) DEQ determines that the emissions from a proposed new or reconstructed source would result in risk at any exposure location that will exceed a Permit Denial Level; or

(c) DEQ determines that the emissions from an existing source would result in risk at any exposure location that will exceed the Immediate Curtailment Risk Action Level.

(6) Content of a Toxic Air Contaminant Permit Addendum or Operating Permit Conditions. A Toxic Air Contaminant Permit Addendum or an operating permit with conditions required under this division must:

(a) Identify the name and location of the source and its owner or operator;

(b) Include a list of all TEUs that are subject to a Toxic Air Contaminant Permit Addendum or operating permit conditions required under this division, including all exempt TEUs and aggregated TEUs;

(c) Include permit conditions that contain Source Risk Limits to implement the requirements specified in OAR 340-245-0110;

(d) Establish or revise any operating limits or conditions necessary under this division, including annual or short-term toxic air contaminant emission limits, conditions to limit risk from TEUs or the entire source, and operational limits for toxic air contaminants, including limits or levels that are equipment specific, process specific, TEU-specific, or that apply to the entire source;

(e) Include testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with all limits or requirements in the Toxic Air Contaminant Permit Addendum or the operating permit conditions required under this division, as necessary;

(f) Include a requirement to obtain applicable construction approval under OAR division 210 or 216;

(g) Include complaint line information by providing an email address or phone number for the source's owner or operator, or its representative;

(h) At the discretion and option of the owner or operator, include a description of the owner's or operator's plans to continue its community engagement activities after DEQ has completed its notification requirements;

(i) Include a compliance schedule, as necessary, to ensure compliance or progress toward compliance with the requirements in this division;

(j) Include other limits and requirements, as necessary, to ensure compliance with this division;
and

(k) Include a condition that requires the owner or operator to provide an annual report to DEQ.

(7) Reporting Requirements. The owner or operator must submit a report at least annually to DEQ to demonstrate compliance with all conditions required under this division that are included in a Toxic Air Contaminant Addendum or an operating permit. The report must include:

(a) Twice-annual progress reports required under a Risk Reduction Plan;

(b) Periodic TBACT or TLAER update reports;

(c) Whether there has been a change in zoning within 1.5 kilometers of the source and, if so, whether that change increases the source risk;

(d) Documentation showing that, for any area that the source demonstrated in its risk assessment was not used in a manner allowed by the land use zoning applicable to the area, the area continues to not be used in the manner allowed by the land use zoning applicable to the area; and

(e) Any other information required to be reported by a condition in the Toxic Air Contaminant Permit Addendum or an operating permit.

(8) Procedures to Modify Toxic Air Contaminant Permit Conditions. If the Toxic Air Contaminant Permit Addendum has not been incorporated into the operating permit, the following procedures must be followed for modifications to existing Toxic Air Contaminant Permit Addenda. Otherwise, the owner or operator must apply for an operating permit modification under OAR 340 division 216 or 218 using the procedures in this division for the following modifications:

(a) Modifications initiated by the owner or operator. An owner or operator must submit an application for modification before making any change described in paragraphs (a)(A) through (J) and that would result in a violation of a condition of the Toxic Air Contaminant Permit Addendum or an operating permit condition required under this division;

(A) Construct or modify a TEU that is:

(i) Exempt under OAR 340-245-0060(4)(c)(A);

(ii) De minimis under OAR 340-245-0060(4)(c)(B)(ii); or

(iii) Significant under OAR 340-245-0060(4)(c)(C);

(B) Modify an established Source Risk Limit or any risk limits or conditions necessary under this division;

(C) Request an extension to a compliance date. The owner or operator must submit the application for extension at least 90 days before the compliance date specified in the current Toxic Air Contaminant Permit Addendum or operating permit. Criteria for granting any extension include the following:

- (i) The owner or operator has a clear plan towards meeting the Source Risk Limit;
- (ii) The owner or operator has made demonstrated progress towards meeting the requirements that are the subject of the extension request; and
- (iii) The owner or operator has submitted documentation proving that the delay is due to reasonably unforeseeable events beyond their control;

(D) Modify any physical feature of the source that was used as a modeling parameter in the risk assessment and that affects the results of the risk assessment, such as but not limited to fence lines, building heights, stack heights, or relocation of a TEU or stack by more than 10 meters;

(E) Terminate postponement of risk reductions;

(F) Modify the risk assessment because the zoning in the area has changed in a way that could increase risk;

(G) Modify the risk assessment because land use has changed in a way that could increase risk in areas where land uses have been excluded from the risk assessment under OAR 340-245-0210(1)(a)(F);

(H) Modify air monitoring requirements; and

(I) Revise or update the approved risk assessment. An owner or operator must promptly submit a corrected risk assessment upon becoming aware of the need for corrections or additional information. This requirement is in addition to, and not in lieu of, a DEQ decision to commence an enforcement action against such owner or operator for such violation, as DEQ determines appropriate under the circumstances;

(b) Modifications required by DEQ. When notified in writing by DEQ, the owner or operator must update or correct its previous risk assessment and submit an application for a modification if:

(A) DEQ determines through an investigation or file review that a previous risk assessment contains errors or omissions that, when corrected, could increase the risk;

(B) An RBC in OAR 340-245-8040 Table 4 has been added or lowered that would substantially impact risk, implementation, or effectiveness of the Risk Reduction Plan;

(C) Risk assessment procedures change that would substantially impact risk, implementation, or effectiveness of the Risk Reduction Plan; and

(D) Results of toxic air contaminant monitoring done by the owner or operator show higher risk than any risk determined by the risk assessment;

(c) The owner or operator must submit a complete application for modification, and pay the applicable modification fees in subsection (g). If DEQ has provided notice to the owner or operator under subsection (b), then the owner or operator must submit the necessary information required under section (3) to DEQ 90 days after the date that DEQ sends such written notice;

(d) DEQ shall use the procedures in OAR 340-245-0030 to review a modification application submitted under this rule to determine its completeness, consider extension requests, and request additional information, if needed;

(e) When updating or correcting a risk assessment, the owner or operator must consult with DEQ and must follow the applicable risk assessment requirements in OAR 340-245-0050;

(f) When DEQ receives an application to modify a Toxic Air Contaminant Permit Addendum or operating permit, DEQ will use the following public notice procedures:

(A) Category III public notice procedures in OAR chapter 340, division 209 if the change will:

(i) Increase source risk;

(ii) Establish a Risk Reduction Plan for termination of postponement of risk reduction;

(iii) Extend any compliance dates in a compliance schedule established in the permit; or

(iv) Significantly change proposed control methods in a Risk Reduction Plan;

(B) Category I public notice procedures in OAR chapter 340, division 209 for non-technical modifications and basic technical modifications that do not increase risk; or

(C) Category II public notice procedures in OAR chapter 340, division 209 for all other types of permit changes not described in paragraphs (A) and (B);

(g) The fee for a modification is:

(A) The Complex Technical Modification fee under OAR 340-216-8020 Table Part 4 for modifications under paragraph (f)(A);

(B) The Basic Technical Modification fee or the Non-Technical Permit Modification fee under OAR 340-216-8020 Table 2 Part 4 for modifications under paragraph (f)(B); or

(C) The Moderate Technical Modification fee under OAR 340-216-8020 Table 2 Part 4 for modifications under paragraph (f)(C).

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 3 and 13.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155, and Or Laws 2018, ch. 102, §§ 2, 3, 13 and 14.

340-245-0110

Source Risk Limits

(1) The purpose of a Source Risk Limit is to limit the chronic and acute risk from a source that emits toxic air contaminants. DEQ will establish Source Risk Limits based on the results of the risk assessment performed under OAR 340-245-0050. DEQ will establish Source Risk Limits separately for each of the following risk categories: chronic excess cancer risk, chronic noncancer risk and acute noncancer risk.

(a) Source Risk Limits that are based on chronic risk apply on a rolling 12 consecutive month basis and limit the source's chronic risk or annual PTE, as applicable;

(b) Source Risk Limits that are based on acute risk apply on a daily basis and limit the source's acute risk or daily PTE, as applicable; and

(c) DEQ may establish multiple chronic or acute noncancer Source Risk Limits for an individual source on a case-by-case basis to account for risk to different target organs or organ systems.

(2) Establishing Source Risk Limits. For new, reconstructed, and existing sources whose risk is greater than the Source Permit Level, DEQ may set Source Risk Limits based on either:

(a) The level modeled in the risk assessment required under OAR 340-245-0050 using the emissions inventory submitted under OAR 340-245-0040(1); or

(b) For existing sources, a level other than the modeled level that reflects a reasonable estimate of risk from the source taking into account projected operations and other factors, including but not limited to:

(A) Applicable State and Federal limitations;

(B) Established PTE;

(C) Past operations; and

(D) Recent trends in emission rates.

(3) An owner or operator may propose the type of risk limit that will be included in the source's Toxic Air Contaminant Permit Addendum or operating permit, such as a limit on emissions or source operation, or a limit on risk.

(a) Source Risk Limits will generally be based on conditions imposed on emissions, operational parameters, production, fuel or raw material usage, as necessary, to maintain risk below the Source Risk Limits; or

(b) Source Risk Limits may be expressed in terms of risk, such as X per million for excess cancer risk or Hazard Index of Y, where X and Y indicate a numerical value.

(4) If a compliance schedule to reduce risk is included in the Toxic Air Contaminant Permit Addendum or operating permit for an existing source, the owner or operator must comply with all the requirements in the compliance schedule and maintain proposed risk below the Immediate Curtailment Level, if applicable.

(5) Determining Compliance with Source Risk Limits.

(a) Frequency. The owner or operator must maintain compliance with the Source Risk Limit on the frequency specified in the Toxic Air Contaminant Permit Addendum or operating permit as follows:

(A) For excess cancer risk, using the annual actual toxic air contaminant emission rates emitted by the source that have cancer RBCs determined on a 12-rolling month basis, compliance must be maintained monthly, unless less frequent compliance requirements are specified in a source's Toxic Air Contaminant Permit Addendum or operating permit;

(B) For chronic noncancer risk, total or separated for each target organ or organ system, using the annual actual toxic air contaminant emission rates emitted by the source that contribute to each chronic noncancer risk determined on a 12-rolling month basis, compliance must be maintained monthly, unless less frequent compliance requirements are specified in a source's Toxic Air Contaminant Permit Addendum or operating permit; and

(C) For acute noncancer risk, total or separated for each target organ or organ system, using the maximum daily actual toxic air contaminant emission rates emitted by the source that contribute to each acute noncancer risk determined for the preceding day, compliance must be maintained daily, unless less frequent compliance requirements are specified in a source's Toxic Air Contaminant Permit Addendum or operating permit;

(b) Compliance records maintenance method.

(A) If the Source Risk Limit is based on emissions, production, or other limits on source operation, the owner or operator must monitor emissions, production, or other limits on source operation, using one or more of the following methods:

(i) Continuous emissions monitors;

(ii) Material balance calculations;

(iii) Emissions calculations using approved emission factors and process information;

(iv) Production or process parameter monitoring; and

(v) Other methods approved by DEQ;

(B) If the Source Risk Limit is based on risk, the owner or operator must calculate ongoing risk in a manner specified in the source's Toxic Air Contaminant Permit Addendum or operating permit.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0120

Community Engagement

(1) The purpose of community engagement is to inform the community and provide a mechanism for input to DEQ's work with sources that are called into the program. The requirements of this rule are intended to ensure that consideration of environmental justice is appropriately emphasized throughout implementation of this division.

(2) Notification. When public notice is required under this division, DEQ will, at a minimum, notify persons with an address in the notification area. DEQ will provide a 30 day notice of any public meeting by sending an email through GovDelivery or mailing written notice via U.S. mail to such persons. DEQ may enhance the public notice procedures at its discretion.

(3) Public meetings.

(a) DEQ may hold one or more public meetings for new, reconstructed, modified and existing sources if the owner or operator requests Source Risk Limits greater than any of the Community Engagement Levels except as allowed by OAR 340-245-0130(6). DEQ, in consultation with persons who live or spend time within the notification area, may determine that another forum for communication, as listed in section (4), in lieu of or in addition to a public meeting, is appropriate;

(b) If DEQ does not hold a public meeting, DEQ will provide written notice via U.S. mail to all persons with an address in the notification area that the owner or operator has requested Source Risk Limits greater than any of the Community Engagement Levels except as allowed by OAR 340-245-0130(6);

(c) DEQ may also hold one or more public meetings for any other reporting, monitoring or permitting action associated with activities under this division;

(d) In planning and holding public meetings, DEQ will consider:

(A) A location that is Americans with Disabilities Act compliant, is convenient for community members to attend and can be accessed by public transportation, if available;

(B) The timing of the meeting, scheduling in a manner that is convenient to the majority of attendees;

(C) Whether translation services and childcare are necessary, and may provide such services if needed; and

(D) Best practices for public and community meetings as identified in resources published by the State of Oregon Environmental Justice Task Force and OHA;

(e) When DEQ determines to hold a public meeting under this division regarding a source, then the owner or operator must pay the applicable community engagement fee specified in OAR 340-216-8030 Table 3, and at least one representative of the owner or operator must appear at the public meeting.

(4) Other forums for communication. Other forums for communication may include any or all of the following:

(a) Notifying the community of information and reports submitted by an applicant required by this division by sending an email through GovDelivery or mailing written notice via U.S. mail;

(b) Posting all information and reports submitted by an applicant on the DEQ website;

(c) Attending community forums or other local meetings when requested by the community. The representative of the owner or operator is not required to attend this type of meeting;

(d) Electronic meeting forums such as webinars or conference calls; and

(e) Other activities as determined necessary by DEQ.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 3 and 6.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2, 3 and 6.

340-245-0130

Risk Reduction Plan Requirements

(1) A Risk Reduction Plan for an existing source must do the following within the specified period of time, as applicable:

(a) Reduce risk to less than or equal to the TBACT Level;

(b) Require the owner or operator to meet TBACT on all significant TEUs;

(c) Reduce risk to less than or equal to the Risk Reduction Level; or

(d) Reduce risk to less than or equal to the Community Engagement Level if the owner or operator voluntarily agrees to do so.

(2) Risk Reduction Plan Requirements. The owner or operator that is requesting approval of a Risk Reduction Plan must submit to DEQ the following:

(a) Two air contaminant emissions inventories:

(A) The emissions inventory for the source submitted under OAR 340-245-0040(1) before implementation of the proposed Risk Reduction Plan measures; and

(B) A projected emissions inventory for the source submitted under OAR 340-245-0040(1) and OAR 340-245-0040(3)(b)(B)(ii)(I) after implementation of the proposed Risk Reduction Plan measures;

(b) The results of a risk assessment performed under OAR 340-245-0050(10) or (11) including the risk calculations before and after full implementation of the Risk Reduction Plan using the emissions inventories required in subsection (a);

(c) An analysis of pollution prevention measures under OAR 340-245-0140, and a description of those measures that the owner or operator has undertaken and included as part of its Toxic Air Contaminant Permit Addendum application;

(d) Identification of each TEU for which an action will be taken to reduce risk, how the risk will be reduced, and for TEUs that are required to meet TBACT:

(A) A demonstration that all significant TEUs at the source meet TBACT under OAR 340-245-0220; and

(B) The TBACT analysis under OAR 340-245-0220 that demonstrates that all significant TEUs at the source will meet TBACT when the plan is fully implemented;

(e) A schedule for implementing the proposed Risk Reduction Plan measures within the time frames allowed under section (4), if not sooner. The schedule must specify:

(A) The dates by which the source will implement the proposed Risk Reduction Plan measures;

(B) The dates for submittal of periodic reports showing progress toward completion of the proposed Risk Reduction Plan measures. Progress reports should include achievement of significant milestones, including but not limited to dates of equipment delivery and construction progress; and

(C) The dates for submittal of applications for permits to construct or modify, which must be no later than 90 days after DEQ approval of the Risk Reduction Plan, or other time period approved by DEQ;

(f) The proposed Source Risk Limits.

(3) The owner or operator may request a postponement of risk reduction under OAR 340-245-0150.

(4) Risk Reduction Plan implementation deadlines.

(a) Chronic risk. The owner or operator of a source that has either or both an excess cancer or chronic noncancer source risk that is greater than the TBACT Level must implement the Risk Reduction Plan within two years from the effective date of the Toxic Air Contaminant Permit Addendum or the operating permit with conditions in compliance with this division, or at an earlier time as required by DEQ in such addendum or operating permit;

(A) Except as provided in paragraph (B), the owner or operator may apply for a permit modification as specified under OAR 340-245-0100(8) to request additional time to implement risk reductions measures. If the owner or operator, in such application, shows good cause for the modification based on unreasonable hardship to the source, then DEQ may allow the owner or operator:

(i) Not more than two additional years beyond the initial two years to implement the required risk reduction measures and achieve required risk reductions if the initial excess cancer or chronic noncancer source risk is greater than the TBACT Level but less than the Risk Reduction Level; or

(ii) Not more than three additional years beyond the initial two years to implement the required risk reduction measures and achieve required risk reductions if the initial excess cancer or chronic noncancer source risk is greater than the Risk Reduction Level;

(B) DEQ may not grant a request under paragraph (A) to an owner or operator that has previously received approval for a postponement of risk reduction under OAR 340-245-0150;

(b) Acute risk. The owner or operator of a source that has acute risk that is greater than the TBACT Level must implement the Risk Reduction Plan on the following timeline:

(A) Within one month from the effective date of the Toxic Air Contaminant Permit Addendum or the operating permit with conditions in compliance with this division; or

(B) If the owner or operator requests additional time in its Toxic Air Contaminant Permit Addendum application and shows good cause based on unreasonable hardship to the source and an evaluation of health factors, including but not limited to severity of acute health effect, degree of scientific certainty, and averaging time of the acute TRV used to develop the RBC, then DEQ may allow the owner or operator up to and not more than 12 months to implement the Risk Reduction Plan.

(5) Reporting Requirements.

(a) The owner or operator of a source that has been issued a Toxic Air Contaminant Permit Addendum or operating permit that includes a Risk Reduction Plan must submit twice-annual progress reports to DEQ describing the source's progress in reducing toxic air contaminant emissions and risk by implementing the Risk Reduction Plan. The progress reports are due to DEQ on or before February 15 and July 31 of each year that the Risk Reduction Plan is in effect, or other dates specified in the Toxic Air Contaminant Permit Addendum or operating permit. The progress reports must include all information required by the Toxic Air Contaminant Permit Addendum or operating permit, including but not limited to:

(A) The increments of progress achieved in implementing the risk reduction measures specified in the Risk Reduction Plan;

(B) A schedule indicating dates for future increments of progress;

(C) A description of any increases or decreases in emissions of toxic air contaminants that have occurred at the source since approval of the Risk Reduction Plan; and

(D) An estimate of when all Risk Reduction Plan elements will be completed;

(b) The owner or operator must submit a Risk Reduction Plan completion report to DEQ no later than 60 days after completing all Risk Reduction Plan requirements. The report must include:

(A) The final increments of progress achieved in fully implementing the risk reduction measures specified in the Risk Reduction Plan and the date the final increments of progress were achieved;

(B) A summary of the actions taken to implement the Risk Reduction Plan;

(C) The results of the demonstration of the effectiveness of the Risk Reduction Plan measures, including verification of the modeling parameters for all of the TEUs for which risk was reduced; and

(D) The remaining source risk after completion of all risk reduction measures.

(6) Voluntary Risk Reductions. DEQ will not conduct community engagement public meetings, as described in OAR 340-245-0120(3), for the owner or operator of an existing source whose risk is less than the TBACT Level and that agrees to voluntarily reduce risk to below the Community Engagement Level.

(a) Voluntary Risk Reduction Plan. An owner or operator must submit for approval a Voluntary Risk Reduction Plan that follows the requirements and procedures in this rule for submittal of a Risk Reduction Plan to reduce risk to below the Community Engagement Level;

(b) The owner or operator must fully implement the Voluntary Risk Reduction Plan within two years from the effective date of the Toxic Air Contaminant Permit Addendum, or at an earlier time as required by DEQ. If additional time is needed to implement the risk reduction measures, the owner or operator must apply for a permit modification as specified under OAR 340-245-0100(8);

(c) DEQ may allow the owner or operator not more than two additional years beyond the initial two years to implement the required risk reduction measures and achieve the voluntary risk reductions; and

(d) If the owner or operator does not implement the Voluntary Risk Reduction Plan within the approved time, DEQ shall initiate the community engagement requirements under OAR 340-245-0120.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0140

Pollution Prevention

- (1) The owner or operator of a source whose risk is greater than or equal to the TBACT Level, before any additional risk reduction measures are considered, is required to do an analysis of pollution prevention measures as provided in this rule.
- (2) The owner or operator must evaluate pollution prevention measures that are likely to reduce or eliminate emissions of toxic air contaminants. If the owner or operator chooses to implement any such measures, the owner or operator must include that information in the Toxic Air Contaminant Permit Addendum application.
- (3) An analysis of pollution prevention measures must include the following:
 - (a) A detailed review of source data, including TEU and process level data related to the toxic air contaminants of concern emitted by the source, including:
 - (A) A process flow diagram depicting all production steps, showing all chemical and material inputs and all processes through which material passes to form a product, and showing the point at which toxic air contaminants enter the system and leave the production unit, with identification of the inputs and outputs relevant to generation of toxic air contaminants; and
 - (B) Materials accounting which quantifies the total chemical inputs and outputs of a particular toxic air contaminant from each process, and ultimately, source-wide usage and emissions;
 - (b) The identification of pollution prevention options that includes measures focused on the toxic air contaminants, by-products (outputs, not inputs) and processes that have been mapped and quantified. The categories of toxic air contaminant pollution prevention options include the following:
 - (A) Chemical input alternatives evaluated for hazard characteristics, technical performance, cost and availability, and exposure;
 - (B) Product reformulation;
 - (C) Production process redesign or modification;
 - (D) Production process modernization;
 - (E) Improved operations and maintenance;

(F) In-process recycling; and

(G) Inventory management controls;

(c) The technical screening and feasibility evaluation of toxic air contaminant pollution prevention options include the following:

(A) Performance needs for the application, process or product that contains the toxic air contaminant for which the pollution prevention option is being sought;

(B) Identification of the option as favorable with respect to performance by other industries;

(C) Availability as “off-the-shelf” technology with demonstrated successful use;

(D) Compatibility of the option with existing process technology;

(E) Effects on product quality and compliance with customer specifications; and

(F) Long term viability of the option;

(d) The economic feasibility evaluation of toxic air contaminant pollution prevention options to determine all of the costs and savings associated with implementing the option, include the following:

(A) Direct costs or savings (e.g., capital investment, operations and maintenance, annual chemical costs vs. per unit cost);

(B) Indirect costs or savings (e.g., reduced worker health and safety costs, compliance cost reductions, and lower waste and by-product management costs);

(C) Effects on future liability (e.g., liability insurance premium reductions);

(D) Non-monetized costs or benefits (e.g., improved company public image and community relations); and

(E) New revenue sources associated with this option (e.g., will there be new markets for modified products).

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0150

Postponement of Risk Reduction

(1) Postponement of risk reduction is only available for existing sources and cannot be approved if risk is over the Immediate Curtailment Level. An owner or operator may request postponement of risk reduction for one five year period. After that five year period, the owner or operator must reduce risk in accordance with OAR 340-245-0130.

(2) An owner or operator of an existing source requesting postponement of the requirement to reduce risk for one or more significant TEUs must submit a request to DEQ that includes the following:

(a) Information proving inability to pay;

(b) The TEUs for which the postponement is being requested;

(c) An analysis of:

(A) All risk reduction measures that the owner or operator is required to undertake to reduce risk; and

(B) The cost to install, operate and maintain each risk reduction measure identified in paragraph (A) for which a postponement is being requested;

(d) A description of any other interim risk reduction measures, including a pollution prevention analysis under OAR 340-245-0140, that will be taken to reduce risk in lieu of implementing each risk reduction measure identified in paragraph (c)(A) for which a postponement is being requested and when those interim risk reduction measures will be implemented; and

(e) The number of employees at the source.

(3) An owner or operator must include a postponement request in the source's Toxic Air Contaminant Permit Addendum application under OAR 340-245-0100.

(4) The owner or operator making a request to postpone risk reduction:

(a) Must use the applicable U.S. Environmental Protection Agency's ABEL, INDIPAY or MUNIPAY computer model, or a substantially equivalent analysis approved by DEQ, to evaluate financial condition or ability to pay the full cost of reducing risk or meeting TBACT in accordance with EPA standards for determining ability to pay. The models' standard input values are presumed to apply unless the owner or operator can demonstrate that the standard values do not reflect the owner's or operator's actual circumstances. DEQ may generally determine that the owner or operator is able to pay if the model results show that the owner or operator has a 70% probability of being able to absorb the cost of meeting TBACT or implementing other physical, operational or process changes that could be made to reduce risk; and

(b) Is required to provide DEQ, on a confidential basis if the information meets the requirements of OAR 340-214-0130, audited financial information about the source. The information must include federal tax returns for the most recent three years, the most current year's audited financial statement, a signed auditor's statement provided by a certified public accountant, the source's latest income statement and balance sheet, and other information regarding the owner's

or operator's financial condition on a form required by DEQ. The information will be held as confidential to the extent consistent with the Oregon Public Records Law, ORS 192.311 through 192.478.

(5) Negotiation and consultation.

(a) DEQ may negotiate alternatives to the postponement with the owner or operator, and may consider such alternatives in the final determination regarding whether to approve the postponement; and

(b) DEQ will consult with OHA, local elected officials, local Indian governing bodies, and relevant state and federal agencies that have jurisdiction in the notification area before making a final determination regarding the postponement.

(6) DEQ may grant a request for postponement of risk reduction in full or in part and impose any conditions, implementation of reasonable alternative measures, and implementation schedules that DEQ determines are appropriate based on the following:

(a) Evaluating the following at exposure locations where risk will exceed an applicable Risk Action Level:

(A) The presence of sensitive populations, including people with low income, members of a minority group, and residents under five years old; and

(B) The total population that lives within the notification area of the source;

(b) Considering both the potential economic harm to the owner or operator of the source of requiring that the owner or operator make the identified risk reductions against the burden of risk to the exposed population if the risk reductions are postponed.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0200

Risk Estimates

(1) When a risk assessment is required under this division, the risk assessment must consider the toxic air contaminants and the Risk-Based Concentrations listed in OAR 340-245-8040 Table 4 to assess excess cancer and noncancer risk.

(2) Directions for the Level 1 Risk Assessment Tool.

(a) An owner or operator that chooses to perform a Level 1 Risk Assessment under OAR 340-245-0050, must calculate a separate sum of risk ratios for each of the following categories: excess cancer risk, chronic noncancer risk, and acute noncancer risk for the applicable exposure locations;

(b) When making this calculation, the owner or operator must use the emissions inventory submitted under OAR 340-245-0040(1) for:

(A) Excess cancer risk and chronic noncancer risk, the average annual emission rates; and

(B) Acute noncancer risk, the maximum daily emission rates.

(c) The owner or operator must perform each of the following calculations in paragraphs (A) and (B), except as allowed in paragraph (C):

(A) For excess cancer risk and chronic noncancer risk:

(i) For each TEU, use the stack height and distance to the nearest exposure locations to identify the appropriate dispersion factor under OAR 340-245-8050 Table 5A. If the TEU is a fugitive source, use the area and height of the building and distance to the nearest exposure locations to identify the appropriate dispersion factor under OAR 340-245-8050 Table 5C;

(ii) For each TEU and each toxic air contaminant emitted from the TEU, multiply the annual emission rate by the dispersion factor identified under subparagraph (i) to calculate an air concentration at the nearest exposure location;

(iii) For each TEU, divide the air concentration of each toxic air contaminant calculated under subparagraph (ii) by the appropriate RBC of that toxic air contaminant under OAR 340-245-8040 Table 4;

(iv) For each TEU, add up the risk from each toxic air contaminant calculated under subparagraph (iii); and

(v) For all TEUs, add up all of the risks calculated under subparagraph (iv) to obtain the total excess cancer risk in one million or the total chronic noncancer Hazard Index for the entire source. For chronic noncancer risk, Hazard Indices may be calculated by noncancer target organ or organ systems in consultation with DEQ;

(B) For acute noncancer risk:

(i) For each TEU, use the stack height and distance to the nearest exposure location to identify the appropriate dispersion factor under OAR 340-245-8050 Table 5B. If the TEU is a fugitive source, use the area and height of the building and distance to the nearest exposure locations to identify the appropriate dispersion factor under OAR 340-245-8050 Table 5D;

(ii) For each TEU and each toxic air contaminant emitted from the TEU, multiply the maximum daily emission rate by the dispersion factor identified under subparagraph (i) to calculate an air concentration at the nearest exposure location;

(iii) For each TEU, divide the air concentration of each toxic air contaminant calculated under subparagraph (ii) by the acute RBC for that toxic air contaminant under OAR 340-245-8040 Table 4;

(iv) For each TEU, add up the risk from each toxic air contaminant calculated under subparagraph (iii); and

(v) For all TEUs, add up all of the risks calculated under subparagraph (iv) to obtain the total acute noncancer Hazard Index for the entire source. Hazard Indices may be calculated by noncancer target organ or organ systems in consultation with DEQ;

(C) Instead of using stack height and distance or area and height of the building and distance to the nearest exposure locations to obtain the appropriate dispersion factor under OAR 340-245-8050 Table 5, the owner or operator may instead use, as a default, the most conservative dispersion factor;

(i) For stack emissions, use the dispersion factor associated with a stack height of five meters and an exposure location distance of 50 meters, which is listed in the upper-left corner of OAR 340-245-8050 Table 5A and B;

(ii) For fugitive emissions, use the dispersion factor associated with an area of less than or equal to 3,000 square feet, a building height of less than or equal to 20 feet, and an exposure location distance of 50 meters, which is listed in the upper-left corner of OAR 340-245-8050 Table 5C and D; and

(iii) Using these default dispersion factors will result in protective calculations of risk. If the risks calculated using these default dispersion factors are less than or equal to the applicable Risk Action Levels, the owner or operator may choose to use the risks calculated in this manner to show compliance with the Source Risk Limits.

(3) Sum of Risk Ratios calculation procedure for Level 2, Level 3 and Level 4 Risk Assessments.

(a) An owner or operator that chooses to perform a Level 2, Level 3 or Level 4 Risk Assessment under OAR 340-245-0050, must calculate a separate sum of risk ratio for each of the following risk categories: excess cancer risk, chronic noncancer risk, and acute noncancer risk for the applicable exposure locations;

(b) When making this calculation, the owner or operator must use the following modeled ambient concentrations for each toxic air contaminant at all exposure locations:

(A) For excess cancer risk and chronic noncancer risk, the annual average concentrations must be used; and

(B) For acute noncancer risk, the maximum daily concentrations must be used;

(c) The owner or operator must perform the following calculations for each of the risk categories listed in subsection (a) and using the concentrations in subsection (b):

(A) For each TEU, divide the modeled concentration of each toxic air contaminant by the appropriate RBC of that toxic air contaminant under OAR 340-245-8040 Table 4, ensuring that the concentration is expressed in micrograms per cubic meter;

(B) For each TEU, add up the risk from each toxic air contaminant calculated under paragraph (A); and

(C) For all TEUs at each exposure location, add up all of the risks calculated under paragraph (B) to obtain the total excess cancer risk in one million, the total chronic noncancer Hazard Index, or the total acute noncancer Hazard Index for the entire source. For noncancer risk, Hazard Indices may be calculated by noncancer target organ or organ systems in consultation with DEQ.

(4) Significant figures and rounding. When a risk is calculated for comparison to a Risk Action Level or Source Risk Limit:

(a) The final risk calculation must be rounded off as follows:

(A) For comparison to the Aggregate TEU Level and the Source Permit Level, round off to one decimal place; and

(B) For comparison to other Risk Action Levels or Source Risk Limits, round off to a whole number;

(b) Round up if the last figure to be rounded off is 5 or greater, otherwise round down.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0210

Modeling and Risk Assessment Work Plan Requirements

The owner or operator of a source must follow the applicable procedures in this rule when required to perform a risk assessment under OAR 340-245-0050 or 340-245-0060.

(1) Modeling Requirements. All modeled estimates of ambient concentrations required under this division must be based on the applicable air quality models and other requirements as specified in 40 CFR part 51, Appendix W, "Guidelines on Air Quality Models (Revised)," or a substantially equivalent model or requirement approved by DEQ. Any change or substitution from models and procedures specified in 40 CFR part 51, Appendix W must be approved by DEQ in advance and incorporated in the modeling protocol. AERSCREEN and AERMOD are examples of approved air quality models.

(a) When choosing to perform a Level 1 Risk Assessment or modeling for a Level 2, Level 3 or Level 4 Risk Assessment, the owner or operator of a source must first submit a modeling protocol that must be approved by DEQ as required in OAR 340-245-0030. The necessary information to perform any modeling will depend on the risk assessment level and the model being used, if any, and may include but is not limited to:

(A) Emissions inventory submitted under OAR 340-245-0040(1);

(B) Stack parameter and building data, including stack height above ground, exit diameter, exit velocity, and exit temperature, for all existing and proposed emission points from the source, and dimension data of buildings;

(C) Meteorological and topographical data;

(D) Information about the dispersion models and modeling parameters used;

(E) Exposure locations where ambient concentrations will be modeled;

(F) For determining exposure locations where ambient concentrations will be modeled, an owner or operator may provide documentation to demonstrate an area is not being used in the manner allowed by the land use zoning at the time the modeling is to be performed, and may request that the land use zoning classification of these areas be excluded in determining chronic exposure locations. If DEQ approves an exclusion under this paragraph, then:

(i) The owner or operator must model the approved locations based on their actual use;

(ii) The owner or operator must annually submit to DEQ documentation showing the areas subject to the excluded land use zoning classification continue to not be used in the manner allowed by the land use zoning applicable to the area; and

(iii) If the annual documentation provided under subparagraph (ii) shows the area is being used in the manner allowed by the land use zoning and results in potential exposure to toxic air contaminants from the source, the owner or operator must update the risk assessment based on the change in use and apply for a Toxic Air Contaminant Permit Addendum modification under OAR 340-245-0100(8) or for an operating permit modification under OAR 340 division 216 or 218 using the procedures in this division, if applicable;

(G) Use of other exposure locations where DEQ determines, based on documented evidence, that an area is not being used in the manner allowed by the land use zoning at the time the modeling is to be performed, such area should be considered an exposure location based on its actual use; and

(H) Other information that may be necessary to estimate air quality concentrations and risk at exposure locations;

(b) For the purpose of any risk assessment undertaken by DEQ, the owner or operator of any permitted or unpermitted source must submit the information in subsection (a) within 30 days of

the written request from DEQ. DEQ shall use the procedures in OAR 340-245-0030 to review the information in determining its completeness, consider extensions requests, and request additional information, if needed.

(2) Risk assessment work plan requirements. When choosing to conduct a Level 3 or Level 4 Risk Assessment, the owner or operator of a source must submit a risk assessment work plan that must be approved by DEQ as required in OAR 340-245-0030. The work plan must be developed in consultation with DEQ and include but is not limited to:

(a) A problem formulation step ending with development of a conceptual site model identifying TEUs and exposure locations;

(b) An exposure assessment that models or measures toxic air contaminant concentrations at exposure locations;

(c) A risk characterization presenting a quantitative calculation of excess cancer, chronic noncancer and acute noncancer health risks associated with human exposure to toxic air contaminant emissions from the source;

(d) A quantitative or qualitative uncertainty evaluation of appropriate elements of the risk assessment;

(e) A Level 4 Risk Assessment must also include a toxicity assessment evaluating the carcinogenic effects, noncarcinogenic chronic effects, and noncarcinogenic acute effects of toxic air contaminants to which human populations may be exposed, and determining persistence and bioaccumulation potential. Sources may not consider Toxicity Reference Values other than those listed in OAR 340-245-8030 Table 3; and

(f) In a Level 4 Risk Assessment, the owner or operator may propose modifications to default exposure assumptions, including but not limited to:

(A) Exposure times, frequencies, and durations;

(B) Relative bioavailability of chemicals; and

(C) Multipathway considerations for persistent, and bioaccumulative and toxic chemicals.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0220

TBACT and TLAER Procedures

(1) If required to meet TBACT or TLAER on any significant TEU, the owner or operator of a source must perform a TBACT or TLAER analysis.

(a) The owner or operator of an existing source must conduct a case-by-case TBACT analysis under section (3), except as provided in section (2);

(b) The owner or operator of a new or reconstructed source must conduct a case-by-case TLAER analysis under section (4);

(c) The owner or operator must submit the TBACT or TLAER analysis to DEQ for approval, and the owner or operator must pay the case-by-case TBACT or TLAER fee, as applicable, specified in OAR 340-216-8030 Table 3 and OAR 340-245-0400;

(d) A TEU is determined to meet TBACT if DEQ approves the TBACT analysis for the TEU and the owner or operator has implemented all operational or source modifications required to meet TBACT, or will implement them on an enforceable compliance schedule included in its Toxic Air Contaminant Permit Addendum or operating permit; and

(e) A TEU is determined to meet TLAER if DEQ approves the TLAER analysis for the TEU and the owner or operator has implemented all operational or source modifications required to meet TLAER upon beginning operation of the new or reconstructed source.

(2) Presumptive TBACT. For an existing TEU, compliance with emission control requirements, work practices or limitations established by a major source NESHAP adopted by the EPA after 1993 and before April 10, 2018 is deemed to be TBACT, provided that:

(a) The emission control requirements, work practices or limitations result in an actual reduction to the emissions of the hazardous air pollutants regulated under the NESHAP; and

(b) There are no other toxic air contaminants emitted by the source that:

(A) Are not controlled by the emission control requirements, work practices or limitations established by a major source NESHAP; and

(B) Materially contribute to public health risks;

(c) TEUs that are subject to and comply with OAR 340-244-9000 through 340-244-9090, Colored Art Glass Manufacturing rules, or OAR 340-245-9000 through 340-245-9080, Colored Art Glass Manufacturing rules, meet TBACT and a case-by-case determination is not required for such TEUs.

(3) Case-by-Case TBACT determination. The owner or operator of the TEU must submit a proposed case-by-case TBACT analysis to DEQ for review and approval.

(a) TBACT must be a toxic air contaminant emissions limitation or emissions control measure based on the maximum degree of reduction of toxic air contaminants that is feasible considering:

(A) What has been achieved in practice for:

(i) Sources in the same class as the source to which the toxic air contaminant emissions limitation or control measure will apply, as classified under ORS 468A.050; or

(ii) Processes or emissions similar to the processes or emissions of the source;

(B) Energy, health, and environmental impacts not related to air quality; and

(C) Economic impacts and cost-effectiveness, including the costs of changing existing processes or equipment or adding equipment or controls to existing processes and equipment;

(b) TBACT may be based on a design standard, equipment standard, work practice standard or other operational standard, or a combination thereof; and

(c) In assessing the cost-effectiveness of any measure for purposes of determining TBACT for a source, DEQ will assess only the economic impacts and benefits associated with controlling toxic air contaminants.

(4) Case-by-Case TLAER determination. The owner or operator of the TEU must submit a proposed case-by-case TLAER analysis to DEQ for review and approval.

(a) DEQ will review a case-by-case TLAER analysis and ensure that it is a toxic air contaminant emissions limitation or emissions control measure that is the maximum degree of reduction technically feasible without regard to energy impacts, health and environmental impacts, or economic impacts; and

(b) TLAER is not considered achievable if the cost of control is so great that a new source could not be built or operated because it was rendered economically infeasible. If some other facility in the same or a comparable industry uses that control technology, then such use constitutes evidence that the cost to the industry of that control is not prohibitive.

(5) Periodic TBACT or TLAER Reviews. If the owner or operator is required to meet TBACT or TLAER, the owner or operator must perform and submit periodic TBACT or TLAER reviews in a TBACT or TLAER update report as follows:

(a) For all significant TEUs for which the most recent TBACT or TLAER determination concluded that no toxic air contaminant emission limits or additional control measure was required, submit a TBACT or TLAER review to DEQ with each permit renewal;

(b) For all significant TEUs that currently meet TBACT or TLAER through toxic air contaminant emission limits or control measures, submit a TBACT or TLAER review when notified by DEQ. If DEQ learns of new technologies, devices or practices that could reduce toxic air contaminant emissions or improve on control measures, DEQ will notify the owner or operator in writing that a TBACT or TLAER review is required and may specify a submittal deadline in the notification;

(c) The TBACT or TLAER update reports must include the following:

(A) A review identifying all new or improved emissions control measures, if any, that can apply to any of the significant TEUs at the source, whether they are currently controlled or not; and

(B) For each new or improved emissions control measure identified, a statement whether or not the owner or operator intends to apply the control measure;

(i) If the owner or operator intends to apply the control measure, then the owner or operator must provide an estimated date by which the control measure will be applied; or

(ii) If the owner or operator does not intend to apply the control method, then the owner or operator must provide justification for not applying it, including at a minimum, a review following the procedures of OAR 340-245-0220(3) or (4);

(d) When a new or improved emissions control measure is identified under subsection (c), DEQ must review the control measure and any justification provided by the owner or operator for not applying the control measure, and will make a preliminary determination with regard to whether or not the owner or operator must apply the control measure

(A) If DEQ's preliminary determination is that the owner or operator must apply the control measure, DEQ shall provide the owner or operator with notice and opportunity to provide input on a final determination. In making the final determination, DEQ shall take into consideration the following:

(i) The remaining service life of any existing emission control system that would be replaced;

(ii) The relative effectiveness of the new or improved control measure to reduce the source risk as compared to the risk using the existing control measure;

(iii) The cost of installation and operation of the new or improved control measure, including the cost of removing any existing control measure; and

(iv) Any other factors that DEQ finds are relevant;

(B) If DEQ's final determination is that the owner or operator must apply the control measure, then DEQ may:

(i) After consultation with the owner or operator, determine the date by which the owner or operator must apply the control measure; and

(ii) Determine a new Source Risk Limit based on information on the amount of toxic air contaminants removed by the control measure and issue a modified Toxic Air Contaminant Permit Addendum or operating permit.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0230

Toxic Air Contaminant Monitoring Requirements

- (1) An owner or operator of a source that chooses to perform toxic air contaminant monitoring under OAR 340-245-0050 must submit an application for a Toxic Air Contaminant Permit Addendum and a Toxic Air Contaminant Monitoring Plan, developed in consultation with and approved by DEQ in a Toxic Air Contaminant Permit Addendum, before beginning toxic air contaminant monitoring. Toxic air contaminant monitoring must be conducted for a period of not less than 12 months with at least 12 months of valid data with greater than 75 percent data completeness per quarter.
- (2) Public involvement requirements. DEQ shall work with the owner or operator to develop public information concerning an approved Toxic Air Contaminant Monitoring Plan and the timeline for the approved Toxic Air Contaminant Monitoring Plan.
- (3) Toxic air contaminant monitoring requirements. The owner or operator must submit a Toxic Air Contaminant Monitoring Plan in accordance with OAR 340-245-0030 that includes but is not limited to:
- (a) Identification of all toxic air contaminants that will be monitored;
 - (b) A description of all proposed monitoring locations;
 - (c) A description of the monitoring and analysis protocols for each toxic air contaminant to be monitored, including at a minimum:
 - (A) The monitoring equipment and methods to be used for each toxic air contaminant;
 - (B) The sampling methods, including sample handling and custody storage requirements;
 - (C) The frequency of sampling at each monitoring location; the duration of each sample (i.e., the length of time in hours that each sample runs), and time of year;
 - (D) Analytical methods and the analytical method detection limits and reporting limits to be used for each toxic air contaminant;
 - (E) Quality assurance and quality control measures to be taken and who will be performing these measures; and
 - (F) Descriptions of security measures to protect the monitoring equipment;
 - (d) A description of how to determine and account for the ambient concentration of each toxic air contaminant being monitored that results from all causes other than the source under consideration, including natural and unknown causes;

(e) A description of how and where meteorological monitoring will be performed and the meteorology equipment used; and

(f) A description of how the data will be reduced and how often the results will be reported to DEQ.

(4) Reporting Requirements. The owner or operator of a source that has been issued a Toxic Air Contaminant Permit Addendum or operating permit that includes air monitoring requirements must report to DEQ the following information:

(a) Monthly monitoring result reports, no more than 30 days after all monitoring data becomes available for the month to which the data applies. The reports must include but is not limited to:

(A) Ambient toxic air contaminant concentrations, all daily risks and all monthly average risks from all monitoring locations specified in the Air Monitoring Plan;

(B) Meteorological data summary;

(C) Daily production data; and

(D) A description of any excess emissions or upset conditions that may have affected the ambient toxic air contaminant concentrations monitored, including conditions outside the property boundary that may affect ambient air (i.e., forest fires, house fires, train derailments, accidental spills, etc.);

(b) An air monitoring final report, no more than 60 calendar days after completing all Toxic Air Contaminant Monitoring Plan requirements that also includes a description of any process changes that have occurred during the air monitoring period that may affect the results of the monitoring.

(5) Air monitoring results.

(a) Upon completion of the air monitoring, the owner or operator must submit to DEQ an assessment of risk based on the air monitoring data and other relevant information;

(b) For all toxic air contaminants that are not monitored, or for which monitoring results were inconclusive, the owner or operator must use the modeled concentrations of those toxic air contaminants and add the risk from the modeled concentrations to the risk from the monitored concentrations to arrive at a total risk from the source; and

(c) Upon receipt of air monitoring data and assessment of risk under subsections (a) and (b), DEQ will review the submittal and approve or deny it in accordance with the procedures OAR 340-245-0100(4).

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0300

Toxicity Reference Values

(1) This rule lists sources of toxicity information that OHA and DEQ consider authoritative in terms of their scientific rigor and methods for producing toxicity information. OHA and DEQ will recommend adoption and use of Toxicity Reference Values from the toxicity information published by the following authoritative sources:

- (a) DEQ Ambient Benchmark Concentrations specified in OAR chapter 340, division 246;
- (b) DEQ and OHA Short-term Guideline Concentrations;
- (c) EPA Integrated Risk Information System (IRIS) or Office of Superfund Remediation and Technology Innovation (OSRTI);
- (d) United States Agency for Toxic Substances and Disease Registry (ATSDR); and
- (e) California's Office of Environmental Health Hazard Assessment (OEHHA).

(2) DEQ will calculate Toxicity Reference Values using one in one million as the target excess cancer risk level or a hazard quotient of one for noncancer Toxicity Reference Values.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0310

Process for Updating Lists of Regulated Toxic Air Contaminants and Their Risk-Based Concentrations

(1) Purpose.

(a) As risk assessment and toxicological sciences advance, it is important to have rules for Cleaner Air Oregon that allow for air quality regulation to continue to reflect the latest practices and science. The list of toxic air contaminants that are regulated and their RBCs represent one area where regulations will need regular updating to accommodate advancing science and practices;

(b) These rules include two lists of toxic air contaminants:

(A) OAR 340-245-8020 Table 2 contains toxic air contaminants that are for emissions reporting. The primary purpose of OAR 340-245-8020 Table 2 is to inform prioritization of RBC

development and maintain a current and broad understanding of statewide toxic air contaminant emissions as industries and industrial practices change over time. The toxic air contaminants listed OAR 340-245-8020 Table 2 must be addressed in the uncertainty evaluation in a Level 3 or Level 4 Risk Assessment for the toxic air contaminants in OAR 340-245-8020 Table 2 that do not have RBCs; and

(B) OAR 340-245-8030 Table 3 contains toxic air contaminants for which TRVs are readily available and OAR 340-245-8040 Table 4 contains RBCs for regulation as part of air permitting. The purpose of OAR 340-245-8030 Table 3 and OAR 340-245-8040 Table 4 is to ensure that impacts to public health from industrial air emissions are minimized.

(2) OAR 340-245-8020 Table 2, Toxic Air Contaminant Reporting List.

(a) The Toxic Air Contaminant Reporting List is comprised of California Air Resources Board's Toxic Air Contaminant Identification List Appendix A-1, Washington's Table of ASIL, SQER and de minimis emission values, Oregon's Toxics Focus list, and EPA's Hazardous Air Pollutants list;

(b) Every three years starting from November 16, 2018, DEQ, in consultation with OHA, will review the four lists in subsection (a) for changes and may propose to update the Toxic Air Contaminant Reporting List in OAR 340-245-8020 Table 2 to capture changes in any of those four lists over the intervening three years;

(c) During the reviews of the Toxic Air Contaminant Reporting List, DEQ may also propose to add or remove toxic air contaminants based on information gathered from past reporting, industry types in Oregon that are not in California or Washington, or OHA's and DEQ's knowledge of toxic air contaminants that may be of potential public health concern in Oregon; and

(d) Owners or operators of sources must report emissions of any newly listed toxic air contaminant during the next periodic state-wide emissions inventory required in OAR 340-245-0040 following the new listing, or earlier upon request by DEQ.

(3) OAR 340-245-8030 Table 3, Toxicity Reference Values and OAR 340-245-8040 Table 4, Risk-Based Concentrations.

(a) The list of Risk-Based Concentrations is comprised of all toxic air contaminants from the Toxic Air Contaminants Reporting List for which OHA and DEQ were able to establish RBCs;

(b) Every three years starting from November 16, 2018, or as necessary, DEQ, in consultation with OHA, will review the toxic air contaminants and Toxicity Reference Values published by the authoritative sources listed in OAR 340-245-0300 for changes over the intervening three years. DEQ will propose to:

(A) Revise Toxicity Reference Values and associated Risk-Based Concentrations for toxic air contaminants listed in OAR 340-245-8030 Table 3 and OAR 340-245-8040 Table 4, as applicable, if Toxicity Reference Values have been revised by authoritative sources listed in OAR 340-245-0300;

(B) Add toxic air contaminants to OAR 340-245-8030 Table 3 and 340-245-8040 Table 4, as applicable, if Toxicity Reference Values have been generated by authoritative sources listed in OAR 340-245-0300 for toxic air contaminants on the Toxic Air Contaminant Reporting List in OAR 340-245-8020 Table 2 from which RBCs can be set; or

(C) Remove or revise toxic air contaminants from OAR 340-245-8030 Table 3 and 340-245-8040 Table 4, as applicable, if some or all authoritative sources listed in OAR 340-245-0300 have rescinded Toxicity Reference Values for that toxic air contaminant without providing a replacement;

(c) DEQ will propose updates to OAR 340-245-8030 Table 3 and 340-245-8040 Table 4, as applicable, through the rulemaking process.

(4) Interested parties may submit petitions to DEQ to update the lists of regulated toxic air contaminants to add or remove toxic air contaminants from OAR 340-245-8020 Table 2, revise a TRV in OAR 340-245-98030 Table 3, or revise an RBC in OAR 340-245-8040 Table 4.

(a) All petitions must be made in writing and must be received by DEQ at least 18 months before the applicable triennial review described in section (2) or (3);

(b) A request to add a toxic air contaminant to the Toxic Air Contaminant Reporting List in OAR 340-0245-8020 Table 2 must include evidence that:

(A) The chemical is emitted in the state of Oregon at a rate of at least 1 pound per year; and

(B) The chemical is toxic;

(c) A request to remove a toxic air contaminant from the Toxic Air Contaminant Reporting List in OAR 340-245-8020 Table 2, the TRV list in OAR 340-245-8030 Table 3, or the RBC list in OAR 340-245-8040 Table 4 must demonstrate that all authoritative sources listed in OAR 340-245-0300 either do not have or have rescinded Toxicity Reference Values for that toxic air contaminant without providing a replacement;

(d)(A) A request to revise a Toxicity Reference Value in OAR 340-245-8030 Table 3 or an RBC in OAR 340-245-8040 Table 4 must include either:

(i) Inhalation Toxicity Reference Values established by a federal agency or by another state; or

(ii) Publicly available and peer-reviewed toxicity information for the toxic air contaminant that demonstrates a quantitative dose-response relationship in human or animal studies from which Toxicity Reference Values could be calculated;

(B) If the request applies to a toxic air contaminant for which toxicity information is available from one or more of the authoritative sources listed in OAR 340-245-0300, then only petitions to select a Toxicity Reference Value from one of those authoritative sources will be considered; and

(C) If a toxic air contaminant being requested for review has no available toxicity information as described in paragraph (A) and is emitted at a rate of at least one pound per year in the state of

Oregon, then DEQ will put the toxic air contaminant on a formal “Wait List”, to be held there until toxicity information for that toxic air contaminant becomes available;

(e) If DEQ, after consultation with OHA, determines that revisions are warranted as a result of a petition, DEQ will propose revisions to TRVs or RBCs or additions or removals of toxic air contaminants to the Toxic Air Contaminant Reporting List in OAR 340-245-8020 Table 2, the TRV list in OAR 340-245-8030 Table 3 or the RBC list in OAR 340-245-8040 Table 4 through the rulemaking process; and

(f) If DEQ receives a request to revise a TRV or RBC or add or remove a toxic air contaminant from the Toxic Air Contaminant Reporting List in OAR 340-245-8020 Table 2, the TRV list in OAR 340-245-8030 Table 3 or the RBC list in OAR 340-245-8040 Table 4 and the request is received less than 18 months before the applicable triennial review described in section (2) or (3), the request will be reviewed during the triennial review in section (3).

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, § 3.

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, and Or Laws 2018, ch. 102, §§ 2 and 3.

340-245-0400

Cleaner Air Oregon Fees

(1) Any owner or operator that has been issued or applies for an Oregon Title V Operating Permit under OAR chapter 340, division 218 must submit the annual CAO base fees to DEQ as specified in OAR 340-220-0050(4).

(2) Any owner or operator that has been issued or applies for a Basic, General, Simple or Standard Air Contaminant Discharge Permit under OAR chapter 340, division 216 must submit the annual CAO base fee to DEQ as specified in OAR 340-216-8020 Table 2 Part 3.

(3) When notified in writing by DEQ, the owner or operator of an existing source that must perform a risk assessment is required to pay the applicable existing source call-in fee in OAR 340-216-8030 Table 3 within 30 days of receiving DEQ notification.

(4) Owners or operators of new or reconstructed sources must pay the applicable new source consulting fee and the applicable specific activity fees in OAR 340-216-8030 Table 3 with the permit application.

(5) Any owner or operator required to apply for a Toxic Air Contaminant Permit Addendum must also submit the applicable Cleaner Air Oregon Specific Activity Fees specified in OAR 340-216-8030 Table 3 to DEQ in accordance with OAR 340-245-0030.

(a) The fees in OAR 340-216-8030 Table 3 are additive in most cases;

- (b) A TBACT/TLAER Review fee will be due to DEQ per TEU. When reviewing multiple similar TEUs, DEQ may elect to waive additional TEU review fees for multiple similar TEU reviews if the TEUs have similar emissions and emission rates;
- (c) If one TEU requires two different pollution control devices because it emits different types of toxic air contaminants (e.g., particulate matter and volatile organic compounds), then two TBACT/TLAER Review fees will be due and payable to DEQ;
- (d) The individual TEU fees can be additive or charged individually, depending on the situation. If an owner or operator is constructing or modifying multiple, identical TEUs, then one TEU Risk Assessment fee may be charged. If the TEUs were not identical, then multiple TEU Risk Assessment fees will be due and payable to DEQ;
- (e) A community engagement fee of high, medium, or low for each meeting, will be due to DEQ based on DEQ's determination of the complexity and nature of the needed outreach and engagement activities; and
- (f) A source test fee is required when an owner or operator submits a source test report for DEQ review under this division.
- (A) The complex source test review fee is for multiple TEUs and multiple toxic air contaminant test methods;
- (B) The moderate source test review fee is for a single TEU and multiple toxic air contaminant test methods; and
- (C) The simple source test review fee is for a single TEU and a single toxic air contaminant test method.

Stat. Auth.: ORS 468.020, 468.065, 468A.315, and Or Laws 2018, ch. 102, § 13.
Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, 468A.155, 468A.315, and Or Laws 2018, ch. 102, §§ 13 and 14.

Revised Colored Art Glass Manufacturing Facility Rules [NOTE: These are new rules based on OAR 340-244-9000 through 340-244-9090. Rules OAR 340-244-9000 through 340-244-9090 have been copied here and amended, except that OAR 340-244-9040 and 340-244-9090 have been omitted. Although these are new rules, they are shown in redline/strikeout to show the differences from the original rules in OAR 340-244-9000 through 9090.]

[NOTE: Application of these rules is subject to OAR 340-244-8990.]

340-245-9000

Colored Art Glass Manufacturing Facility Rules; Applicability and Jurisdiction

Notwithstanding OAR chapter 340, division 246, OAR 340-245-9000 through 340-245-9080 apply to all facilities in the state of Oregon that:

- (1) Manufacture glass from raw materials, or a combination of raw materials and cullet, for:
 - (a) Use in art, architecture, interior design and other similar decorative applications, or
 - (b) Use by glass manufacturers for use in art, architecture, interior design and other similar decorative applications; and
- (2) Manufacture 5 tons per year or more of glass using raw materials that contain glassmaking HAPs.
- (3) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement OAR 340-245-9000 through 9095 within its area of jurisdiction.

NOTE: This rule was moved verbatim from OAR 340-244-9000 and renumbered and amended.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9000

340-245-9010

Colored Art Glass Manufacturing Facility Rules; Definitions

The definitions in OAR 340-200-0020 and this rule apply to OAR 340-245-9000 through 9095. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

(1) “Colored Art Glass Manufacturer” or “CAGM” means a facility that meets the applicability requirements in OAR 340-245-9000 and refers to the owner or operator of such a facility when the context requires.

(2) “Chromium III” means chromium in the +3 oxidation state, also known as trivalent chromium.

(3) “Chromium VI” means chromium in the +6 oxidation state, also known as hexavalent chromium.

(4) “Chromium”, without a following roman numeral, means total chromium.

(5) “Controlled” means the glassmaking furnace emissions are treated by an emission control device approved by DEQ.

(6) “Cullet” means pieces of finished glass that, when mixed with raw materials and charged to a glassmaking furnace, is used to produce new glass. Cullet does not include frit as defined in subsection (9)(a). Cullet is not considered to be a raw material.

(7) “Emission control device” means control device as defined in OAR chapter 340, division 200.

(8) “Finished glass” means the final glass product that results from melting and refining materials in a glassmaking furnace. Finished glass that has been remelted without the addition of raw materials is still finished glass.

(9) “Frit” means both of the following:

(a) Granules of glassified or vitrified material that is not made from finished glass, and which contains a higher proportion of glassmaking HAP than would be found in a finished glass. The purpose of such material includes, but is not limited to, making powdered glassmaking HAPs safer to handle by combining them with silica or other oxides.

(b) Granules of crushed finished glass.

(10) “Glassmaking furnace” means a refractory-lined vessel in which raw materials are charged and melted at high temperature to produce molten glass.

(11) “Glassmaking HAP” means arsenic, cadmium, chromium, lead, manganese, nickel or selenium in any form, such as the pure chemical element, in compounds or mixed with other materials.

(12) “Raw material” means:

(a) Substances that are intentionally added to a glass manufacturing batch and melted in a glassmaking furnace to produce glass, including but not limited to:

(A) Minerals, such as silica sand, limestone, and dolomite;

(B) Inorganic chemical compounds, such as soda ash (sodium carbonate), salt cake (sodium sulfate), and potash (potassium carbonate);

(C) Oxides and other compounds of chemical elements, such as lead oxide, chromium oxide, and sodium antimonate; and

(D) Ores of chemical elements, such as chromite and pyrolusite.

(b) Glassmaking HAPs that are naturally-occurring trace constituents or contaminants of other substances are not considered to be raw materials.

(c) Raw material includes materials that contain glassmaking HAPs in amounts that materially affect the properties of the finished product, such as its color, texture or bubble content. Such materials may be powdered, frit, or in some other form. For the purpose of this definition, frit as described in subsection (9)(a) is a raw material, but frit as described in subsection (9)(b) is not a raw material.

(d) Cullet and material that is recovered from a glassmaking furnace control device for recycling into the glass formulation are not considered to be raw materials.

(13) “Tier 1 CAGM” means a CAGM that produces at least 5 tons per year, but less than 100 tons per year, of glass using raw materials that contain glassmaking HAPs in glassmaking furnaces that are only electrically heated.

(14) “Tier 2 CAGM” means:

(a) A CAGM that produces 5 tons per year or more of glass using raw materials that contain glassmaking HAPs in glassmaking furnaces, at least one of which is fuel-heated or combination fuel- and electrically-heated; or

(b) Produces 100 tons per year or more of glass using raw materials that contain glassmaking HAPs in any type of glassmaking furnace.

(15) “Uncontrolled” means the glassmaking furnace emissions are not treated by an emission control device approved by DEQ.

(16) “Week” means Sunday through Saturday.

NOTE: This rule was moved verbatim from OAR 340-244-9010 and renumbered and amended.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9010

340-245-9015

Colored Art Glass Manufacturing Facility Rules; Compliance Extensions

A Tier 1 CAGM may request, and DEQ may grant, one or more extensions, not to exceed a total of 12 months, to the compliance date for installation of emission control systems if the CAGM cannot meet the compliance date for reasons beyond its reasonable control. A Tier 1 CAGM that has been granted an extension:

- (1) Is allowed to operate without the emission control device required by OAR 340-224-9050 until the required emission control device is installed and operational, or the extension expires, whichever is earlier; and
- (2) Must comply with OAR 340-245-9020 and 340-245-9060(1) as applicable.

NOTE: This rule was moved verbatim from OAR 340-244-9015 and renumbered and amended.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040
Hist.: DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9015

340-245-9020

Colored Art Glass Manufacturing Facility Rules; Permit Required

(1) Not later than December 1, 2016, if located within the Portland AQMA, and not later than April 1, 2017, if located outside the Portland AQMA, all CAGMs not otherwise subject to a permitting requirement must apply for a permit under OAR 340-216-8020 Table 2, Part B, category #84.

(2) A CAGM that applies for a permit on or before the required date is not in violation of OAR 340-216-0020(3).

(3) CAGMs constructed after September 1, 2016 must obtain a permit prior to construction.

NOTE: This rule was moved verbatim from OAR 340-244-9020 and renumbered.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9020

340-245-9030

Colored Art Glass Manufacturing Facility Rules; Requirements That Apply To Tier 2 CAGMs

- (1) Tier 2 CAGMs located within the Portland AQMA may not use raw materials containing arsenic, cadmium, chromium, lead, manganese or nickel except in glassmaking furnaces that use an emission control device that meets the requirements of OAR 340-245-9070.
- (2) Effective January 1, 2017, Tier 2 CAGMs located within the Portland AQMA may not use raw materials containing selenium except in glassmaking furnaces that use an emission control device that meets the requirements of OAR 340-245-9070.
- (3) Tier 2 CAGMs located outside the Portland AQMA may not use raw materials containing arsenic, cadmium or chromium VI except in glassmaking furnaces that use an emission control device that meets the requirements of OAR 340-245-9070.
- (4) Effective April 1, 2017, Tier 2 CAGMs located outside the Portland AQMA may not use raw materials containing chromium, lead, manganese, nickel or selenium except in glassmaking furnaces that use an emission control device that meets the requirements of OAR 340-245-9070.

NOTE: This rule was moved verbatim from OAR 340-244-9030 and renumbered and amended.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9030

NOTE: OAR 340-244-9040 was not moved to this division. This note to be deleted in the version that goes to the Secretary of State.

340-245-9050

Colored Art Glass Manufacturing Facility Rules; Requirements That Apply To Tier 1 CAGMs

- (1) No later than October 1, 2016, if located within the Portland AQMA, and April 1, 2017, if located outside the Portland AQMA, each Tier 1 CAGM must comply with subsection (a) or (b) for each glassmaking furnace or group of glassmaking furnaces that use raw material containing arsenic, cadmium, chromium, lead, manganese or nickel:
 - (a) Install an emission control device that meets the emission control device requirements in OAR 340-245-9070; or

(b) Request a permit condition that prohibits the use of arsenic, cadmium, chromium, lead, manganese or nickel in the glassmaking furnace or group of glassmaking furnaces, and comply with that condition.

(2) No later than January 1, 2017, if located within the Portland AQMA, and April 1, 2017, if located outside the Portland AQMA, each Tier 1 CAGM must comply with subsection (a) or (b) for each glassmaking furnace or group of glassmaking furnaces that use raw material containing selenium:

(a) Install an emission control device that meets the emission control device requirements in OAR 340-245-9070; or

(b) Request a permit condition that prohibits the use of selenium in the glassmaking furnace or group of glassmaking furnaces, and comply with that condition.

NOTE: This rule was moved verbatim from OAR 340-244-9050 and renumbered and amended.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9050

340-245-9060

Colored Art Glass Manufacturing Facility Rules; Operating Restrictions That Apply To Tier 1 CAGMs

(1) Tier 1 CAGMs may not use raw materials that contain chromium VI in any uncontrolled glassmaking furnace.

(2) Tier 1 CAGMs are not restricted on the raw materials that may be used in glassmaking furnaces that are controlled by an emission control device approved by DEQ.

NOTE: This rule was moved verbatim from OAR 340-244-9060 and renumbered.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9060

340-245-9070

Colored Art Glass Manufacturing Facility Rules; Emission Control Device Requirements

(1) CAGMs must comply with the requirements in subsection (a) or (b), as applicable, for each emission control device used to comply with this rule.

(a) Tier 1 CAGMs must comply with one of the requirements in paragraphs (A), (B) or (C):

(A) Conduct a source test as required under section (3) and demonstrate that the emission control device does not emit particulate matter in excess of 0.005 grains per dry standard cubic foot as measured by EPA Method 5 or an equivalent method approved by DEQ.

(B) If the emission control system is a fabric filter (baghouse), install a bag leak detection system that meets the requirements of section (4).

(C) If the emission control system is a fabric filter (baghouse), install an afterfilter that meets the requirements of section (5).

(b) Tier 2 CAGMs must:

(A) Conduct a source test as required under section (3) and demonstrate that the emission control device does not emit particulate matter in excess of 0.005 grains per dry standard cubic foot as measured by EPA Method 5 or an equivalent method approved by DEQ; and

(B) If a fabric filter (baghouse) is used, install either a bag leak detection system that meets the requirements of section (4) or an afterfilter that meets the requirements of section (5).

(2) Emission control device requirements:

(a) A CAGM must obtain DEQ approval of the design of all emission control devices before installation, as provided in this rule.

(b) A CAGM must submit a Notice of Intent to Construct as required by OAR 340-210-0205 through 340-210-0250 no later than 15 days before the date installation begins. If DEQ does not deny or approve the Notice of Intent to Construct within 10 days after receiving the Notice, the Notice will be deemed to be approved.

(c) Emission control devices may control emissions from more than one glassmaking furnace.

(d) Each emission control device must be equipped with the following monitoring equipment:

(A) An inlet temperature monitoring device;

(B) A differential pressure monitoring device if the emission control device is a baghouse; and

(C) Any other monitoring device or devices specified in DEQ's approval of the Notice of Intent to Construct.

(e) Each emission control device must be equipped with inlet ducting that provides the following:

(A) Sufficient cooling of exhaust gases to no more than the maximum design inlet temperature under worst-case conditions; and

(B) Provision for inlet emissions testing, including sufficient duct diameter, sample ports, undisturbed flow conditions, and access for testing.

(f) Each emission control device must be equipped with outlet ducting that provides for outlet emissions testing, including sufficient duct diameter, sample ports, undisturbed flow conditions, and access for testing.

(g) After commencing operation of any emission control device, the CAGM must monitor the emission control device as required by OAR 340-245-9080.

(3) If source testing is conducted under section (1), the CAGM must perform the following source testing on at least one emission control device.

(a) Within 60 days of commencing operation of the emission control devices, test control device outlet for particulate matter using DEQ Method 5 or equivalent method;

(b) The emission control device to be tested must be approved by DEQ;

(c) A source test plan must be submitted at least 30 days before conducting the source test; and

(d) The source test plan must be approved by DEQ before conducting the source test.

(4) If a bag leak detection system is installed under section (1), the requirements for the bag leak detection system are:

(a) The bag leak detection system must be installed and operational as soon as possible but not more than 90 days after the baghouse becomes operational or 90 days after the effective date of the rule, whichever is later.

(b) Each bag leak detection system must meet the specifications and requirements in paragraphs (A) through (H).

(A) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per dry standard cubic meter (0.00044 grains per actual cubic foot) or less.

(B) The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator must continuously record the output from the bag leak detection system using electronic or other means (e.g., using a strip chart recorder or a data logger).

(C) The bag leak detection system must be equipped with an alarm system that will sound when the system detects an increase in relative particulate loading over the alarm set point established according to paragraph (D), and the alarm must be located such that it can be heard by the appropriate plant personnel.

(D) In the initial adjustment of the bag leak detection system, the CAGM must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

(E) Following initial adjustment, the CAGM may not adjust the averaging period, alarm set point, or alarm delay time without approval from DEQ except as provided in paragraph (F).

(F) Once per quarter, the CAGM may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by OAR 340-224-9080(4).

(G) The CAGM must install the bag leak detection sensor downstream of the fabric filter.

(H) Where multiple bag leak detectors are required, the system's instrumentation and alarm may be shared among detectors.

(5) If an afterfilter is installed under section (1), the requirements for the afterfilter are:

(a) The afterfilter must be installed and operational as soon as possible but not more than 120 days after the baghouse becomes operational or 120 days after the effective date of the rule, whichever is later;

(b) The afterfilter must filter the entire exhaust flow from the fabric filter (baghouse); and

(c) The afterfilter must be equipped with:

(A) HEPA filters that have a Minimum Efficiency Reporting Value of 17 (MERV 17) or higher per American National Standards Institute (ANSI) Standard 52.2; and

(B) A differential pressure monitoring device.

NOTE: This rule was moved verbatim from OAR 340-244-9070 and renumbered and amended.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 6-2016(Temp), f. & cert. ef. 5-6-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9070

340-245-9080

Colored Art Glass Manufacturing Facility Rules; Emission Control Device Monitoring

(1) Each Tier 1 CAGM must perform the following monitoring on each emission control device it uses to comply with this rule:

(a) At least once each week, observe and record the inlet temperature and the fabric filter (baghouse) differential pressure and afterfilter differential pressure (as applicable); and

(b) At least once every 12 months:

(A) Inspect the ductwork and emission control device housing for leakage;

(B) Inspect the interior of the emission control device for structural integrity and, if a fabric filter (baghouse) is used, to determine the condition of the fabric filter; and

(C) Record the date, time and results of the inspection.

(2) Each Tier 2 CAGM must perform the following monitoring on each emission control device used to comply with this rule:

(a) At least once each day, observe and record the inlet temperature and the fabric filter (baghouse) differential pressure and afterfilter differential pressure (as applicable); and

(b) At least once every 12 months:

(A) Inspect the ductwork and emission control device housing for leakage;

(B) Inspect the interior of the emission control device for structural integrity and, and if a fabric filter (baghouse) is used, to determine the condition of the fabric filter; and

(C) Record the date, time and results of the inspection.

(3) CAGMs must observe and record any parameters specified in a DEQ approval of the Notice of Intent to Construct applicable to a control device.

(4) If a bag leak detection system is used, the CAGM must develop and submit to DEQ for approval a site-specific monitoring plan for each bag leak detection system. The CAGM must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the items in subsections (a) through (f).

(a) Installation of the bag leak detection system;

(b) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;

(c) Operation of the bag leak detection system, including quality assurance procedures;

(d) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;

(e) How the bag leak detection system output will be recorded and stored; and

(f) Corrective action procedures as specified in section (5). In approving the site-specific monitoring plan, DEQ may allow owners and operators more than 3 hours to alleviate a

specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.

(5) For each bag leak detection system, the CAGM must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. Except as provided in subsection (4)(f), the CAGM must alleviate the cause of the alarm within 3 hours of the alarm by taking all necessary corrective actions. Corrective actions may include, but are not limited to the following:

(a) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;

(b) Sealing off defective bags or filter media;

(c) Replacing defective bags or filter media or otherwise repairing the control device;

(d) Sealing off a defective fabric filter compartment;

(e) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; and

(f) Shutting down the process producing the PM emissions.

(6) For each bag leak detection system, the CAGM must keep the following records:

(a) Records of the bag leak detection system output;

(b) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and

(c) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the alarm was alleviated within 3 hours of the alarm.

NOTE: This rule was moved verbatim from OAR 340-244-9080 and renumbered.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040


Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16, Renumbered from 340-244-9080

NOTE: OAR 340-244-9090 was not moved to this division. This note to be deleted in the version that goes to the Secretary of State.

OAR 340-245-8010 Table 1

Risk Action Levels

 <p style="text-align: center;">OAR 340-245-8010 Table 1 Risk Action Levels†</p>			
Applicability	Risk Action Level	Excess Cancer Risk per Million	Noncancer Hazard Index
New and Reconstructed Source	Aggregate TEU Level	0.5	0.1
	Source Permit Level	0.5	0.5
	Community Engagement Level	5	1
	TLAER Level	10	1
	Permit Denial Level	25	1
Existing Source	Aggregate TEU Level	2.5	0.1
	Source Permit Level	5	0.5
	Community Engagement Level	25	1
	TBACT Level	50	5
	Risk Reduction Level	200	10
	Immediate Curtailment Level	500	20

Footnotes for OAR 340-245-8010 Table 1:

†Facility risk that is equal to or less than the values in the table is considered compliant with the Risk Action Level. Risk Action Levels are considered consistent with benchmarks in Oregon Laws 2018, chapter 102 (Senate Bill (SB) 1541 (2018)).

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155
 Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155

340-245-8020 Table 2

Air Toxics Reporting List

 <p style="text-align: center;">OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List</p>	
CAS# ^a	Chemical Name
75-07-0	Acetaldehyde
60-35-5	Acetamide
67-64-1	Acetone
75-05-8	Acetonitrile
98-86-2	Acetophenone
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
50-76-0	Actinomycin D
1596-84-5	Alar
309-00-2	Aldrin
107-05-1	Allyl chloride
7429-90-5	Aluminum and compounds ^b
1344-28-1	Aluminum oxide (fibrous forms)
97-56-3	<i>ortho</i> -Aminoazotoluene
6109-97-3	3-Amino-9-ethylcarbazole hydrochloride
68006-83-7	2-Amino-3-methyl-9H pyrido[2,3-b]indole
82-28-0	1-Amino-2-methylantraquinone
76180-96-6	2-Amino-3-methylimidazo-[4,5-f]quinoline
712-68-5	2-Amino-5-(5-Nitro-2-Furyl)-1,3,4-Thiadiazol
26148-68-5	A-alpha-c(2-amino-9h-pyrido[2,3-b]indole)
92-67-1	4-Aminobiphenyl
61-82-5	Amitrole
7664-41-7	Ammonia
7803-63-6	Ammonium bisulfate
6484-52-2	Ammonium nitrate
7783-20-2	Ammonium sulfate
62-53-3	Aniline
90-04-0	<i>o</i> -Anisidine



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
134-29-2	<i>o</i> -Anisidine hydrochloride
7440-36-0	Antimony and compounds ^b
1309-64-4	Antimony trioxide
140-57-8	Aramite
7440-38-2	Arsenic and compounds ^b
7784-42-1	Arsine
1332-21-4	Asbestos
492-80-8	Auramine
115-02-6	Azaserine
446-86-6	Azathioprine
52-24-4	<i>Tris</i> -(1-Aziridinyl)phosphine sulfide
103-33-3	Azobenzene
7440-39-3	Barium and compounds ^b
71-43-2	Benzene
92-87-5	Benzidine (and its salts)
271-89-6	Benzofuran
98-07-7	Benzoic trichloride (Benzotrichloride)
98-88-4	Benzoyl chloride
94-36-0	Benzoyl peroxide
100-44-7	Benzyl chloride
1694-09-3	Benzyl Violet 4B
7440-41-7	Beryllium and compounds ^b
1304-56-9	Beryllium Oxide
13510-49-1	Beryllium Sulfate
92-52-4	Biphenyl
111-44-4	<i>Bis</i> (2-chloroethyl) ether (DCEE)
542-88-1	<i>Bis</i> (chloromethyl) ether
103-23-1	<i>Bis</i> (2-ethylhexyl) adipate
117-81-7	<i>Bis</i> (2-ethylhexyl) phthalate (DEHP)
7726-95-6	Bromine and compounds ^b
7789-30-2	Bromine pentafluoride
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane (Methyl bromide)



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
106-94-5	1-Bromopropane (<i>n</i> -propyl bromide)
126-72-7	<i>Tris</i> (2,3-dibromopropyl)phosphate
106-99-0	1,3-Butadiene
78-93-3	2-Butanone (Methyl ethyl ketone)
540-88-5	<i>t</i> -Butyl acetate
141-32-2	Butyl acrylate
71-36-3	<i>n</i> -Butyl alcohol
78-92-2	<i>sec</i> -Butyl alcohol
75-65-0	<i>tert</i> -Butyl alcohol
85-68-7	Butyl benzyl phthalate
25013-16-5	Butylated hydroxyanisole
3068-88-0	<i>beta</i> -Butyrolactone
7440-43-9	Cadmium and compounds ^b
156-62-7	Calcium cyanamide
105-60-2	Caprolactam
2425-06-1	Captafol
133-06-2	Captan
	Carbon black extracts
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
9000-07-1	Carrageenan (degraded)
120-80-9	Catechol
	Ceramic fibers
133-90-4	Chloramben
305-03-3	Chlorambucil
57-74-9	Chlordane
143-50-0	Chlordecone
115-28-6	Chlorendic Acid
76-13-1	Chlorinated fluorocarbon (1,1,2-Trichloro-1,2,2-trifluoroethane, CFC-113)
108171-26-2	Chlorinated paraffins
7782-50-5	Chlorine
10049-04-4	Chlorine dioxide
79-11-8	Chloroacetic acid



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
532-27-4	2-Chloroacetophenone
85535-84-8	Chloroalkanes C10-13 (Chlorinated paraffins)
106-47-8	<i>p</i> -Chloroaniline
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate (Ethyl-4,4'-dichlorobenzilate)
75-68-3	1-Chloro-1,1-difluoroethane
75-45-6	Chlorodifluoromethane (Freon 22)
75-00-3	Chloroethane (Ethyl chloride)
67-66-3	Chloroform
74-87-3	Chloromethane (Methyl chloride)
107-30-2	Chloromethyl methyl ether (technical grade)
563-47-3	3-Chloro-2-methyl-1-propene
95-57-8	2-Chlorophenol
95-83-0	4-Chloro- <i>o</i> -phenylenediamine
76-06-2	Chloropicrin
126-99-8	Chloroprene
1897-45-6	Chlorothalonil
95-69-2	<i>p</i> -Chloro- <i>o</i> -toluidine
54749-90-5	Chlorozotocin
7738-94-5	Chromic(VI) Acid
18540-29-9	Chromium VI, chromate and dichromate particulate
18540-29-9	Chromium VI, chromic acid aerosol mist
569-61-9	C.I. Basic Red 9 Monohydrochloride
87-29-6	Cinnamyl anthranilate
7440-48-4	Cobalt and compounds ^b
	Coke Oven Emissions
7440-50-8	Copper and compounds ^b
	Creosotes
120-71-8	<i>p</i> -Cresidine
1319-77-3	Cresols (mixture), including <i>m</i> -cresol, <i>o</i> -cresol, <i>p</i> -cresol
108-39-4	<i>m</i> -Cresol
95-48-7	<i>o</i> -Cresol
106-44-5	<i>p</i> -Cresol
4170-30-3	Crotonaldehyde



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
80-15-9	Cumene hydroperoxide
135-20-6	Cupferron
74-90-8	Cyanide, hydrogen
110-82-7	Cyclohexane
108-93-0	Cyclohexanol
66-81-9	Cycloheximide
50-18-0	Cyclophosphamide (anhydrous)
6055-19-2	Cyclophosphamide (hydrated)
5160-02-1	D & C Red No. 9
4342-03-4	Dacarbazine
117-10-2	Dantron
72-54-8	4,4'-DDD (4,4'-dichlorodiphenyldichloroethane)
53-19-0	2,4'-DDD (2,4'-dichlorodiphenyldichloroethane)
3547-04-4	DDE (1-chloro-4-[1-(4-chlorophenyl)ethyl]benzene)
3424-82-6	2,4'-DDE (2,4'-dichlorodiphenyldichloroethene)
72-55-9	4,4'-DDE (4,4'-dichlorodiphenyldichloroethene)
789-02-6	2,4'-DDT (2,4'-dichlorodiphenyltrichloroethane)
50-29-3	DDT
615-05-4	2,4-Diaminoanisole
39156-41-7	2,4-Diaminoanisole sulfate
101-80-4	4,4'-Diaminodiphenyl ether
95-80-7	2,4-Diaminotoluene (2,4-Toluene diamine)
334-88-3	Diazomethane
333-41-5	Diazinon
132-64-9	Dibenzofuran
124-48-1	Dibromochloromethane
96-12-8	1,2-Dibromo-3-chloropropane (DBCP)
96-13-9	2,3-Dibromo-1-propanol
84-74-2	Dibutyl phthalate
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	<i>p</i> -Dichlorobenzene (1,4-Dichlorobenzene)
91-94-1	3,3'-Dichlorobenzidine
75-71-8	Dichlorodifluoromethane (Freon 12)



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
75-43-4	Dichlorofluoromethane (Freon 21)
75-34-3	1,1-Dichloroethane (Ethylidene dichloride)
156-60-5	<i>trans</i> -1,2-dichloroethene
75-09-2	Dichloromethane (Methylene chloride)
120-83-2	2,4-Dichlorophenol
94-75-7	Dichlorophenoxyacetic acid, salts and esters (2,4-D)
78-87-5	1,2-Dichloropropane (Propylene dichloride)
542-75-6	1,3-Dichloropropene
62-73-7	Dichlorovos (DDVP)
115-32-2	Dicofol
84-61-7	Di-cyclohexyl phthalate (DCHP)
60-57-1	Dieldrin
	Diesel Particulate Matter
111-42-2	Diethanolamine
111-46-6	Diethylene glycol
111-96-6	Diethylene glycol dimethyl ether
112-34-5	Diethylene glycol monobutyl ether
111-90-0	Diethylene glycol monoethyl ether
111-77-3	Diethylene glycol monomethyl ether
84-66-2	Diethylphthalate
64-67-5	Diethyl sulfate
134-62-3	Diethyltoluamide, <i>N,N</i> - (DEET)
75-37-6	1,1-Difluoroethane
101-90-6	Diglycidyl resorcinol ether
94-58-6	Dihydrosafrole
119-90-4	3,3'-Dimethoxybenzidine
60-11-7	4-Dimethylaminoazobenzene
121-69-7	<i>N,N</i> -Dimethylaniline
119-93-7	3,3'-Dimethylbenzidine (<i>o</i> -Tolidine)
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethylhydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
513-37-1	Dimethylvinylchloride
534-52-1	4,6-Dinitro-o-cresol (and salts)
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
123-91-1	1,4-Dioxane
630-93-3	Diphenylhydantoin
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene)
25265-71-8	Dipropylene glycol
34590-94-8	Dipropylene glycol monomethyl ether
1937-37-7	Direct Black 38
2602-46-2	Direct Blue 6
16071-86-6	Direct Brown 95 (technical grade)
2475-45-8	Disperse Blue 1
298-04-4	Disulfoton
106-89-8	Epichlorohydrin
106-88-7	1,2-Epoxybutane
	Epoxy resins
12510-42-8	Erionite
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
74-85-1	Ethylene
106-93-4	Ethylene dibromide (EDB, 1,2-Dibromoethane)
107-06-2	Ethylene dichloride (EDC, 1,2-Dichloroethane)
107-21-1	Ethylene glycol
629-14-1	Ethylene glycol diethyl ether
110-71-4	Ethylene glycol dimethyl ether
111-76-2	Ethylene glycol monobutyl ether
110-80-5	Ethylene glycol monoethyl ether
111-15-9	Ethylene glycol monoethyl ether acetate
109-86-4	Ethylene glycol monomethyl ether
110-49-6	Ethylene glycol monomethyl ether acetate
2807-30-9	Ethylene glycol monopropyl ether
151-56-4	Ethyleneimine (Aziridine)



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
10028-22-5	Ferric Sulfate
	Fluorides
7782-41-4	Fluorine gas
50-00-0	Formaldehyde
110-00-9	Furan
60568-05-0	Furmecyclox
3688-53-7	Furylfuramide
	Glasswool fibers
111-30-8	Glutaraldehyde
67730-11-4	Glu-P-1
67730-10-3	Glu-P-2
16568-02-8	Gyromitrin
2784-94-3	HC Blue 1
76-44-8	Heptachlor
1024-57-3	Heptachlor epoxide
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
608-73-1	Hexachlorocyclohexanes (mixture) including but not limited to:
319-84-6	<i>alpha</i> -Hexachlorocyclohexane
319-85-7	<i>beta</i> -Hexachlorocyclohexane
58-89-9	<i>gamma</i> -Hexachlorocyclohexane (Lindane)
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
680-31-9	Hexamethylphosphoramide
822-06-0	Hexamethylene-1,6-diisocyanate
110-54-3	Hexane
302-01-2	Hydrazine
10034-93-2	Hydrazine sulfate
7647-01-0	Hydrochloric acid
10035-10-6	Hydrogen bromide
7664-39-3	Hydrogen fluoride
7783-06-4	Hydrogen sulfide



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
123-31-9	Hydroquinone
24267-56-9	Iodine-131
13463-40-6	Iron pentacarbonyl
78-59-1	Isophorone
78-79-5	Isoprene, except from vegetative emission sources
67-63-0	Isopropyl alcohol
98-82-8	Isopropylbenzene (Cumene)
80-05-7	4,4'-Isopropylidenediphenol
303-34-4	Lasiocarpine
7439-92-1	Lead and compounds ^b
18454-12-1	Lead chromate oxide
108-31-6	Maleic anhydride
7439-96-5	Manganese and compounds ^b
148-82-3	Melphalan
3223-07-2	Melphalan HCl
7439-97-6	Mercury and compounds ^b
627-44-1	Diethylmercury
593-74-8	Dimethylmercury
22967-92-6	Methylmercury
67-56-1	Methanol
72-43-5	Methoxychlor
55738-54-0	<i>Trans</i> -2[(dimethylamino)-methylimino]-5-[2-(5-nitro-2-furyl)-vinyl]-1,3,4-oxadiazole
101-14-4	4,4'-Methylene <i>bis</i> (2-chloroaniline) (MOCA)
101-77-9	4,4'-Methylenedianiline (and its dichloride)
13552-44-8	4,4'-Methylenedianiline dihydrochloride
838-88-0	4,4'-Methylene <i>bis</i> (2-methylaniline)
101-61-1	4,4'-Methylene <i>bis</i> (<i>N,N'</i> -dimethyl)aniline
101-68-8	Methylene diphenyl diisocyanate (MDI)
60-34-4	Methyl hydrazine
540-73-8	1,2-Dimethylhydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (MIBK, Hexone)
624-83-9	Methyl isocyanate



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
75-86-5	2-Methylactonitrile (Acetone cyanohydrin)
80-62-6	Methyl methacrylate
66-27-3	Methyl Methanesulfonate
129-15-7	2-Methyl-1-nitroanthraquinone
70-25-7	<i>N</i> -Methyl- <i>N</i> -nitro- <i>N</i> -nitrosoguanidine
832-69-9	1-Methylphenanthrene
2381-21-7	1-Methylpyrene
109-06-8	2-Methylpyridine
1634-04-4	Methyl <i>tert</i> -butyl ether
56-04-2	Methylthiouracil
90-94-8	Michler's ketone
	Mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
	Mineral fibers (fine mineral fibers which are man-made, and are airborne particles of a respirable size greater than 5 microns in length, less than or equal to 3.5 microns in diameter, with a length to diameter ratio of 3:1)
2385-85-5	Mirex
50-07-7	Mitomycin C
1313-27-5	Molybdenum trioxide
315-22-0	Monocrotaline
91-59-8	2-Naphthylamine
91-20-3	Naphthalene
7440-02-0	Nickel and compounds ^b
	Nickel compounds, insoluble
7440-02-0	Nickel metal
1313-99-1	Nickel oxide
12035-72-2	Nickel subsulfide
11113-75-0	Nickel sulfide
	Nickel compounds, soluble
373-02-4	Nickel acetate
3333-67-3	Nickel carbonate
12607-70-4	Nickel carbonate hydroxide
13463-39-3	Nickel carbonyl



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
7718-54-9	Nickel chloride
12054-48-7	Nickel hydroxide
7786-81-4	Nickel sulfate
10101-97-0	Nickel sulfate hexahydrate
13478-00-7	Nickel nitrate hexahydrate
1271-28-9	Nickelocene
3570-75-0	Nifurthiazole
7697-37-2	Nitric acid
139-13-9	Nitrilotriacetic acid
18662-53-8	Nitrilotriacetic acid, trisodium salt monohydrate
99-59-2	5-Nitro- <i>o</i> -Anisidine
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
1836-75-5	Nitrofen
59-87-0	Nitrofurazone
555-84-0	1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone
531-82-8	<i>N</i> -[4-(5-nitro-2-furyl)-2-thiazolyl]-acetamide
302-70-5	Nitrogen mustard N-oxide
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
924-16-3	<i>N</i> -Nitrosodi- <i>n</i> -butylamine
1116-54-7	<i>N</i> -Nitrosodiethanolamine
55-18-5	<i>N</i> -Nitrosodiethylamine
62-75-9	<i>N</i> -Nitrosodimethylamine
86-30-6	<i>N</i> -Nitrosodiphenylamine
156-10-5	<i>p</i> -Nitrosodiphenylamine
621-64-7	<i>N</i> -Nitrosodi- <i>n</i> -propylamine
10595-95-6	<i>N</i> -Nitrosomethylethylamine
759-73-9	<i>N</i> -Nitroso- <i>N</i> -ethylurea
615-53-2	<i>N</i> -Nitroso- <i>N</i> -methylurethane
684-93-5	<i>N</i> -Nitroso- <i>N</i> -methylurea
59-89-2	<i>N</i> -Nitrosomorpholine
16543-55-8	<i>N</i> -Nitrosornicotine
100-75-4	<i>N</i> -Nitrosopiperidine



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
930-55-2	<i>N</i> -Nitrosopyrrolidine
39765-80-5	<i>trans</i> -Nonachlor
104-40-5	Nonyphenol, 4- (& ethoxylates)
8014-95-7	Oleum (fuming sulfuric acid)
56-38-2	Parathion
87-86-5	Pentachlorophenol
32534-81-9	Pentabromodiphenyl ether
82-68-8	Pentachloronitrobenzene (Quintobenzene)
79-21-0	Peracetic acid
	Perfluorinated compounds (PFCs)
335-67-1	Perfluorooctanoic acid (PFOA)
1763-23-1	Perfluorooctanesulfonic acid (PFOS)
62-44-2	Phenacetin
94-78-0	Phenazopyridine
136-40-3	Phenazopyridine hydrochloride
3546-10-9	Phenesterin
50-06-6	Phenobarbital
108-95-2	Phenol
59-96-1	Phenoxybenzamine
63-92-3	Phenoxybenzamine hydrochloride
106-50-3	<i>p</i> -Phenylenediamine
132-27-4	<i>o</i> -Phenylphenate, sodium
90-43-7	2-Phenylphenol
75-44-5	Phosgene
7803-51-2	Phosphine
7664-38-2	Phosphoric acid
	Phosphorus and compounds ^b
10025-87-3	Phosphorus oxychloride
10026-13-8	Phosphorus pentachloride
1314-56-3	Phosphorus pentoxide
7719-12-2	Phosphorus trichloride
12185-10-3	Phosphorus, white
	Phthalates
85-44-9	Phthalic anhydride



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
	Polybrominated diphenyl ethers (PBDEs)
5436-43-1	PBDE-47 [2,2',4,4'-Tetrabromodiphenyl ether]
60348-60-9	PBDE-99 [2,2',4,4',5-Pentabromodiphenyl ether]
189084-64-8	PBDE-100 [2,2',4,4',6-Pentabromodiphenyl ether]
17026-54-3	PBDE-138 [2,2',3,4,4',5'-Hexabromodiphenyl ether]
68631-49-2	PBDE-153 [2,2',4,4',5,5'-hexabromodiphenyl ether]
17026-58-4	PBDE-154 [2,2',4,4',5,6'-Hexabromodiphenyl ether]
68928-80-3	PBDE-185 [2,2',3,4,4',5',6-Heptabromodiphenyl ether]
1163-19-5	PBDE-209 [Decabromodiphenyl ether]
1336-36-3	Polychlorinated biphenyls (PCBs)
	Polychlorinated biphenyls (PCBs) TEQ ^c
34883-43-7	PCB-8 [2,4'-dichlorobiphenyl]
37680-65-2	PCB 18 [2,2',5-trichlorobiphenyl]
7012-37-5	PCB-28 [2,4,4'-trichlorobiphenyl]
41464-39-5	PCB-44 [2,2',3,5'-tetrachlorobiphenyl]
35693-99-3	PCB-52 [2,2',5,5'-tetrachlorobiphenyl]
32598-10-0	PCB-66 [2,3',4,4'-tetrachlorobiphenyl]
32598-13-3	PCB 77 [3,3',4,4'-tetrachlorobiphenyl]
70362-50-4	PCB 81 [3,4,4',5-tetrachlorobiphenyl]
37680-73-2	PCB-101 [2,2',4,5,5'-pentachlorobiphenyl]
32598-14-4	PCB 105 [2,3,3',4,4'-pentachlorobiphenyl]
74472-37-0	PCB 114 [2,3,4,4',5-pentachlorobiphenyl]
31508-00-6	PCB 118 [2,3',4,4',5-pentachlorobiphenyl]
65510-44-3	PCB 123 [2,3',4,4',5'-pentachlorobiphenyl]
57465-28-8	PCB 126 [3,3',4,4',5-pentachlorobiphenyl]
38380-07-3	PCB-128 [2,2',3,3',4,4'-hexachlorobiphenyl]
35065-28-2	PCB-138 [2,2',3,4,4',5'-hexachlorobiphenyl]
35065-27-1	PCB-153 [2,2',4,4',5,5'-hexachlorobiphenyl]
38380-08-4	PCB 156 [2,3,3',4,4',5-hexachlorobiphenyl]
69782-90-7	PCB 157 [2,3,3',4,4',5'-hexachlorobiphenyl]
52663-72-6	PCB 167 [2,3',4,4',5,5'-hexachlorobiphenyl]
32774-16-6	PCB 169 [3,3',4,4',5,5'-hexachlorobiphenyl]
35065-30-6	PCB-170 [2,2',3,3',4,4',5-heptachlorobiphenyl]
35065-29-3	PCB-180 [2,2',3,4,4',5,5'-heptachlorobiphenyl]



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CAS# ^a	Chemical Name
52663-68-0	PCB-187 [2,2',3,4',5,5',6-heptachlorobiphenyl]
39635-31-9	PCB 189 [2,3,3',4,4',5,5'-heptachlorobiphenyl]
52663-78-2	PCB-195 [2,2',3,3',4,4',5,6-octachlorobiphenyl]
40186-72-9	PCB-206 [2,2',3,3',4,4',5,5',6-nonachlorobiphenyl]
2051-24-3	PCB-209 [2,2',3,3',4,4',5,5',6,6'-decachlorobiphenyl]
	Polychlorinated dibenzo- <i>p</i> -dioxins (PCDDs) & dibenzofurans (PCDFs) TEQ ^c
1746-01-6	2,3,7,8-Tetrachlorodibenzo- <i>p</i> -dioxin (TCDD)
40321-76-4	1,2,3,7,8-Pentachlorodibenzo- <i>p</i> -dioxin (PeCDD)
39227-28-6	1,2,3,4,7,8-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)
57653-85-7	1,2,3,6,7,8-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)
19408-74-3	1,2,3,7,8,9-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)
35822-46-9	1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin (HpCDD)
3268-87-9	Octachlorodibenzo- <i>p</i> -dioxin (OCDD)
51207-31-9	2,3,7,8-Tetrachlorodibenzofuran (TcDF)
57117-41-6	1,2,3,7,8-Pentachlorodibenzofuran (PeCDF)
57117-31-4	2,3,4,7,8-Pentachlorodibenzofuran (PeCDF)
70648-26-9	1,2,3,4,7,8-Hexachlorodibenzofuran (HxCDF)
57117-44-9	1,2,3,6,7,8-Hexachlorodibenzofuran (HxCDF)
72918-21-9	1,2,3,7,8,9-Hexachlorodibenzofuran (HxCDF)
60851-34-5	2,3,4,6,7,8-Hexachlorodibenzofuran (HxCDF)
67562-39-4	1,2,3,4,6,7,8-Heptachlorodibenzofuran (HpCDF)
55673-89-7	1,2,3,4,7,8,9-Heptachlorodibenzofuran (HpCDF)
39001-02-0	Octachlorodibenzofuran (OCDF)
	Polycyclic aromatic hydrocarbons (PAHs)
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
120-12-7	Anthracene
191-26-4	Anthanthrene
56-55-3	Benz[a]anthracene
50-32-8	Benzo[a]pyrene
205-99-2	Benzo[b]fluoranthene
205-12-9	Benzo[c]fluorene
192-97-2	Benzo[e]pyrene
191-24-2	Benzo[g,h,i]perylene



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CAS# ^a	Chemical Name
205-82-3	Benzo[j]fluoranthene
207-08-9	Benzo[k]fluoranthene
86-74-8	Carbazole
218-01-9	Chrysene
27208-37-3	Cyclopenta[c,d]pyrene
226-36-8	Dibenz[a,h]acridine
224-42-0	Dibenz[a,j]acridine
194-59-2	7H-Dibenzo[c,g]carbazole
53-70-3	Dibenz[a,h]anthracene
5385-75-1	Dibenzo[a,e]fluoranthene
192-65-4	Dibenzo[a,e]pyrene
189-64-0	Dibenzo[a,h]pyrene
189-55-9	Dibenzo[a,i]pyrene
191-30-0	Dibenzo[a,l]pyrene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno[1,2,3-cd]pyrene
91-57-6	2-Methyl naphthalene
198-55-0	Perylene
85-01-8	Phenanthrene
129-00-0	Pyrene
	Polycyclic aromatic hydrocarbon derivatives [PAH-Derivatives]
53-96-3	2-Acetylaminofluorene
117-79-3	2-Aminoanthraquinone
63-25-2	Carbaryl
57-97-6	7,12-Dimethylbenz[a]anthracene
42397-64-8	1,6-Dinitropyrene
42397-65-9	1,8-Dinitropyrene
56-49-5	3-Methylcholanthrene
3697-24-3	5-Methylchrysene
602-87-9	5-Nitroacenaphthene
7496-02-8	6-Nitrochrysene
607-57-8	2-Nitrofluorene
5522-43-0	1-Nitropyrene



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CAS# ^a	Chemical Name
57835-92-4	4-Nitropyrene
3564-09-8	Ponceau 3R
3761-53-3	Ponceau MX
7758-01-2	Potassium bromate
671-16-9	Procarbazine
366-70-1	Procarbazine hydrochloride
1120-71-4	1,3-Propane sultone
57-57-8	<i>beta</i> -Propiolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
115-07-1	Propylene
6423-43-4	Propylene glycol dinitrate
107-98-2	Propylene glycol monomethyl ether
108-65-6	Propylene glycol monomethyl ether acetate
75-56-9	Propylene oxide
75-55-8	1,2-Propyleneimine (2-Methylaziridine)
51-52-5	Propylthiouracil
110-86-1	Pyridine
91-22-5	Quinoline
106-51-4	Quinone
	Radon and its decay products
	Refractory Ceramic Fibers
50-55-5	Reserpine
	Rockwool
94-59-7	Safrole
7783-07-5	Selenide, hydrogen
7782-49-2	Selenium and compounds ^b
7446-34-6	Selenium sulfide
7631-86-9	Silica, crystalline (respirable)
7440-22-4	Silver and compounds ^b
	Slagwool
1310-73-2	Sodium hydroxide
10048-13-2	Sterigmatocystin
18883-66-4	Streptozotocin



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
100-42-5	Styrene
96-09-3	Styrene oxide
95-06-7	Sulfallate
7664-93-9	Sulfuric acid
505-60-2	Sulfur mustard
7446-71-9	Sulfur trioxide
	Talc containing asbestiform fibers
100-21-0	Terephthalic acid
40088-47-9	Tetrabromodiphenyl ether
630-20-6	1,1,1,2-Tetrachloroethane
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene (Perchloroethylene)
58-90-2	2,3,4,6-Tetrachlorophenol
811-97-2	1,1,1,2-Tetrafluoroethane
7440-28-0	Thallium and compounds ^b
62-55-5	Thioacetamide
139-65-1	4,4-Thiodianiline
62-56-6	Thiourea
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
26471-62-5	Toluene diisocyanates (2,4- and 2,6-)
584-84-9	Toluene-2,4-diisocyanate
91-08-7	Toluene-2,6-diisocyanate
95-53-4	<i>o</i> -Toluidine
636-21-5	<i>o</i> -Toluidine hydrochloride
41903-57-5	Total Tetrachlorodibenzo- <i>p</i> -dioxin
36088-22-9	Total Pentachlorodibenzo- <i>p</i> -dioxin
34465-46-8	Total Hexachlorodibenzo- <i>p</i> -dioxin
37871-00-4	Total Heptachlorodibenzo- <i>p</i> -dioxin
55722-27-5	Total Tetrachlorodibenzofuran
30402-15-4	Total Pentachlorodibenzofuran
55684-94-1	Total Hexachlorodibenzofuran
38998-75-3	Total Heptachlorodibenzofuran
8001-35-2	Toxaphene (Polychlorinated camphenes)



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
126-73-8	Tributyl phosphate
120-82-1	1,2,4-Trichlorobenzene
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)
79-00-5	1,1,2-Trichloroethane (Vinyl trichloride)
79-01-6	Trichloroethene (TCE, Trichloroethylene)
75-69-4	Trichlorofluoromethane (Freon 11)
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
96-18-4	1,2,3-Trichloropropane
78-40-0	Triethyl phosphine
121-44-8	Triethylamine
112-49-2	Triethylene glycol dimethyl ether
512-56-1	Trimethyl phosphate
78-30-8	Triorthocresyl phosphate
115-86-6	Triphenyl phosphate
101-02-0	Triphenyl phosphite
1582-09-8	Trifluralin
526-73-8	1,2,3-Trimethylbenzene
95-63-6	1,2,4-Trimethylbenzene
108-67-8	1,3,5-Trimethylbenzene
540-84-1	2,2,4-Trimethylpentane
62450-06-0	Tryptophan-P-1
62450-07-1	Tryptophan-P-2
51-79-6	Urethane (Ethyl carbamate)
7440-62-2	Vanadium (fume or dust)
1314-62-1	Vanadium pentoxide
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
100-40-3	4-Vinylcyclohexene
75-02-5	Vinyl fluoride
75-35-4	Vinylidene chloride
1330-20-7	Xylene (mixture), including <i>m</i> -xylene, <i>o</i> -xylene, <i>p</i> -xylene
108-38-3	<i>m</i> -Xylene



OAR 340-245-8020 Table 2 Toxic Air Contaminant Reporting List

CAS# ^a	Chemical Name
95-47-6	<i>o</i> -Xylene
106-42-3	<i>p</i> -Xylene
7440-66-6	Zinc and compounds ^b
1314-13-2	Zinc oxide


NOTE:

- a) CAS# = Chemical Abstracts Service Number
- b) Inorganic chemicals designated with "and compounds" should be reported as the sum of all forms of the chemical, expressed as the inorganic element.
- c) TEQ = toxic equivalency, relative to 2,3,7,8-tetrachlorodibenzo-*p*-dioxin.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155
Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155

OAR 340-245-8030 Table 3

Toxicity Reference Values

 <p style="text-align: center;">OAR 340-245-8030 Table 3 Toxicity Reference Values</p>								
			Toxicity Reference Values (TRVs)					
			Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c	
CAS#	Chemical	Notes	($\mu\text{g}/\text{m}^3$)	Notes	($\mu\text{g}/\text{m}^3$)	Notes	($\mu\text{g}/\text{m}^3$)	Notes
75-07-0	Acetaldehyde		0.45	A	140	O	470	O
60-35-5	Acetamide		0.050	O				
67-64-1	Acetone				31,000	T	62,000	S
75-05-8	Acetonitrile				60	I		
107-02-8	Acrolein				0.35	A	6.9	T
79-06-1	Acrylamide		0.010	I	6.0	I		
79-10-7	Acrylic acid				1.0	I	6,000	O
107-13-1	Acrylonitrile		0.015	A	5.0	O	220	T
309-00-2	Aldrin		0.00020	I				
107-05-1	Allyl chloride		0.17	O	1.0	I		
7429-90-5	Aluminum and compounds	o			5.0	P		
7664-41-7	Ammonia				500	A	1,200	T
62-53-3	Aniline		0.63	O	1.0	I		
7440-36-0	Antimony and compounds	o			0.30	T	1.0	T
140-57-8	Aramite		0.14	I				
7440-38-2	Arsenic and compounds	o	0.00023	A	0.015	O	0.20	S
7784-42-1	Arsine				0.015	O	0.20	O
1332-21-4	Asbestos	k	4.3E-06	I				
103-33-3	Azobenzene		0.032	I				



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
71-43-2	Benzene	j	0.13	A	3.0	O	29	T
92-87-5	Benzidine (and its salts)		7.1E-06	O				
100-44-7	Benzyl chloride		0.020	O	1.0	P	240	O
7440-41-7	Beryllium and compounds	o	0.00042	A	0.0070	O	0.020	S
111-44-4	<i>Bis</i> (2-chloroethyl) ether (DCEE)		0.0014	O			120	Tint
542-88-1	<i>Bis</i> (chloromethyl) ether		7.7E-05	O			1.4	Tint
117-81-7	<i>Bis</i> (2-ethylhexyl) phthalate (DEHP)		0.42	O				
75-25-2	Bromoform		0.91	I				
74-83-9	Bromomethane (Methyl bromide)				5.0	A	3,900	O
106-94-5	1-Bromopropane (<i>n</i> -propyl bromide)		0.48	A	33	T	1,700	T
106-99-0	1,3-Butadiene		0.033	A	2.0	O	660	O
78-93-3	2-Butanone (Methyl ethyl ketone)				5,000	I	5,000	S
78-92-2	<i>sec</i> -Butyl alcohol				30,000	P		
7440-43-9	Cadmium and compounds	o	0.00056	A	0.010	T	0.030	S
105-60-2	Caprolactam				2.2	O	50	O
75-15-0	Carbon disulfide				800	A	6,200	O
56-23-5	Carbon tetrachloride		0.17	A	100	I	1,900	O
463-58-1	Carbonyl sulfide				10	O	660	O
57-74-9	Chlordane	j	0.010	I	0.020	T	0.20	Tint
108171-26-2	Chlorinated paraffins	n	0.040	O				
7782-50-5	Chlorine				0.15	A	170	T



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
10049-04-4	Chlorine dioxide				0.60	O	2.8	Tint
532-27-4	2-Chloroacetophenone				0.030	I		
108-90-7	Chlorobenzene				50	P		
75-68-3	1-Chloro-1,1-difluoroethane				50,000	I		
75-45-6	Chlorodifluoromethane (Freon 22)				50,000	I		
75-00-3	Chloroethane (Ethyl chloride)				30,000	O	40,000	T
67-66-3	Chloroform			A2	300	A	490	T
74-87-3	Chloromethane (Methyl chloride)				90	A	1,000	T
95-83-0	4-Chloro- <i>o</i> -phenylenediamine		0.22	O				
76-06-2	Chloropicrin				0.40	O	29	O
126-99-8	Chloroprene		0.0033	I	20	I		
95-69-2	<i>p</i> -Chloro- <i>o</i> -toluidine		0.013	O				
18540-29-9	Chromium VI, chromate and dichromate particulate	d	8.3E-05	A	0.20	O	0.30	S
18540-29-9	Chromium VI, chromic acid aerosol mist	d	8.3E-05	A	0.0050	T	0.0050	S
7440-48-4	Cobalt and compounds	o		A2	0.10	A		
	Coke Oven Emissions		0.0016	I				
7440-50-8	Copper and compounds	o					100	O
120-71-8	<i>p</i> -Cresidine		0.023	O				



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
1319-77-3	Cresols (mixture), including <i>m</i> -cresol, <i>o</i> -cresol, <i>p</i> -cresol				600	O		
135-20-6	Cupferron		0.016	O				
74-90-8	Cyanide, Hydrogen				0.80	A	340	O
110-82-7	Cyclohexane				6,000	I		
50-29-3	DDT	e	0.010	I				
615-05-4	2,4-Diaminoanisole		0.15	O				
95-80-7	2,4-Diaminotoluene (2,4-Toluene diamine)		0.00091	O				
333-41-5	Diazinon						10	Tint
96-12-8	1,2-Dibromo-3-chloropropane (DBCP)		0.00017	P	0.20	I	1.9	Tint
106-46-7	<i>p</i> -Dichlorobenzene (1,4-Dichlorobenzene)		0.091	A	60	T	12,000	T
91-94-1	3,3'-Dichlorobenzidine		0.0029	O				
75-34-3	1,1-Dichloroethane (Ethylidene dichloride)		0.63	O				
156-60-5	<i>trans</i> -1,2-dichloroethene						790	T
75-09-2	Dichloromethane (Methylene chloride)		100	A	600	I	2,100	T
78-87-5	1,2-Dichloropropane (Propylene dichloride)				4.0	I	230	T
542-75-6	1,3-Dichloropropene		0.25	A	32	T	36	Tint
62-73-7	Dichlorovos (DDVP)				0.54	T	18	T
60-57-1	Dieldrin		0.00022	I				
	Diesel Particulate Matter		0.10	A	5.0	O		



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
111-42-2	Diethanolamine				0.20	P		
112-34-5	Diethylene glycol monobutyl ether				0.10	P		
111-90-0	Diethylene glycol monoethyl ether				0.30	P		
75-37-6	1,1-Difluoroethane				40,000	I		
60-11-7	4-Dimethylaminoazobenzene		0.00077	O				
68-12-2	Dimethyl formamide				80	O		
57-14-7	1,1-Dimethylhydrazine						0.49	Tint
121-14-2	2,4-Dinitrotoluene		0.011	O				
123-91-1	1,4-Dioxane		0.20	I	30	I	7,200	T
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene)		0.0045	I				
1937-37-7	Direct Black 38		7.1E-06	O				
2602-46-2	Direct Blue 6		7.1E-06	O				
16071-86-6	Direct Brown 95 (technical grade)		7.1E-06	O				
298-04-4	Disulfoton						6.0	T
106-89-8	Epichlorohydrin		0.043	O	3.0	O	1,300	O
106-88-7	1,2-Epoxybutane				20	O		
140-88-5	Ethyl acrylate				8.0	P		
100-41-4	Ethyl benzene		0.40	A	260	T	22,000	T
106-93-4	Ethylene dibromide (EDB, 1,2-Dibromoethane)		0.0017	A	9.0	I		
107-06-2	Ethylene dichloride (EDC, 1,2-Dichloroethane)		0.038	A	7.0	P		



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
107-21-1	Ethylene glycol				400	O	2,000	T
111-76-2	Ethylene glycol monobutyl ether				82	O	29,000	T
110-80-5	Ethylene glycol monoethyl ether				70	O	370	O
111-15-9	Ethylene glycol monoethyl ether acetate				60	P	140	O
109-86-4	Ethylene glycol monomethyl ether				60	O	93	O
110-49-6	Ethylene glycol monomethyl ether acetate				1.0	P		
75-21-8	Ethylene oxide		0.00033	A	30	O	160	Tint
96-45-7	Ethylene thiourea		0.077	O				
	Fluorides				13	A	240	O
7782-41-4	Fluorine gas						16	T
50-00-0	Formaldehyde		0.17	A	9.0	O	49	T
111-30-8	Glutaraldehyde				0.080	O	4.1	T
76-44-8	Heptachlor		0.00077	I				
1024-57-3	Heptachlor epoxide		0.00038	I				
118-74-1	Hexachlorobenzene		0.0020	O				
87-68-3	Hexachlorobutadiene		0.045	I				
608-73-1	Hexachlorocyclohexanes (mixture) including but not limited to:		0.00091	O				
319-84-6	Hexachlorocyclohexane, <i>alpha</i> -		0.00091	O				



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
319-85-7	Hexachlorocyclohexane, <i>beta</i> -		0.00091	O				
58-89-9	Hexachlorocyclohexane, <i>gamma</i> - (Lindane)		0.0032	O				
77-47-4	Hexachlorocyclopentadiene				0.20	I	110	Tint
67-72-1	Hexachloroethane				30	I	58,000	T
822-06-0	Hexamethylene-1,6-diisocyanate				0.069	T	0.21	Tint
110-54-3	Hexane				700	A		
302-01-2	Hydrazine		0.00020	O	0.030	P	5.2	Tint
7647-01-0	Hydrochloric acid				20	A	2,100	O
7664-39-3	Hydrogen fluoride				13	A	16	T
7783-06-4	Hydrogen sulfide				2.0	A	98	S
78-59-1	Isophorone				2,000	O		
67-63-0	Isopropyl alcohol				200	P	3,200	O
98-82-8	Isopropylbenzene (Cumene)				400	I		
7439-92-1	Lead and compounds	o		A2	0.15	A	0.15	S
108-31-6	Maleic anhydride				0.70	O		
7439-96-5	Manganese and compounds	o			0.090	A	0.30	S
7439-97-6	Mercury and compounds	o			0.30	A	0.60	O
67-56-1	Methanol				4,000	A	28,000	O
101-14-4	4,4'-Methylene <i>bis</i> (2-chloroaniline) (MOCA)		0.0023	O				
101-77-9	4,4'-Methylenedianiline (and its dichloride)		0.0022	O	20	O		



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
101-68-8	Methylene diphenyl diisocyanate (MDI)				0.080	O	12	O
108-10-1	Methyl isobutyl ketone (MIBK, Hexone)				3,000	I		
624-83-9	Methyl isocyanate				1.0	O		
80-62-6	Methyl methacrylate				700	I		
1634-04-4	Methyl <i>tert</i> -butyl ether		3.8	O	8,000	O	8,000	O
90-94-8	Michler's ketone		0.0040	O				
91-20-3	Naphthalene		0.029	A	3.7	T	200	S
	Nickel compounds, insoluble	f	0.0038	A	0.014	O	0.20	O
	Nickel compounds, soluble	f		A2	0.014	A	0.20	O
7697-37-2	Nitric acid						86	O
98-95-3	Nitrobenzene		0.025	I	9.0	I		
79-46-9	2-Nitropropane				20	I		
924-16-3	<i>N</i> -Nitrosodi- <i>n</i> -butylamine		0.00032	O				
55-18-5	<i>N</i> -Nitrosodiethylamine		1.0E-04	O				
62-75-9	<i>N</i> -Nitrosodimethylamine		0.00022	O				
86-30-6	<i>N</i> -Nitrosodiphenylamine		0.38	O				
156-10-5	<i>p</i> -Nitrosodiphenylamine		0.16	O				
621-64-7	<i>N</i> -Nitrosodi- <i>n</i> -propylamine		0.00050	O				
10595-95-6	<i>N</i> -Nitrosomethylethylamine		0.00016	O				
59-89-2	<i>N</i> -Nitrosomorpholine		0.00053	O				
100-75-4	<i>N</i> -Nitrosopiperidine		0.00037	O				



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
930-55-2	N-Nitrosopyrrolidine		0.0017	O				
8014-95-7	Oleum (fuming sulfuric acid)						120	O
56-38-2	Parathion						0.020	Tint
87-86-5	Pentachlorophenol		0.20	O				
108-95-2	Phenol				200	O	5,800	O
75-44-5	Phosgene				0.30	A	4.0	O
7803-51-2	Phosphine				0.80	A		
7664-38-2	Phosphoric acid				10	A		
12185-10-3	Phosphorus, white				9.0	A	20	T
85-44-9	Phthalic anhydride				20	O		
	Polybrominated diphenyl ethers (PBDEs)	g					6.0	Tint
1336-36-3	Polychlorinated biphenyls (PCBs)		0.010	A				
	Polychlorinated biphenyls (PCBs) TEQ	h	2.6E-08	A1	4.E-05	O		
32598-13-3	PCB 77 [3,3',4,4'-tetrachlorobiphenyl]	h	0.00026	A1	0.40	O		
70362-50-4	PCB 81 [3,4,4',5-tetrachlorobiphenyl]	h	8.8E-05	A1	0.13	O		
32598-14-4	PCB 105 [2,3,3',4,4'-pentachlorobiphenyl]	h	0.00088	A1	1.3	O		
74472-37-0	PCB 114 [2,3,4,4',5-pentachlorobiphenyl]	h	0.00088	A1	1.3	O		
31508-00-6	PCB 118 [2,3',4,4',5-pentachlorobiphenyl]	h	0.00088	A1	1.3	O		



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
65510-44-3	PCB 123 [2,3',4,4',5'-pentachlorobiphenyl]	h	0.00088	A1	1.3	O		
57465-28-8	PCB 126 [3,3',4,4',5'-pentachlorobiphenyl]	h	2.6E-07	A1	0.00040	O		
38380-08-4	PCB 156 [2,3,3',4,4',5'-hexachlorobiphenyl]	h	0.00088	A1	1.3	O		
69782-90-7	PCB 157 [2,3,3',4,4',5'-hexachlorobiphenyl]	h	0.00088	A1	1.3	O		
52663-72-6	PCB 167 [2,3',4,4',5,5'-hexachlorobiphenyl]	h	0.00088	A1	1.3	O		
32774-16-6	PCB 169 [3,3',4,4',5,5'-hexachlorobiphenyl]	h	8.8E-07	A1	0.0013	O		
39635-31-9	PCB 189 [2,3,3',4,4',5,5'-heptachlorobiphenyl]	h	0.00088	A1	1.3	O		
	Polychlorinated dibenzo- <i>p</i> -dioxins (PCDDs) & dibenzofurans (PCDFs) TEQ	h	2.6E-08	A1	4.0E-05	O		
1746-01-6	2,3,7,8-Tetrachlorodibenzo- <i>p</i> -dioxin (TCDD)		2.6E-08	A	4.0E-05	O		
40321-76-4	1,2,3,7,8-Pentachlorodibenzo- <i>p</i> -dioxin (PeCDD)	h	2.6E-08	A1	4.0E-05	O		
39227-28-6	1,2,3,4,7,8-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)	h	2.6E-07	A1	0.00040	O		
57653-85-7	1,2,3,6,7,8-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)	h	2.6E-07	A1	0.00040	O		



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
19408-74-3	1,2,3,7,8,9-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)	h	2.6E-07	A1	0.00040	O		
35822-46-9	1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin (HpCDD)	h	2.6E-06	A1	0.0040	O		
3268-87-9	Octachlorodibenzo- <i>p</i> -dioxin (OCDD)	h	8.8E-05	A1	0.13	O		
51207-31-9	2,3,7,8-Tetrachlorodibenzofuran (TcDF)	h	2.6E-07	A1	0.00040	O		
57117-41-6	1,2,3,7,8-Pentachlorodibenzofuran (PeCDF)	h	8.8E-07	A1	0.0013	O		
57117-31-4	2,3,4,7,8-Pentachlorodibenzofuran (PeCDF)	h	8.8E-08	A1	0.00013	O		
70648-26-9	1,2,3,4,7,8-Hexachlorodibenzofuran (HxCDF)	h	2.6E-07	A1	0.00040	O		
57117-44-9	1,2,3,6,7,8-Hexachlorodibenzofuran (HxCDF)	h	2.6E-07	A1	0.00040	O		
72918-21-9	1,2,3,7,8,9-Hexachlorodibenzofuran (HxCDF)	h	2.6E-07	A1	0.00040	O		
60851-34-5	2,3,4,6,7,8-Hexachlorodibenzofuran (HxCDF)	h	2.6E-07	A1	0.00040	O		



OAR 340-245-8030 Table 3 Toxicity Reference Values

			Toxicity Reference Values (TRVs)					
			Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c	
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
67562-39-4	1,2,3,4,6,7,8-Heptachlorodibenzofuran (HpCDF)	h	2.6E-06	A1	0.0040	O		
55673-89-7	1,2,3,4,7,8,9-Heptachlorodibenzofuran (HpCDF)	h	2.6E-06	A1	0.0040	O		
39001-02-0	Octachlorodibenzofuran (OCDF)	h	8.8E-05	A1	0.13	O		
	Polycyclic aromatic hydrocarbons (PAHs)		0.0017	A				
191-26-4	Anthanthrene	i	0.0042	A1				
56-55-3	Benz[a]anthracene	i	0.0083	A1				
50-32-8	Benzo[a]pyrene	m	0.0017	A	0.0020	I	0.0020	I
205-99-2	Benzo[b]fluoranthene	i	0.0021	A1				
205-12-9	Benzo[c]fluorene	i	8.3E-05	A1				
191-24-2	Benzo[g,h,i]perylene	i	0.19	A1				
205-82-3	Benzo[j]fluoranthene	i	0.0056	A1				
207-08-9	Benzo[k]fluoranthene	i	0.056	A1				
218-01-9	Chrysene	i	0.017	A1				
27208-37-3	Cyclopenta[c,d]pyrene	i	0.0042	A1				
53-70-3	Dibenz[a,h]anthracene	i	0.00017	A1				
192-65-4	Dibenzo[a,e]pyrene	i	0.0042	A1				
189-64-0	Dibenzo[a,h]pyrene	i	0.0019	A1				
189-55-9	Dibenzo[a,i]pyrene	i	0.0028	A1				
191-30-0	Dibenzo[a,l]pyrene	i	5.6E-05	A1				
206-44-0	Fluoranthene	i	0.021	A1				



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
193-39-5	Indeno[1,2,3-cd]pyrene	i	0.024	A1				
3697-24-3	5-Methylchrysene	i	0.0017	A1				
7496-02-8	6-Nitrochrysene	i	0.00017	A1				
7758-01-2	Potassium bromate		0.0071	O				
1120-71-4	1,3-Propane sultone		0.0014	O				
123-38-6	Propionaldehyde				8.0	I		
115-07-1	Propylene				3,000	O		
6423-43-4	Propylene glycol dinitrate				0.27	T	20	T
107-98-2	Propylene glycol monomethyl ether				7,000	O		
75-56-9	Propylene oxide		0.27	O	30	O	3,100	O
	Refractory Ceramic Fibers	k			0.030	T		
7783-07-5	Selenide, hydrogen						5.0	O
7782-49-2	Selenium and compounds	j, o				A3	2.0	S
7631-86-9	Silica, crystalline (respirable)				3.0	O		
1310-73-2	Sodium hydroxide						8.0	O
100-42-5	Styrene				1,000	A	21,000	S
7664-93-9	Sulfuric acid				1.0	O	120	O
505-60-2	Sulfur Mustard						0.70	T
7446-71-9	Sulfur trioxide				1.0	O	120	O
630-20-6	1,1,1,2-Tetrachloroethane		0.14	I				
79-34-5	1,1,2,2-Tetrachloroethane		0.017	O				
127-18-4	Tetrachloroethene (Perchloroethylene)		3.8	A	41	T	41	T



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
811-97-2	1,1,1,2-Tetrafluoroethane				80,000	I		
62-55-5	Thioacetamide		0.00059	O				
7550-45-0	Titanium tetrachloride				0.10	T	10	Tint
108-88-3	Toluene				5,000	A	7,500	T
26471-62-5	Toluene diisocyanates (2,4- and 2,6-)		0.091	O	0.021	A	0.071	T
8001-35-2	Toxaphene (Polychlorinated camphenes)		0.0031	I				
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)				5,000	A	11,000	T
79-00-5	1,1,2-Trichloroethane (Vinyl trichloride)		0.063	O				
79-01-6	Trichloroethene (TCE, Trichloroethylene)		0.24	A	2.1	T	2.1	Tint
88-06-2	2,4,6-Trichlorophenol		0.050	O				
96-18-4	1,2,3-Trichloropropane				0.30	I	1.8	T
121-44-8	Triethylamine				200	O	2,800	O
526-73-8	1,2,3-Trimethylbenzene				60	I		
95-63-6	1,2,4-Trimethylbenzene				60	I		
108-67-8	1,3,5-Trimethylbenzene				60	I		
51-79-6	Urethane (Ethyl carbamate)		0.0034	O				
7440-62-2	Vanadium (fume or dust)				0.10	T	0.80	T
1314-62-1	Vanadium pentoxide		0.00012	P	0.0070	P	30	O
108-05-4	Vinyl acetate	j			200	O	200	I
593-60-2	Vinyl bromide				3.0	I		



OAR 340-245-8030 Table 3 Toxicity Reference Values

		Toxicity Reference Values (TRVs)						
		Chronic Cancer ^a		Chronic Noncancer ^b		Acute Noncancer ^c		
CAS#	Chemical	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes	(µg/m ³)	Notes
75-01-4	Vinyl chloride		0.11	I	100	I	1,300	T
75-35-4	Vinylidene chloride	j			200	I	200	I
1330-20-7	Xylene (mixture), including <i>m</i> -xylene, <i>o</i> -xylene, <i>p</i> -xylene				220	A	8,700	T

Notes:

- a TRV based on a 1 in 1 million excess cancer risk.
 $TRV = 1 \times 10^{-6} / IUR$, where IUR = chemical-specific inhalation unit risk value [(µg/m³)⁻¹].
- b TRV based on chronic non-cancer value from authoritative sources (µg/m³).
- c TRV based on acute or subchronic non-cancer value from authoritative sources (µg/m³).
- d The TRVs presented for chromium are applicable to hexavalent chromium.
- e DDT TRVs apply to the sum of DDT, DDE, and DDD compounds.
- f As recommended by the ATSAC in 2018, the two categories of nickel compounds contain the following specific nickel compounds:
Soluble nickel compounds are considered to be emitted mainly in aerosol form, to be less potent carcinogens than insoluble nickel compounds, and include nickel acetate, nickel chloride, nickel carbonate, nickel hydroxide, nickelocene, nickel sulfate, nickel sulfate hexahydrate, nickel nitrate hexahydrate, nickel carbonate hydroxide.
Insoluble nickel compounds are considered to be emitted mainly in particulate form, to be more potent carcinogens than soluble nickel compounds, and to include nickel subsulfide, nickel oxide, nickel sulfide, nickel metal.
- g TRVs apply to octabrominated diphenyl ethers (CAS# 32536-52-0) and pentabrominated diphenyl ethers (CAS# 32534-81-9), including BDE-99.
- h TRV for chronic cancer calculated by applying toxicity equivalency factor to 2,3,7,8-TCDD TRV.
- i TRV for chronic cancer calculated by applying toxicity equivalency factor to benzo[a]pyrene TRV.
- j If the short-term toxicity reference value is lower than the chronic noncancer toxicity reference value, the chronic noncancer toxicity reference value was used for the short-term toxicity reference value because chronic noncancer toxicity reference values are generally more reliable.
- k TRVs for asbestos and refractory ceramic fibers are in units of fibers/cm³.
- m Because benzo[a]pyrene can cause developmental effects, the chronic noncancer TRV is also used as the acute noncancer TRV.
- n Chlorinated paraffins of average chain length of C12, approximately 60% chlorine by weight.
- o An inorganic chemical designated with "and compounds" indicates that the TRV applies to the sum of all forms of the chemical, expressed as the inorganic element.

Legend:

A = ATSAC, DEQ Air Toxics Science Advisory Committee, 2018.

A1 = ATSAC, 2018. TRV for cancer calculated by applying toxic equivalency factor.

A2 = Because the ATSAC decided it was inappropriate to develop an ABC based on carcinogenic effects, DEQ did not obtain a cancer TRV from the other authoritative sources.

A3 = Because the ATSAC decided it was inappropriate to develop an ABC based on noncarcinogenic effects, DEQ did not obtain a TRV from the other authoritative sources.

CAS# = Chemical Abstracts Service number

I = IRIS, EPA integrated risk information system

O = OEHHA, California Environmental Protection Agency, Office of Environmental Health Hazard Assessment

P = PPRTV, EPA preliminary peer reviewed toxicity value

S = SGC, DEQ short-term guideline concentration

T = ATSDR, U.S. Agency for Toxic Substances and Disease Registry

TEQ = toxic equivalency, relative to 2,3,7,8-tetrachlorodibenzo-*p*-dioxin.

Tint = ATSDR, intermediate minimal risk level


TRV = toxicity reference value

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155

Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155

340-245-8040 Table 4

Risk-Based Concentrations

 <p style="text-align: center;">OAR 340-245-8040 Table 4 Risk-Based Concentrations</p>									
CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
75-07-0	Acetaldehyde		0.45	140	12	620	5.5	620	470
60-35-5	Acetamide		0.050		1.3		0.60		
67-64-1	Acetone			31,000		140,000		140,000	62,000
75-05-8	Acetonitrile			60		260		260	
107-02-8	Acrolein			0.35		1.5		1.5	6.9
79-06-1	Acrylamide	g	0.0059	6.0	0.062	26	0.12	26	
79-10-7	Acrylic acid			1.0		4.4		4.4	6,000
107-13-1	Acrylonitrile		0.015	5.0	0.38	22	0.18	22	220
309-00-2	Aldrin		0.00020		0.0053		0.0024		
107-05-1	Allyl chloride		0.17	1.0	4.3	4.4	2.0	4.4	
7429-90-5	Aluminum and compounds	l		5.0		22		22	
7664-41-7	Ammonia			500		2,200		2,200	1,200
62-53-3	Aniline		0.63	1.0	16	4.4	7.5	4.4	
7440-36-0	Antimony and compounds	l		0.30		1.3		1.3	
140-57-8	Aramite		0.14		3.7		1.7		
7440-38-2	Arsenic and compounds	l	2.4E-05	0.00017	0.0013	0.0024	0.00062	0.0024	0.20
7784-42-1	Arsine			0.015		0.066		0.066	0.20
1332-21-4	Asbestos	i	4.3E-06		0.00011		5.2E-05		
103-33-3	Azobenzene		0.032		0.84		0.39		
71-43-2	Benzene		0.13	3.0	3.3	13	1.5	13	29
92-87-5	Benzidine (and its salts)	g	4.2E-06		4.4E-05		8.6E-05		
100-44-7	Benzyl chloride		0.020	1.0	0.53	4.4	0.24	4.4	240
7440-41-7	Beryllium and compounds	l	0.00042	0.0070	0.011	0.031	0.0050	0.031	0.020
111-44-4	Bis(2-chloroethyl) ether (DCEE)		0.0014		0.037		0.017		120



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
542-88-1	Bis(chloromethyl) ether		7.7E-05		0.0020		0.00092		1.4
117-81-7	Bis(2-ethylhexyl) phthalate (DEHP)	c	0.080		11		5.0		
75-25-2	Bromoform		0.91		24		11		
74-83-9	Bromomethane (Methyl bromide)			5.0		22		22	3,900
106-94-5	1-Bromopropane (n-propyl bromide)		0.48	33	12	150	5.7	150	1,700
106-99-0	1,3-Butadiene		0.033	2.0	0.86	8.8	0.40	8.8	660
78-93-3	2-Butanone (Methyl ethyl ketone)			5,000		22,000		22,000	5,000
78-92-2	sec-Butyl alcohol			30,000		130,000		130,000	
7440-43-9	Cadmium and compounds	c, l	0.00056	0.0050	0.014	0.037	0.0067	0.037	0.030
105-60-2	Caprolactam			2.2		9.7		9.7	50
75-15-0	Carbon disulfide			800		3,500		3,500	6,200
56-23-5	Carbon tetrachloride		0.17	100	4.3	440	2.0	440	1,900
463-58-1	Carbonyl sulfide			10		44		44	660
57-74-9	Chlordane		0.010	0.020	0.26	0.088	0.12	0.088	0.20
108171-26-2	Chlorinated paraffins	j	0.040		1.0		0.48		
7782-50-5	Chlorine			0.15		0.66		0.66	170
10049-04-4	Chlorine dioxide			0.60		2.6		2.6	2.8
532-27-4	2-Chloroacetophenone			0.030		0.13		0.13	
108-90-7	Chlorobenzene			50		220		220	
75-68-3	1-Chloro-1,1-difluoroethane			50,000		220,000		220,000	
75-45-6	Chlorodifluoromethane (Freon 22)			50,000		220,000		220,000	
75-00-3	Chloroethane (Ethyl chloride)			30,000		130,000		130,000	40,000
67-66-3	Chloroform			300		1,300		1,300	490



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
74-87-3	Chloromethane (Methyl chloride)			90		400		400	1,000
95-83-0	4-Chloro- <i>o</i> -phenylenediamine		0.22		5.7		2.6		
76-06-2	Chloropicrin			0.40		1.8		1.8	29
126-99-8	Chloroprene		0.0033	20	0.087	88	0.040	88	
95-69-2	<i>p</i> -Chloro- <i>o</i> -toluidine		0.013		0.34		0.16		
18540-29-9	Chromium VI, chromate and dichromate particulate	c, d	3.1E-05	0.083	0.00052	0.88	0.0010	0.88	0.30
18540-29-9	Chromium VI, chromic acid aerosol mist	c, d	3.1E-05	0.0021	0.00052	0.022	0.0010	0.022	0.0050
7440-48-4	Cobalt and compounds	l		0.10		0.44		0.44	
	Coke Oven Emissions	g	0.00095		0.0100		0.019		
7440-50-8	Copper and compounds	l							100
120-71-8	<i>p</i> -Cresidine		0.023		0.60		0.28		
1319-77-3	Cresols (mixture), including <i>m</i> -cresol, <i>o</i> -cresol, <i>p</i> -cresol			600		2,600		2,600	
135-20-6	Cupferron		0.016		0.41		0.19		
74-90-8	Cyanide, Hydrogen			0.80		3.5		3.5	340
110-82-7	Cyclohexane			6,000		26,000		26,000	
50-29-3	DDT	e	0.010		0.27		0.12		
615-05-4	2,4-Diaminoanisole		0.15		3.9		1.8		
95-80-7	2,4-Diaminotoluene (2,4-Toluene diamine)		0.00091		0.024		0.011		
333-41-5	Diazinon								10
96-12-8	1,2-Dibromo-3-chloropropane (DBCP)	g	9.8E-05	0.20	0.0010	0.88	0.0020	0.88	1.9
106-46-7	<i>p</i> -Dichlorobenzene (1,4-Dichlorobenzene)		0.091	60	2.4	260	1.1	260	12,000
91-94-1	3,3'-Dichlorobenzidine		0.0029		0.076		0.035		



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
75-34-3	1,1-Dichloroethane (Ethylidene dichloride)		0.63		16		7.5		
156-60-5	<i>trans</i> -1,2-dichloroethene								790
75-09-2	Dichloromethane (Methylene chloride)		59	600	620	2,600	1,200	2,600	2,100
78-87-5	1,2-Dichloropropane (Propylene dichloride)			4.0		18		18	230
542-75-6	1,3-Dichloropropene		0.25	32	6.5	140	3.0	140	36
62-73-7	Dichlorovos (DDVP)			0.54		2.4		2.4	18
60-57-1	Dieldrin		0.00022		0.0057		0.0026		
	Diesel Particulate Matter		0.10	5.0	2.6	22	1.2	22	
111-42-2	Diethanolamine			0.20		0.88		0.88	
112-34-5	Diethylene glycol monobutyl ether			0.10		0.44		0.44	
111-90-0	Diethylene glycol monoethyl ether			0.30		1.3		1.3	
75-37-6	1,1-Difluoroethane			40,000		180,000		180,000	
60-11-7	4-Dimethylaminoazobenzene		0.00077		0.020		0.0092		
68-12-2	Dimethyl formamide			80		350		350	
57-14-7	1,1-Dimethylhydrazine								0.49
121-14-2	2,4-Dinitrotoluene		0.011		0.29		0.13		
123-91-1	1,4-Dioxane		0.20	30	5.2	130	2.4	130	7,200
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene)		0.0045		0.12		0.055		
1937-37-7	Direct Black 38		7.1E-06		0.00019		8.6E-05		
2602-46-2	Direct Blue 6		7.1E-06		0.00019		8.6E-05		
16071-86-6	Direct Brown 95 (technical grade)		7.1E-06		0.00019		8.6E-05		
298-04-4	Disulfoton								6.0
106-89-8	Epichlorohydrin		0.043	3.0	1.1	13	0.52	13	1,300



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
106-88-7	1,2-Epoxybutane			20		88		88	
140-88-5	Ethyl acrylate			8.0		35		35	
100-41-4	Ethyl benzene		0.40	260	10	1,100	4.8	1,100	22,000
106-93-4	Ethylene dibromide (EDB, 1,2-Dibromoethane)		0.0017	9.0	0.043	40	0.020	40	
107-06-2	Ethylene dichloride (EDC, 1,2-Dichloroethane)		0.038	7.0	1.0	31	0.46	31	
107-21-1	Ethylene glycol			400		1,800		1,800	2,000
111-76-2	Ethylene glycol monobutyl ether			82		360		360	29,000
110-80-5	Ethylene glycol monoethyl ether			70		310		310	370
111-15-9	Ethylene glycol monoethyl ether acetate			60		260		260	140
109-86-4	Ethylene glycol monomethyl ether			60		260		260	93
110-49-6	Ethylene glycol monomethyl ether acetate			1.0		4.4		4.4	
75-21-8	Ethylene oxide	g	0.00020	30	0.0021	130	0.0040	130	160
96-45-7	Ethylene thiourea		0.077		2.0		0.92		
	Fluorides	c		2.3		20		20	240
7782-41-4	Fluorine gas								16
50-00-0	Formaldehyde		0.17	9.0	4.3	40	2.0	40	49
111-30-8	Glutaraldehyde			0.080		0.35		0.35	4.1
76-44-8	Heptachlor		0.00077		0.020		0.0092		
1024-57-3	Heptachlor epoxide		0.00038		0.010		0.0046		
118-74-1	Hexachlorobenzene		0.0020		0.051		0.024		
87-68-3	Hexachlorobutadiene		0.045		1.2		0.55		
608-73-1	Hexachlorocyclohexanes (mixture) including but not limited to:	c	0.00017		0.018		0.0084		



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
319-84-6	Hexachlorocyclohexane, <i>alpha</i> -	c	0.00017		0.018		0.0084		
319-85-7	Hexachlorocyclohexane, <i>beta</i> -	c	0.00017		0.018		0.0084		
58-89-9	Hexachlorocyclohexane, <i>gamma</i> - (Lindane)	c	0.00060		0.065		0.030		
77-47-4	Hexachlorocyclopentadiene			0.20		0.88		0.88	110
67-72-1	Hexachloroethane			30		130		130	58,000
822-06-0	Hexamethylene-1,6-diisocyanate			0.069		0.30		0.30	0.21
110-54-3	Hexane			700		3,100		3,100	
302-01-2	Hydrazine		0.00020	0.030	0.0053	0.13	0.0024	0.13	5.2
7647-01-0	Hydrochloric acid			20		88		88	2,100
7664-39-3	Hydrogen fluoride	c		2.1		19		19	16
7783-06-4	Hydrogen sulfide			2.0		8.8		8.8	98
78-59-1	Isophorone			2,000		8,800		8,800	
67-63-0	Isopropyl alcohol			200		880		880	3,200
98-82-8	Isopropylbenzene (Cumene)			400		1,800		1,800	
7439-92-1	Lead and compounds	c, l		0.15		0.66		0.66	0.15
108-31-6	Maleic anhydride			0.70		3.1		3.1	
7439-96-5	Manganese and compounds	l		0.090		0.40		0.40	0.30
7439-97-6	Mercury and compounds	c, l		0.077		0.63		0.63	0.60
67-56-1	Methanol			4,000		18,000		18,000	28,000
101-14-4	4,4'-Methylene bis(2-chloroaniline) (MOCA)		0.0023		0.060		0.028		
101-77-9	4,4'-Methylenedianiline (and its dichloride)		0.00030	20	0.023	88	0.010	88	
101-68-8	Methylene diphenyl diisocyanate (MDI)			0.080		0.35		0.35	12



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
108-10-1	Methyl isobutyl ketone (MIBK, Hexone)			3,000		13,000		13,000	
624-83-9	Methyl isocyanate			1.0		4.4		4.4	
80-62-6	Methyl methacrylate			700		3,100		3,100	
1634-04-4	Methyl <i>tert</i> -butyl ether		3.8	8,000	100	35,000	46	35,000	8,000
90-94-8	Michler's ketone		0.0040		0.10		0.048		
91-20-3	Naphthalene	c	0.029	3.7	0.76	16	0.35	16	200
	Nickel compounds, insoluble	f	0.0038	0.014	0.10	0.062	0.046	0.062	0.20
	Nickel compounds, soluble	f		0.014		0.062		0.062	0.20
7697-37-2	Nitric acid								86
98-95-3	Nitrobenzene		0.025	9.0	0.65	40	0.30	40	
79-46-9	2-Nitropropane			20		88		88	
924-16-3	<i>N</i> -Nitrosodi- <i>n</i> -butylamine		0.00032		0.0084		0.0039		
55-18-5	<i>N</i> -Nitrosodiethylamine	g	5.9E-05		0.00062		0.0012		
62-75-9	<i>N</i> -Nitrosodimethylamine	g	0.00013		0.0013		0.0026		
86-30-6	<i>N</i> -Nitrosodiphenylamine		0.38		10		4.6		
156-10-5	<i>p</i> -Nitrosodiphenylamine		0.16		4.1		1.9		
621-64-7	<i>N</i> -Nitrosodi- <i>n</i> -propylamine		0.00050		0.013		0.0060		
10595-95-6	<i>N</i> -Nitrosomethylethylamine		0.00016		0.0041		0.0019		
59-89-2	<i>N</i> -Nitrosomorpholine		0.00053		0.014		0.0063		
100-75-4	<i>N</i> -Nitrosopiperidine		0.00037		0.0096		0.0044		
930-55-2	<i>N</i> -Nitrosopyrrolidine		0.0017		0.043		0.020		
8014-95-7	Oleum (fuming sulfuric acid)								120
56-38-2	Parathion								0.020
87-86-5	Pentachlorophenol		0.20		5.1		2.4		
108-95-2	Phenol			200		880		880	5,800
75-44-5	Phosgene			0.30		1.3		1.3	4.0



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
7803-51-2	Phosphine			0.80		3.5		3.5	
7664-38-2	Phosphoric acid			10		44		44	
12185-10-3	Phosphorus, white			9.0		40		40	20
85-44-9	Phthalic anhydride			20		88		88	
	Polybrominated diphenyl ethers (PBDEs)	h							6.0
1336-36-3	Polychlorinated biphenyls (PCBs)	c	0.00053		0.020		0.0092		
	Polychlorinated biphenyls (PCBs) TEQ	c	1.0E-09	1.3E-07	9.0E-08	2.6E-05	4.2E-08	2.6E-05	
32598-13-3	PCB 77 [3,3',4,4'-tetrachlorobiphenyl]	c	1.0E-05	0.0013	0.00090	0.26	0.00042	0.26	
70362-50-4	PCB 81 [3,4,4',5-tetrachlorobiphenyl]	c	3.4E-06	0.00042	0.00030	0.085	0.00014	0.085	
32598-14-4	PCB 105 [2,3,3',4,4'-pentachlorobiphenyl]	c	3.4E-05	0.0042	0.0030	0.85	0.0014	0.85	
74472-37-0	PCB 114 [2,3,4,4',5-pentachlorobiphenyl]	c	3.4E-05	0.0042	0.0030	0.85	0.0014	0.85	
31508-00-6	PCB 118 [2,3',4,4',5-pentachlorobiphenyl]	c	3.4E-05	0.0042	0.0030	0.85	0.0014	0.85	
65510-44-3	PCB 123 [2,3',4,4',5'-pentachlorobiphenyl]	c	3.4E-05	0.0042	0.0030	0.85	0.0014	0.85	
57465-28-8	PCB 126 [3,3',4,4',5-pentachlorobiphenyl]	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	
38380-08-4	PCB 156 [2,3,3',4,4',5-hexachlorobiphenyl]	c	3.4E-05	0.0042	0.0030	0.85	0.0014	0.85	
69782-90-7	PCB 157 [2,3,3',4,4',5'-hexachlorobiphenyl]	c	3.4E-05	0.0042	0.0030	0.85	0.0014	0.85	
52663-72-6	PCB 167 [2,3',4,4',5,5'-hexachlorobiphenyl]	c	3.4E-05	0.0042	0.0030	0.85	0.0014	0.85	
32774-16-6	PCB 169 [3,3',4,4',5,5'-hexachlorobiphenyl]	c	3.4E-08	4.2E-06	3.0E-06	0.00085	1.4E-06	0.00085	
39635-31-9	PCB 189 [2,3,3',4,4',5,5'-heptachlorobiphenyl]	c	0.00088	1.3	0.023	5.7	0.011	5.7	



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
	Polychlorinated dibenzo- <i>p</i> -dioxins (PCDDs) & dibenzofurans (PCDFs) TEQ	c	1.0E-09	1.3E-07	9.0E-08	2.6E-05	4.2E-08	2.6E-05	
1746-01-6	2,3,7,8-Tetrachlorodibenzo- <i>p</i> -dioxin (TCDD)	c	1.0E-09	1.3E-07	9.0E-08	2.6E-05	4.2E-08	2.6E-05	
40321-76-4	1,2,3,7,8-Pentachlorodibenzo- <i>p</i> -dioxin (PeCDD)	c	1.0E-09	1.3E-07	9.0E-08	2.6E-05	4.2E-08	2.6E-05	
39227-28-6	1,2,3,4,7,8-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	
57653-85-7	1,2,3,6,7,8-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	
19408-74-3	1,2,3,7,8,9-Hexachlorodibenzo- <i>p</i> -dioxin (HxCDD)	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	
35822-46-9	1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin (HpCDD)	c	1.0E-07	1.3E-05	9.0E-06	0.0026	4.2E-06	0.0026	
3268-87-9	Octachlorodibenzo- <i>p</i> -dioxin (OCDD)	c	3.4E-06	0.00042	0.00030	0.085	0.00014	0.085	
51207-31-9	2,3,7,8-Tetrachlorodibenzofuran (TcDF)	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	
57117-41-6	1,2,3,7,8-Pentachlorodibenzofuran (PeCDF)	c	3.4E-08	4.2E-06	3.0E-06	0.00085	1.4E-06	0.00085	
57117-31-4	2,3,4,7,8-Pentachlorodibenzofuran (PeCDF)	c	3.4E-09	4.2E-07	3.0E-07	8.5E-05	1.4E-07	8.5E-05	
70648-26-9	1,2,3,4,7,8-Hexachlorodibenzofuran (HxCDF)	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	
57117-44-9	1,2,3,6,7,8-Hexachlorodibenzofuran (HxCDF)	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
72918-21-9	1,2,3,7,8,9-Hexachlorodibenzofuran (HxCDF)	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	
60851-34-5	2,3,4,6,7,8-Hexachlorodibenzofuran (HxCDF)	c	1.0E-08	1.3E-06	9.0E-07	0.00026	4.2E-07	0.00026	
67562-39-4	1,2,3,4,6,7,8-Heptachlorodibenzofuran (HpCDF)	c	1.0E-07	1.3E-05	9.0E-06	0.0026	4.2E-06	0.0026	
55673-89-7	1,2,3,4,7,8,9-Heptachlorodibenzofuran (HpCDF)	c	1.0E-07	1.3E-05	9.0E-06	0.0026	4.2E-06	0.0026	
39001-02-0	Octachlorodibenzofuran (OCDF)	c	3.4E-06	0.00042	0.00030	0.085	0.00014	0.085	
	Polycyclic aromatic hydrocarbons (PAHs)	c, g	4.3E-05		0.0016		0.0030		
191-26-4	Anthanthrene	c, g	0.00011		0.0039		0.0076		
56-55-3	Benz[a]anthracene	c, g	0.00021		0.0078		0.015		
50-32-8	Benzo[a]pyrene	c, g	4.3E-05	0.0020	0.0016	0.0088	0.0030	0.0088	0.0020
205-99-2	Benzo[b]fluoranthene	c, g	5.3E-05		0.0020		0.0038		
205-12-9	Benzo[c]fluorene	c, g	2.1E-06		7.8E-05		0.00015		
191-24-2	Benzo[g,h,i]perylene	c, g	0.0047		0.17		0.34		
205-82-3	Benzo[j]fluoranthene	c, g	0.00014		0.0052		0.010		
207-08-9	Benzo[k]fluoranthene	c, g	0.0014		0.052		0.10		
218-01-9	Chrysene	c, g	0.00043		0.016		0.030		
27208-37-3	Cyclopenta[c,d]pyrene	c, g	0.00011		0.0039		0.0076		
53-70-3	Dibenz[a,h]anthracene	c, g	4.3E-06		0.00016		0.00030		
192-65-4	Dibenzo[a,e]pyrene	c, g	0.00011		0.0039		0.0076		
189-64-0	Dibenzo[a,h]pyrene	c, g	4.7E-05		0.0017		0.0034		
189-55-9	Dibenzo[a,i]pyrene	c, g	7.1E-05		0.0026		0.0051		
191-30-0	Dibenzo[a,l]pyrene	c, g	1.4E-06		5.2E-05		0.00010		
206-44-0	Fluoranthene	c, g	0.00053		0.020		0.038		



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
193-39-5	Indeno[1,2,3-cd]pyrene	c, g	0.00061		0.022		0.043		
3697-24-3	5-Methylchrysene	c, g	4.3E-05		0.0016		0.0030		
7496-02-8	6-Nitrochrysene	c, g	4.3E-06		0.00016		0.00030		
7758-01-2	Potassium bromate		0.0071		0.19		0.086		
1120-71-4	1,3-Propane sultone		0.0014		0.038		0.017		
123-38-6	Propionaldehyde			8.0		35		35	
115-07-1	Propylene			3,000		13,000		13,000	
6423-43-4	Propylene glycol dinitrate			0.27		1.2		1.2	20
107-98-2	Propylene glycol monomethyl ether			7,000		31,000		31,000	
75-56-9	Propylene oxide		0.27	30	7.0	130	3.2	130	3,100
	Refractory Ceramic Fibers	i		0.030		0.13		0.13	
7783-07-5	Selenide, hydrogen								5.0
7782-49-2	Selenium and compounds	l							2.0
7631-86-9	Silica, crystalline (respirable)			3.0		13		13	
1310-73-2	Sodium hydroxide								8.0
100-42-5	Styrene			1,000		4,400		4,400	21,000
7664-93-9	Sulfuric acid			1.0		4.4		4.4	120
505-60-2	Sulfur Mustard								0.70
7446-71-9	Sulfur trioxide			1.0		4.4		4.4	120
630-20-6	1,1,1,2-Tetrachloroethane		0.14		3.5		1.6		
79-34-5	1,1,2,2-Tetrachloroethane		0.017		0.45		0.21		
127-18-4	Tetrachloroethene (Perchloroethylene)		3.8	41	100	180	46	180	41
811-97-2	1,1,1,2-Tetrafluoroethane			80,000		350,000		350,000	
62-55-5	Thioacetamide		0.00059		0.015		0.0071		
7550-45-0	Titanium tetrachloride			0.10		0.44		0.44	10
108-88-3	Toluene			5,000		22,000		22,000	7,500



OAR 340-245-8040 Table 4 Risk-Based Concentrations

CAS# ^b	Chemical	Notes	Residential Chronic		Non-Residential Chronic				Acute
			Cancer RBC ^a	Non-cancer RBC ^a	Child Cancer RBC ^a	Child Non-cancer RBC ^a	Worker Cancer RBC ^a	Worker Non-cancer RBC ^a	Non-cancer RBC ^a
			(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)	(µg/m ³)
26471-62-5	Toluene diisocyanates (2,4- and 2,6-)		0.091	0.021	2.4	0.092	1.1	0.092	0.071
8001-35-2	Toxaphene (Polychlorinated camphenes)		0.0031		0.081		0.038		
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)			5,000		22,000		22,000	11,000
79-00-5	1,1,2-Trichloroethane (Vinyl trichloride)		0.063		1.6		0.75		
79-01-6	Trichloroethene (TCE, Trichloroethylene)	g	0.20	2.1	3.5	9.2	2.9	9.2	2.1
88-06-2	2,4,6-Trichlorophenol		0.050		1.3		0.60		
96-18-4	1,2,3-Trichloropropane			0.30		1.3		1.3	1.8
121-44-8	Triethylamine			200		880		880	2,800
526-73-8	1,2,3-Trimethylbenzene			60		260		260	
95-63-6	1,2,4-Trimethylbenzene			60		260		260	
108-67-8	1,3,5-Trimethylbenzene			60		260		260	
51-79-6	Urethane (Ethyl carbamate)	g	0.0020		0.021		0.041		
7440-62-2	Vanadium (fume or dust)			0.10		0.44		0.44	0.80
1314-62-1	Vanadium pentoxide		0.00012	0.0070	0.0031	0.031	0.0014	0.031	30
108-05-4	Vinyl acetate			200		880		880	200
593-60-2	Vinyl bromide			3.0		13		13	
75-01-4	Vinyl chloride	g, k	0.11	100	0.22	440	2.7	440	1,300
75-35-4	Vinylidene chloride			200		880		880	200
1330-20-7	Xylene (mixture), including <i>m</i> -xylene, <i>o</i> -xylene, <i>p</i> -xylene			220		970		970	8,700

Notes:

- a RBC = Risk-Based Concentration
- b CAS# = Chemical Abstracts Service number

- c Chronic RBCs include factors for multipathway risk.
- d The RBCs presented for chromium are applicable to hexavalent chromium. In the absence of data indicating otherwise, assume that any total chromium (i.e., unspicated) that is measured or modeled is entirely in the hexavalent form. Determine, based on information about the source of emissions, whether hexavalent chromium is emitted in aerosol or particulate form, and apply the corresponding RBC. Because there are no RBCs for trivalent chromium, a source determined to be emitting only trivalent chromium cannot be shown to pose an unacceptable risk, so the risk in this case will be considered acceptable.
- e DDT RBCs apply to the sum of DDT, DDE, and DDD compounds.
- f As recommended by DEQ's Air Toxics Science Advisory Committee (ATSAC) in 2018, the two categories of nickel compounds contain the following specific nickel compounds:
Soluble nickel compounds are considered to be emitted mainly in aerosol form, to be less potent carcinogens than insoluble nickel compounds, and include nickel acetate, nickel chloride, nickel carbonate, nickel hydroxide, nickelocene, nickel sulfate, nickel sulfate hexahydrate, nickel nitrate hexahydrate, nickel carbonate hydroxide.
Insoluble nickel compounds are considered to be emitted mainly in particulate form, to be more potent carcinogens than soluble nickel compounds, and to include nickel subsulfide, nickel oxide, nickel sulfide, nickel metal.
- g RBCs adjusted to protect early-life exposure to infants and children because chemical is carcinogenic by a mutagenic mode of action.
- h RBCs apply to octabrominated diphenyl ethers (CAS# 32536-52-0) and pentabrominated diphenyl ethers (CAS# 32534-81-9), including BDE-99.
- i RBCs for asbestos and refractory ceramic fibers are in units of fibers/cm³.
- j Chlorinated paraffins of average chain length of C12, approximately 60% chlorine by weight.
- k DEQ followed the ATSAC recommendation to develop a vinyl chloride TRV that already includes early-life exposure.
- l An inorganic chemical designated with "and compounds" indicates that the RBC applies to the sum of all forms of the chemical, expressed as the inorganic element.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155
Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155



OAR 340-245-8050 Table 5
Level 1 Risk Assessment Tool
Dispersion Factors

Table 5A: Stack Emission Dispersion Factors for Annual Exposure ($\mu\text{g}/\text{m}^3$ / pounds/year)

Stack		Exposure Location Distance (meters)											
Ht (m)	50	60	70	80	90	100	110	120	130	140	150	160	170
5	0.0033	0.0026	0.0021	0.0017	0.0014	0.0012	0.0010	0.00088	0.00076	0.00066	0.00058	0.00051	0.00046
10	0.0014	0.0012	0.0011	0.00094	0.00084	0.00075	0.00068	0.00062	0.00057	0.00052	0.00048	0.00044	0.00041
15	0.00075	0.00061	0.00054	0.00049	0.00044	0.00040	0.00037	0.00034	0.00031	0.00029	0.00027	0.00025	0.00024
20	0.00072	0.00054	0.00035	0.00031	0.00028	0.00026	0.00023	0.00022	0.00020	0.00019	0.00017	0.00016	0.00015
25	0.00050	0.00041	0.00035	0.00025	0.00019	0.00018	0.00016	0.00015	0.00014	0.00013	0.00012	0.00012	0.00011
30	0.00037	0.00030	0.00026	0.00023	0.00019	0.00013	0.00012	0.00011	0.00010	0.000096	0.000090	0.000085	0.000080
35	0.00030	0.00023	0.00019	0.00017	0.00015	0.00013	0.00011	0.000081	0.000075	0.000071	0.000068	0.000064	0.000061
40	0.00023	0.00019	0.00015	0.00013	0.00012	0.00011	0.000096	0.000081	0.000064	0.000054	0.000051	0.000049	0.000047
45	0.00018	0.00016	0.00013	0.00011	0.000095	0.000085	0.000078	0.000072	0.000063	0.000053	0.000042	0.000038	0.000037
50	0.00014	0.00013	0.00011	0.000090	0.000077	0.000068	0.000062	0.000057	0.000053	0.000048	0.000042	0.000035	0.000029

Stack		Exposure Location Distance (meters)											
Ht (m)	180	190	200	250	300	350	400	450	500	600	700	800	1000
5	0.00041	0.00037	0.00034	0.00023	0.00017	0.00013	0.00010	0.000084	0.000071	0.000052	0.000040	0.000032	0.000022
10	0.00038	0.00035	0.00033	0.00023	0.00017	0.00013	0.000098	0.000078	0.000064	0.000047	0.000036	0.000029	0.000021
15	0.00023	0.00021	0.00020	0.00016	0.00013	0.00010	0.000083	0.000069	0.000057	0.000041	0.000032	0.000025	0.000018
20	0.00014	0.00014	0.00013	0.00010	0.000086	0.000073	0.000062	0.000053	0.000046	0.000035	0.000027	0.000021	0.000015
25	0.00010	0.000096	0.000091	0.000072	0.000059	0.000051	0.000044	0.000039	0.000034	0.000027	0.000022	0.000018	0.000013
30	0.000075	0.000071	0.000068	0.000053	0.000044	0.000037	0.000032	0.000028	0.000025	0.000021	0.000017	0.000014	0.000010
35	0.000058	0.000055	0.000052	0.000042	0.000034	0.000029	0.000025	0.000022	0.000019	0.000016	0.000014	0.000011	0.000008
40	0.000045	0.000043	0.000041	0.000033	0.000028	0.000023	0.000020	0.000018	0.000016	0.000013	0.000011	0.000009	0.000007
45	0.000036	0.000034	0.000033	0.000027	0.000023	0.000019	0.000017	0.000015	0.000013	0.000011	0.000009	0.000008	0.000006
50	0.000027	0.000026	0.000026	0.000022	0.000019	0.000016	0.000014	0.000012	0.000011	0.000009	0.000007	0.000006	0.000005

Table 5B: Stack Emission Dispersion Factors for 24 hour Exposure ($\mu\text{g}/\text{m}^3$ / pounds/day)

Stack		Exposure Location Distance (meters)											
Ht (m)	50	60	70	80	90	100	110	120	130	140	150	160	170
5	8.3	7.1	6.1	5.2	4.4	3.8	3.2	2.7	2.4	2.1	1.8	1.6	1.4
10	3.8	3.4	3.1	2.8	2.6	2.4	2.2	2.1	2.0	1.8	1.7	1.6	1.5
15	1.8	1.6	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1.0	0.95	0.91	0.87
20	1.6	1.3	0.91	0.86	0.82	0.77	0.73	0.69	0.65	0.62	0.59	0.56	0.54
25	0.97	0.93	0.85	0.64	0.52	0.50	0.48	0.46	0.44	0.42	0.40	0.38	0.36
30	0.62	0.59	0.57	0.55	0.49	0.34	0.32	0.31	0.30	0.29	0.28	0.27	0.26
35	0.42	0.41	0.39	0.38	0.37	0.34	0.29	0.22	0.21	0.21	0.20	0.20	0.19
40	0.30	0.29	0.28	0.28	0.27	0.26	0.25	0.22	0.17	0.15	0.15	0.15	0.14
45	0.22	0.22	0.21	0.21	0.20	0.20	0.19	0.19	0.17	0.16	0.12	0.11	0.11
50	0.16	0.16	0.16	0.16	0.16	0.15	0.15	0.14	0.14	0.13	0.12	0.10	0.082

Stack		Exposure Location Distance (meters)											
Ht (m)	180	190	200	250	300	350	400	450	500	600	700	800	1000
5	1.3	1.2	1.1	0.72	0.55	0.44	0.36	0.30	0.26	0.20	0.16	0.13	0.092
10	1.4	1.3	1.3	0.91	0.67	0.50	0.38	0.30	0.25	0.18	0.14	0.12	0.088
15	0.83	0.80	0.77	0.64	0.53	0.43	0.36	0.30	0.25	0.18	0.13	0.10	0.075
20	0.52	0.49	0.48	0.40	0.35	0.31	0.27	0.23	0.20	0.16	0.12	0.096	0.064
25	0.35	0.34	0.32	0.27	0.23	0.21	0.19	0.17	0.15	0.12	0.10	0.082	0.057
30	0.25	0.24	0.23	0.19	0.17	0.15	0.13	0.12	0.11	0.095	0.078	0.066	0.048
35	0.18	0.18	0.17	0.15	0.13	0.11	0.099	0.090	0.083	0.072	0.062	0.053	0.040
40	0.14	0.14	0.13	0.11	0.10	0.088	0.078	0.070	0.064	0.056	0.049	0.044	0.033
45	0.11	0.11	0.10	0.092	0.081	0.072	0.065	0.058	0.053	0.045	0.040	0.036	0.028
50	0.081	0.080	0.079	0.072	0.065	0.059	0.053	0.048	0.044	0.037	0.032	0.029	0.024

Use of stack emission dispersion factors in a Level 1 screening risk assessment:

For each Toxics Emissions Unit, select the appropriate stack height and distance from the stack to nearest exposure locations approved by DEQ. For each exposure location, find the corresponding annual dispersion factor in Table 5A. For each toxic air contaminant, multiply the annual toxic air contaminant emission rate (in pounds/year) by the dispersion factor. Divide the product by the RBC for all the toxic air contaminants for the appropriate exposure location in OAR 340-245-8040 Table 4. Add up the resulting ratios for all Toxic Emissions Units for each exposure location. Compare the results with the Risk Action Levels in OAR 340-245-8010 Table 1. Repeat the process for daily emission rates (in pounds/day) using Table 5B at the acute exposure location.

For a stack height between the values shown in the table, either use the next lowest stack height, or interpolate the dispersion factor. For an exposure location distance between the values shown in the table, either use the next lowest distance, or interpolate the dispersion factor. For stack heights greater than 50 meters, use the appropriate dispersion factor for 50 meters. For exposure locations greater than 1,000 meters from the stack, use the appropriate dispersion factor at 1,000 meters. In the absence of a known stack height and exposure location distance, use as a default the annual dispersion factor (0.0033 $\mu\text{g}/\text{m}^3$ / pounds/year) and daily dispersion factor (8.3 $\mu\text{g}/\text{m}^3$ / pounds/day) for a stack height of 5 meters and an exposure location distance of 50 meters.



OAR 340-245-8050 Table 5

Level 1 Risk Assessment Tool

Dispersion Factors

Table 5C: Fugitive Emission Dispersion Factors for Annual Exposure ($\mu\text{g}/\text{m}^3$ / pounds/year)

Building Area (1,000 ft ²)	Building Height (ft)	Exposure Location Distance (meters)												
		50	60	70	80	90	100	110	120	130	140	150	160	170
≤3	≤20	0.0045	0.0033	0.0026	0.0020	0.0017	0.0014	0.0012	0.0010	0.00089	0.00078	0.00069	0.00062	0.00056
>3 to 6	≤20	0.0044	0.0032	0.0025	0.0020	0.0016	0.0014	0.0012	0.0010	0.00088	0.00077	0.00069	0.00061	0.00055
>3 to 6	>20	0.0041	0.0031	0.0024	0.0019	0.0016	0.0013	0.0011	0.0010	0.00086	0.00076	0.00067	0.00060	0.00054
>6 to 10	≤20	0.0044	0.0033	0.0025	0.0020	0.0017	0.0014	0.0012	0.0010	0.00088	0.00077	0.00069	0.00062	0.00055
>6 to 10	>20	0.0037	0.0028	0.0022	0.0018	0.0015	0.0013	0.0011	0.0010	0.00083	0.00074	0.00066	0.00059	0.00053
>10 to 15	≤20	0.0044	0.0033	0.0025	0.0020	0.0017	0.0014	0.0012	0.0010	0.00088	0.00077	0.00069	0.00062	0.00055
>10 to 15	>20	0.0034	0.0027	0.0021	0.0018	0.0015	0.0012	0.0011	0.00093	0.00081	0.00072	0.00064	0.00058	0.00052
>15 to 30	≤20	0.0043	0.0032	0.0025	0.0020	0.0016	0.0014	0.0012	0.0010	0.00088	0.00077	0.00069	0.00061	0.00055
>15 to 30	>20	0.0034	0.0027	0.0021	0.0018	0.0015	0.0012	0.0011	0.00093	0.00082	0.00072	0.00065	0.00058	0.00052
>30	>20	0.0022	0.0018	0.0015	0.0013	0.0011	0.0010	0.00086	0.00076	0.00068	0.00061	0.00055	0.00050	0.00046

Building Area (1,000 ft ²)	Building Height (ft)	Exposure Location Distance (meters)												
		180	190	200	250	300	350	400	450	500	600	700	800	1000
≤3	≤20	0.00050	0.00046	0.00042	0.00029	0.00021	0.00016	0.00013	0.00010	0.000087	0.000064	0.000049	0.000039	0.000027
>3 to 6	≤20	0.00050	0.00046	0.00042	0.00028	0.00021	0.00016	0.00013	0.00010	0.000087	0.000064	0.000049	0.000039	0.000027
>3 to 6	>20	0.00049	0.00045	0.00041	0.00028	0.00021	0.00016	0.00013	0.00010	0.000087	0.000064	0.000049	0.000039	0.000027
>6 to 10	≤20	0.00050	0.00046	0.00042	0.00028	0.00021	0.00016	0.00013	0.00010	0.000087	0.000064	0.000049	0.000039	0.000027
>6 to 10	>20	0.00048	0.00044	0.00041	0.00028	0.00020	0.00016	0.00013	0.00010	0.000086	0.000064	0.000049	0.000039	0.000027
>10 to 15	≤20	0.00050	0.00046	0.00042	0.00028	0.00021	0.00016	0.00013	0.00010	0.000087	0.000064	0.000049	0.000039	0.000027
>10 to 15	>20	0.00048	0.00044	0.00040	0.00028	0.00020	0.00016	0.00012	0.00010	0.000086	0.000063	0.000049	0.000039	0.000027
>15 to 30	≤20	0.00050	0.00046	0.00042	0.00028	0.00021	0.00016	0.00013	0.00010	0.000087	0.000064	0.000049	0.000039	0.000027
>15 to 30	>20	0.00048	0.00044	0.00040	0.00028	0.00020	0.00016	0.00013	0.00010	0.000086	0.000063	0.000049	0.000039	0.000027
>30	>20	0.00042	0.00039	0.00036	0.00025	0.00019	0.00015	0.00012	0.00010	0.000083	0.000061	0.000048	0.000038	0.000027

Table 5D: Fugitive Emission Dispersion Factors for 24 hour Exposure ($\mu\text{g}/\text{m}^3$ / pounds/day)

Building Area (1,000 ft ²)	Building Height (ft)	Exposure Location Distance (meters)												
		50	60	70	80	90	100	110	120	130	140	150	160	170
≤3	≤20	4.8	3.7	2.9	2.4	2.0	1.7	1.4	1.2	1.1	0.97	0.87	0.78	0.71
>3 to 6	≤20	4.1	3.1	2.5	2.0	1.7	1.4	1.2	1.1	0.95	0.84	0.76	0.68	0.62
>3 to 6	>20	3.5	2.8	2.2	1.9	1.6	1.3	1.2	1.0	0.90	0.80	0.72	0.65	0.59
>6 to 10	≤20	4.0	3.1	2.5	2.0	1.7	1.4	1.2	1.1	0.94	0.84	0.75	0.68	0.62
>6 to 10	>20	3.3	2.6	2.1	1.8	1.5	1.3	1.1	0.97	0.86	0.77	0.69	0.63	0.57
>10 to 15	≤20	4.0	3.1	2.4	2.0	1.7	1.4	1.2	1.1	0.94	0.84	0.75	0.68	0.62
>10 to 15	>20	2.9	2.4	2.0	1.6	1.4	1.2	1.1	0.93	0.83	0.74	0.67	0.61	0.56
>15 to 30	≤20	3.7	2.9	2.3	1.9	1.6	1.4	1.2	1.0	0.92	0.82	0.74	0.67	0.61
>15 to 30	>20	2.9	2.3	1.9	1.6	1.4	1.2	1.0	0.92	0.82	0.74	0.67	0.60	0.55
>30	>20	1.8	1.5	1.3	1.2	1.0	0.92	0.82	0.73	0.66	0.60	0.55	0.51	0.47

Building Area (1,000 ft ²)	Building Height (ft)	Exposure Location Distance (meters)												
		180	190	200	250	300	350	400	450	500	600	700	800	1000
≤3	≤20	0.65	0.59	0.55	0.38	0.29	0.22	0.18	0.15	0.13	0.095	0.074	0.060	0.043
>3 to 6	≤20	0.57	0.52	0.48	0.33	0.25	0.20	0.16	0.13	0.11	0.083	0.065	0.053	0.038
>3 to 6	>20	0.54	0.50	0.46	0.32	0.24	0.19	0.15	0.13	0.11	0.081	0.064	0.052	0.037
>6 to 10	≤20	0.56	0.52	0.48	0.33	0.25	0.20	0.16	0.13	0.11	0.083	0.065	0.053	0.038
>6 to 10	>20	0.53	0.48	0.45	0.31	0.24	0.19	0.15	0.12	0.11	0.080	0.063	0.051	0.036
>10 to 15	≤20	0.56	0.52	0.48	0.33	0.25	0.19	0.16	0.13	0.11	0.083	0.065	0.053	0.038
>10 to 15	>20	0.51	0.47	0.43	0.31	0.23	0.18	0.15	0.12	0.10	0.078	0.062	0.050	0.035
>15 to 30	≤20	0.55	0.51	0.47	0.33	0.25	0.19	0.16	0.13	0.11	0.083	0.065	0.053	0.037
>15 to 30	>20	0.51	0.47	0.43	0.31	0.23	0.18	0.15	0.12	0.10	0.078	0.062	0.050	0.035
>30	>20	0.43	0.40	0.37	0.27	0.21	0.17	0.14	0.12	0.098	0.075	0.059	0.048	0.034

Use of fugitive emission dispersion factors in a Level 1 screening risk assessment:

For each Toxics Emissions Unit, select the appropriate building dimensions and distance from building to nearest exposure locations approved by DEQ. For each exposure location, find the corresponding annual dispersion factor in Table 5C. For each toxic air contaminant, multiply the annual toxic air contaminant emission rate (in pounds/year) by the dispersion factor. Divide the product by the RBC for all the toxic air contaminants for the appropriate exposure location in OAR 340-245-8040 Table 4. Add up the resulting ratios for all Toxic Emissions Units for each exposure location. Compare the results with the Risk Action Levels in OAR 340-245-8010 Table 1. Repeat the process for daily emission rates (in pounds/day) using Table 5D at the acute exposure location.

For an exposure location distance between the values shown in the table, either use the next lowest distance, or interpolate the dispersion factor. For exposure locations greater than 1,000 meters from the building, use the appropriate dispersion factor at 1,000 meters. In the absence of known building dimensions and exposure location distance, use as a default, the annual dispersion factor (0.0045 $\mu\text{g}/\text{m}^3$ / pounds/year) and daily dispersion factor (4.8 $\mu\text{g}/\text{m}^3$ / pounds/day) for a building area of ≤3,000 ft², height of ≤20 ft, and exposure location distance of 50 meters.

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 12

ENFORCEMENT PROCEDURE AND CIVIL PENALTIES

340-012-0030₂

Definitions

All terms used in this division have the meaning given to the term in the appropriate substantive statute or rule or, in the absence of such definition, their common and ordinary meaning unless otherwise required by context or defined below:

- (1) "Alleged Violation" means any violation cited in a written notice issued by DEQ or other government agency.
- (2) "Class I Equivalent," which is used to determine the value of the "P" factor in the civil penalty formula, means two Class II violations, one Class II and two Class III violations, or three Class III violations.
- (3) "Commission" means the Environmental Quality Commission.
- (4) "Compliance" means meeting the requirements of the applicable statutes, and commission or DEQ rules, permits, permit attachments or orders.
- (5) "Conduct" means an act or omission.
- (6) "Director" means the director of DEQ or the director's authorized deputies or officers.
- (7) "DEQ" means the Department of Environmental Quality.
- (8) "Expedited Enforcement Offer" (EEO) means a written offer by DEQ to settle an alleged violation ~~pursuant to~~ in accordance with the expedited procedure described in OAR 340-012-0170(2).
- (9) "Field Penalty" as used in this division, has the meaning given that term in OAR chapter 340, division 150.
- (10) "Final Order and Stipulated Penalty Demand Notice" means a written notice issued to a respondent by DEQ demanding payment of a stipulated penalty ~~pursuant to~~ as required by the terms of an agreement entered into between the respondent and DEQ.
- (11) "Flagrant" or "flagrantly" means the respondent had actual knowledge that the conduct was unlawful and consciously set out to commit the violation.

- (12) "Formal Enforcement Action" (FEA) means a proceeding initiated by DEQ that entitles a person to a contested case hearing or that settles such entitlement, including, but not limited to, Notices of Civil Penalty Assessment and Order, Final Order and Stipulated Penalty Demand Notices, department or commission orders originating with the Office of Compliance and Enforcement, Mutual Agreement and Orders, accepted Expedited Enforcement Offers, Field Penalties, and other consent orders.
- (13) "Intentional" means the respondent acted with a conscious objective to cause the result of the conduct.
- (14) "Magnitude of the Violation" means the extent and effects of a respondent's deviation from statutory requirements, rules, standards, permits or orders.
- (15) "Negligence" or "Negligent" means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation.
- (16) "Notice of Civil Penalty Assessment and Order" means a notice provided under OAR 137-003-0505 to notify a person that DEQ has initiated a formal enforcement action that includes a financial penalty and may include an order to comply.
- (17) "Pre-Enforcement Notice" (PEN) means an informal written notice of an alleged violation that DEQ is considering for formal enforcement.
- (18) "Person" includes, but is not limited to, individuals, corporations, associations, firms, partnerships, trusts, joint stock companies, public and municipal corporations, political subdivisions, states and their agencies, and the federal government and its agencies.
- (19) "Prior Significant Action" (PSA) means any violation cited in an FEA, with or without admission of a violation, that becomes final by payment of a civil penalty, by a final order of the commission or DEQ, or by judgment of a court.
- (20) "Reckless" or "Recklessly" means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation.
- (21) "Residential Owner-Occupant" means the natural person who owns or otherwise possesses a single family dwelling unit, and who occupies that dwelling at the time of the alleged violation. The violation must involve or relate to the normal uses of a dwelling unit.
- (22) "Respondent" means the person named in a formal enforcement action (FEA).
- (23) "Systematic" means any violation that occurred or occurs on a regular basis.
- (24) "Violation" means a transgression of any statute, rule, order, license, permit, permit attachment, or any part thereof and includes both acts and omissions.

(25) "Warning Letter" (WL) means an informal written notice of an alleged violation for which formal enforcement is not anticipated.

(26) "Willful" means the respondent had a conscious objective to cause the result of the conduct and the respondent knew or had reason to know that the result was not lawful.

Stat. Auth.: ORS 468.020 & 468.130

Stats. Implemented: ORS 459.376, 459.995, 465.900, 468.090-140, 466.880 - 466.895, 468.996 - 468.997, 468A.990 -468A.992 & 468B.220

Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 22-1984, f. & ef. 11-8-84; DEQ 22-1988, f. & cert. ef. 9-14-88; DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 1-2014, f. & cert. ef. 1-6-14

340-012-0053.

Classification of Violations that Apply to all Programs

(1) Class I:

(a) Violating a requirement or condition of a commission or department order, consent order, agreement, consent judgment (formerly called judicial consent decree) or compliance schedule contained in a permit or permit attachment;

(b) Submitting false, inaccurate or incomplete information to DEQ where the submittal masked a violation, caused environmental harm, or caused DEQ to misinterpret any substantive fact;

(c) Failing to provide access to premises or records as required by statute, permit, order, consent order, agreement or consent judgment (formerly called judicial consent decree); or

(d) Using fraud or deceit to obtain DEQ approval, permit, permit attachment, certification, or license.

(2) Class II: Violating any otherwise unclassified requirement.

Stat. Auth.: ORS 468.020 & 468.130

Stats. Implemented: ORS 459.376, 459.995, 465.900, 465.992, 466.990 - 466.994, 468.090 - 468.140 & 468B.450

Hist.: DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 1-2014, f. & cert. ef. 1-6-14

340-012-0054.

Air Quality Classification of Violations

(1) **Class I:**

(a) Constructing a new source or modifying an existing source without first obtaining a required New Source Review/Prevention of Significant Deterioration (NSR/PSD) permit;

(b) Constructing a new source, as defined in OAR 340-245-0020, without first obtaining a required Air Contaminant Discharge Permit that includes permit conditions required under OAR 340-245-0005 through 340-245-8050 or without complying with Cleaner Air Oregon rules under OAR 340-245-0005 through 340-245-8050;

(c) Failing to conduct a source risk assessment, as required under OAR 340-245-0050;

(d) Modifying a source in such a way as to require a permit modification under OAR 340-245-0005 through 340-245-8050, that would increase risk above permitted levels under OAR 340-245-0005 through 340-245-8050 without first obtaining such approval from DEQ;

~~(e)~~ Operating a major source, as defined in OAR 340-200-0020, without first obtaining the required permit;

(f) Operating an existing source, as defined in OAR 340-245-0020, after a submittal deadline under OAR 340-245-0030 without having submitted a complete application for a Toxic Air Contaminant Permit Addendum required under OAR 340-245-0005 through 340-245-8050;

~~(g)~~ Exceeding a Plant Site Emission Limit (PSEL);

(h) Exceeding a risk limit, including a Source Risk Limit, applicable to a source under OAR 340-245-0100;

~~(i)~~ Failing to install control equipment or meet emission limits, operating limits, work practice requirements, or performance standards as required by New Source Performance Standards under OAR 340 division 238 or National Emission Standards for Hazardous Air Pollutant Standards under OAR 340 division 244;

~~(j)~~ Exceeding a hazardous air pollutant emission limitation;

~~(k)~~ Failing to comply with an Emergency Action Plan;

~~(l)~~ Exceeding an opacity or emission limit (including a grain loading standard) or violating an operational or process standard, that was established ~~pursuant to~~under New Source Review/Prevention of Significant Deterioration (NSR/PSD);

~~(m)~~ Exceeding an emission limit or violating an operational or process standard that was established to limit emissions to avoid classification as a major source, as defined in OAR 340-200-0020;

(n) Exceeding an emission limit or violating an operational limit, process limit, or work practice requirement that was established to limit risk or emissions to avoid exceeding an applicable Risk Action Level or other requirement under OAR 340-245-0005 through 340-245-8050;

~~(oi)~~ Exceeding an emission limit, including a grain loading standard, by a major source, as defined in OAR 340-200-0020, when the violation was detected during a reference method stack test;

~~(pj)~~ Failing to perform testing or monitoring, required by a permit, permit attachment, rule or order, that results in failure to show compliance with a Plant Site Emission Limit (~~PSEL~~) or with an emission limitation or a performance standard ~~set pursuant to established under~~ New Source Review/Prevention of Significant Deterioration (~~NSR/PSD~~), National Emission Standards for Hazardous Air Pollutants (~~NESHAP~~), New Source Performance Standards (~~NSPS~~), Reasonably Available Control Technology (~~RACT~~), Best Achievable- Available Control Technology (~~BACT~~), Maximum Achievable Control Technology (~~MACT~~), Typically Achievable Control Technology (~~TACT~~), Lowest Achievable Emission Rate (~~LAER~~), Toxics Best Available Control Technology, Toxics Lowest Achievable Emission Rate, or adopted ~~pursuant to under~~ section 111(d) of the Federal Clean Air Act;

~~(qk)~~ Causing emissions that are a hazard to public safety;

~~(rl)~~ Violating a work practice requirement for asbestos abatement projects;

~~(sm)~~ Improperly storing or openly accumulating friable asbestos material or asbestos-containing waste material;

~~(tn)~~ Conducting an asbestos abatement project, by a person not licensed as an asbestos abatement contractor;

~~(ue)~~ Violating an OAR 340 division 248 disposal requirement for asbestos-containing waste material;

~~(vp)~~ Failing to hire a licensed contractor to conduct an asbestos abatement project;

~~(wq)~~ Openly burning materials which are prohibited from being open burned anywhere in the state by OAR 340-264-0060(3), or burning materials in a solid fuel burning device, fireplace, trash burner or other device as prohibited by OAR 340-262-0900(1);

~~(xf)~~ Failing to install certified vapor recovery equipment;

~~(ys)~~ Delivering for sale a noncompliant vehicle by an automobile manufacturer in violation of Oregon Low Emission Vehicle rules set forth in OAR 340 division 257;

~~(zt)~~ Exceeding an Oregon Low Emission Vehicle average emission limit set forth in OAR 340 division 257;

(~~aa~~) Failing to comply with Zero Emission Vehicle (ZEV) sales requirements set forth in OAR 340 division 257;

(~~bb~~) Failing to obtain a Motor Vehicle Indirect Source Permit as required in OAR 340 division 257;

(~~cc~~) Selling, leasing, or renting a noncompliant vehicle by an automobile dealer or rental car agency in violation of Oregon Low Emission Vehicle rules set forth in OAR 340 division 257; or

(~~dd~~) Failing to comply with any of the clean fuel standards set forth in OAR 340-253-0100(6), OAR 340-253-8010 (Table 1) and OAR 340-253-8020 (Table 2).

(2) **Class II:**

(a) Constructing or operating a source required to have an Air Contaminant Discharge Permit (ACDP), ACDP attachment, or registration without first obtaining such permit or registration, unless otherwise classified;

(b) Violating the terms or conditions of a permit, permit attachment or license, unless otherwise classified;

(c) Modifying a source in such a way as to require a permit or permit attachment modification from DEQ without first obtaining such approval from DEQ, unless otherwise classified;

(d) Exceeding an opacity limit, unless otherwise classified;

(e) Exceeding a Volatile Organic Compound (VOC) emission standard, operational requirement, control requirement or VOC content limitation established by OAR 340 division 232;

(f) Failing to timely submit a complete ACDP annual report or permit attachment annual report;

(g) Failing to timely submit a certification, report, or plan as required by rule, ~~or permit~~ or permit attachment, unless otherwise classified;

(h) Failing to timely submit a complete permit application, ACDP attachment application, or permit renewal application;

(i) Failing to submit a timely and complete toxic air contaminant emissions inventory as required under OAR 340-245-0005 through 340-245-8050;

(~~jj~~) Failing to comply with the open burning requirements for commercial, construction, demolition, or industrial wastes in violation of OAR 340-264-0080 through 0180;

(~~kj~~) Failing to comply with open burning requirements in violation of any provision of OAR 340 division 264, unless otherwise classified; or burning materials in a solid fuel burning device, fireplace, trash burner or other device as prohibited by OAR 340-262-0900(2).

~~(lk)~~ Failing to replace, repair, or modify any worn or ineffective component or design element to ensure the vapor tight integrity and efficiency of a stage I or stage II vapor collection system;

~~(ml)~~ Failing to provide timely, accurate or complete notification of an asbestos abatement project;

~~(nm)~~ Failing to perform a final air clearance test or submit an asbestos abatement project air clearance report for an asbestos abatement project;

~~(on)~~ Violating on road motor vehicle refinishing rules contained in OAR 340-242-0620; or

~~(pe)~~ Failing to comply with an Oregon Low Emission Vehicle reporting, notification, or warranty requirement set forth in OAR division 257;

~~(qp)~~ Failing to register as a regulated party in the Oregon Clean Fuels Program under OAR 340-253-0100(1) and (4), when the person is a producer or importer of blendstocks, as those terms are defined in OAR 340-253-0040;

~~(rq)~~ Failing to submit a broker designation form under OAR 340-253-0100(3) and (4)(c);

~~(sf)~~ Failing to keep records under OAR 340-253-0600 when the records relate to obtaining a carbon intensity under OAR 340-253-0450; or

~~(ts)~~ Failing to keep records related to obtaining a carbon intensity under OAR 340-253-0450; or

~~(ut)~~ Failing to submit an annual compliance report under OAR 340-253-0100(8).

(3) Class III:

(a) Failing to perform testing or monitoring required by a permit, permit attachment, rule or order where missing data can be reconstructed to show compliance with standards, emission limitations or underlying requirements;

(b) Constructing or operating a source required to have a Basic Air Contaminant Discharge Permit without first obtaining the permit;

(c) Modifying a source in such a way as to require construction approval from DEQ without first obtaining such approval from DEQ, unless otherwise classified;

(d) Failing to revise a notification of an asbestos abatement project when necessary, unless otherwise classified;

(e) Submitting a late air clearance report that demonstrates compliance with the standards for an asbestos abatement project; or

(f) Licensing a noncompliant vehicle by an automobile dealer or rental car agency in violation of Oregon Low Emission Vehicle rules set forth in OAR 340 division 257;

(g) Failing to register as a regulated party in the Oregon Clean Fuels Program under OAR 340-253-0100(1) and (4), when the person is an importer of finished fuels, as those terms are defined in OAR 340-253-0040;

(h) Failing to keep records under OAR 340-253-0600, except as provided in subsection (2)(r); or

(i) Failing to submit quarterly progress reports under OAR 340-253-0100(7).

[Ed. Note: Tables and Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.045

Stats. Implemented: ORS 468.020 & 468A.025

Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 5-1980, f. & ef. 1-28-80; DEQ 22-1984, f. & ef. 11-8-84; DEQ 22-1988, f. & cert. ef. 9-14-88; DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 31-1990, f. & cert. ef. 8-15-90; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; Renumbered from 340-012-0050, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 6-2006, f. & cert. ef. 6-29-06; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

340-012-0135.

Selected Magnitude Categories

(1) Magnitudes for selected Air Quality violations will be determined as follows:

(a) Opacity limit violations:

(A) Major — Opacity measurements or readings of 20 percent opacity or more over the applicable limit, or an opacity violation by a federal major source as defined in OAR 340-200-0020;

(B) Moderate — Opacity measurements or readings greater than 10 percent opacity and less than 20 percent opacity over the applicable limit; or

(C) Minor — Opacity measurements or readings of 10 percent opacity or less over the applicable limit.

(b) Operating a major source, as defined in OAR 340-200-0020, without first obtaining the required permit: Major — if a Lowest Achievable Emission Rate (LAER) or Best **Achievable Available** Control Technology (BACT) analysis shows that additional controls or offsets are or were needed, otherwise apply OAR 340-012-0130.

(c) Exceeding an emission limit established ~~pursuant to~~under New Source Review/Prevention of Significant Deterioration (NSR/PSD): Major — if exceeded the emission limit by more than 50 percent of the limit, otherwise apply OAR 340-012-0130.

(d) Exceeding an emission limit established ~~pursuant to~~under federal National Emission Standards for Hazardous Air Pollutants (NESHAPs): Major — if exceeded the Maximum Achievable Control Technology (MACT) standard emission limit for a directly-measured hazardous air pollutant (HAP), otherwise apply OAR 340-012-0130.

(e) Exceeding a cancer or noncancer risk limit that is equivalent to a Risk Action Level or a Source Risk Limit if the limit is a Risk Action Level established under OAR 340-245-0005 through 340-245-8050: Major, otherwise apply OAR 340-012-0130.

~~(f)~~ Air contaminant emission limit violations for selected air pollutants: Magnitude determinations under this subsection will be made based upon significant emission rate (SER) amounts listed in OAR 340-200-0020 ~~(Tables 2 and 3)~~.

(A) Major:

(i) Exceeding the annual emission limit as established by permit, rule or order by more than the annual SER; or

(ii) Exceeding the short-term (less than one year) emission limit as established by permit, rule or order by more than the applicable short-term SER.

(B) Moderate:

(i) Exceeding the annual emission limit as established by permit, rule or order by an amount from 50 up to and including 100 percent of the annual SER; or

(ii) Exceeding the short-term (less than one-year) emission limit as established by permit, rule or order by an amount from 50 up to and including 100 percent of the applicable short-term SER.

(C) Minor:

(i) Exceeding the annual emission limit as established by permit, rule or order by an amount less than 50 percent of the annual SER; or

(ii) Exceeding the short-term (less than one year) emission limit as established by permit, rule or order by an amount less than 50 percent of the applicable short-term SER.

~~(g)~~ Violations of Emergency Action Plans: Major — Major magnitude in all cases.

~~(h)~~ Violations of on road motor vehicle refinishing rules contained in OAR 340-242-0620: Minor — Refinishing 10 or fewer on road motor vehicles per year.

(~~ih~~) Asbestos violations — These selected magnitudes apply unless the violation does not cause the potential for human exposure to asbestos fibers:

(A) Major — More than 260 linear feet or more than 160 square feet of asbestos-containing material or asbestos-containing waste material;

(B) Moderate — From 40 linear feet up to and including 260 linear feet or from 80 square feet up to and including 160 square feet of asbestos-containing material or asbestos-containing waste material; or

(C) Minor — Less than 40 linear feet or 80 square feet of asbestos-containing material or asbestos-containing waste material.

(D) The magnitude of the asbestos violation may be increased by one level if the material was comprised of more than five percent asbestos.

(~~ji~~) Open burning violations:

(A) Major — Initiating or allowing the initiation of open burning of 20 or more cubic yards of commercial, construction, demolition and/or industrial waste; or 5 or more cubic yards of prohibited materials (inclusive of tires); or 10 or more tires;

(B) Moderate — Initiating or allowing the initiation of open burning of 10 or more, but less than 20 cubic yards of commercial, construction, demolition and/or industrial waste; or 2 or more, but less than 5 cubic yards of prohibited materials (inclusive of tires); or 3 to 9 tires; or if DEQ lacks sufficient information upon which to make a determination of the type of waste, number of cubic yards or number of tires burned; or

(C) Minor — Initiating or allowing the initiation of open burning of less than 10 cubic yards of commercial, construction, demolition and/or industrial waste; or less than 2 cubic yards of prohibited materials (inclusive of tires); or 2 or less tires.

(D) The selected magnitude may be increased one level if DEQ finds that one or more of the following are true, or decreased one level if DEQ finds that none of the following are true:

(i) The burning took place in an open burning control area;

(ii) The burning took place in an area where open burning is prohibited;

(iii) The burning took place in a non-attainment or maintenance area for PM10 or PM2.5; or

(iv) The burning took place on a day when all open burning was prohibited due to meteorological conditions.

(~~kj~~) Oregon Low Emission Vehicle Non-Methane Gas (NMOG) or Green House Gas (GHG) fleet average emission limit violations:

(A) Major — Exceeding the limit by more than 10 percent; or

(B) Moderate — Exceeding the limit by 10 percent or less.

(~~1k~~) Oregon Clean Fuels Program violations:

(A) Exceeding the clean fuel standards set forth in OAR 340-253-0100(6), 340-253-8010 (Table 1) and 340-253-8020 (Table 2) by:

(i) Major — more than 15 percent;

(ii) Moderate — more than 10 percent but less than 15 percent;

(iii) Minor — 10 percent or less.

(B) Failing to register under OAR 340-253-0100(1) and (4): Minor — producers and importers of blendstocks;

(C) Failing to submit broker designation form under OAR 340-253-0100(3) and (4)(c): Minor; or

(D) Failing to keep records as set forth in OAR 340-253-0600, when the records relate to obtaining a carbon intensity under OAR 340-253-04500600: Minor; or

(E) Failing to submit annual compliance reports under OAR 340-253-0100(8): Moderate.

(2) Magnitudes for selected Water Quality violations will be determined as follows:

(a) Violating wastewater discharge permit effluent limitations:

(A) Major:

(i) The dilution (D) of the spill or technology based effluent limitation exceedance was less than two, when calculated as follows: $D = ((QR / 4) + QI) / QI$, where QR is the estimated receiving stream flow and QI is the estimated quantity or discharge rate of the incident;

(ii) The receiving stream flow at the time of the water quality based effluent limitation (WQBEL) exceedance was at or below the flow used to calculate the WQBEL; or

(iii) The resulting water quality from the spill or discharge was as follows:

(I) For discharges of toxic pollutants: CS/D was more than CA_{acute} , where CS is the concentration of the discharge, D is the dilution of the discharge as determined under (2)(a)(A)(i), and CA_{acute} is the concentration for acute toxicity (as defined by the applicable water quality standard);

(II) For spills or discharges affecting temperature, when the discharge temperature is at or above 32 degrees centigrade after two seconds from the outfall; or

(III) For BOD5 discharges: $(BOD5)/D$ is more than 10, where BOD5 is the concentration of the five-day Biochemical Oxygen Demand of the discharge and D is the dilution of the discharge as determined under (2)(a)(A)(i).

(B) Moderate:

(i) The dilution (D) of the spill or the technology based effluent limitation exceedance was two or more but less than 10 when calculated as follows: $D = ((QR /4)+ QI)/ QI$, where QR is the estimated receiving stream flow and QI is the estimated quantity or discharge rate of the discharge; or

(ii) The receiving stream flow at the time of the WQBEL exceedance was greater than, but less than twice, the flow used to calculate the WQBEL.

(C) Minor:

(i) The dilution (D) of the spill or the technology based effluent limitation exceedance was 10 or more when calculated as follows: $D = ((QR/4) + QI)/ QI$, where QR is the receiving stream flow and QI is the quantity or discharge rate of the incident; or

(ii) The receiving stream flow at the time of the WQBEL exceedance was twice the flow or more of the flow used to calculate the WQBEL.

(b) Violating numeric water quality standards:

(A) Major:

(i) Increased the concentration of any pollutant except for toxics, dissolved oxygen, pH, and turbidity, by 25 percent or more of the standard;

(ii) Decreased the dissolved oxygen concentration by two or more milligrams per liter below the standard;

(iii) Increased the toxic pollutant concentration by any amount over the acute standard or by 100 percent or more of the chronic standard;

(iv) Increased or decreased pH by one or more pH units from the standard; or

(v) Increased turbidity by 50 or more nephelometric turbidity units (NTU) over background.

(B) Moderate:

(i) Increased the concentration of any pollutant except for toxics, pH, and turbidity by more than 10 percent but less than 25 percent of the standard;

(ii) Decreased dissolved oxygen concentration by one or more, but less than two, milligrams per liter below the standard;

(iii) Increased the concentration of toxic pollutants by more than 10 percent but less than 100 percent of the chronic standard;

(iv) Increased or decreased pH by more than 0.5 pH unit but less than 1.0 pH unit from the standard; or

(v) Increased turbidity by more than 20 but less than 50 NTU over background.

(C) Minor:

(i) Increased the concentration of any pollutant, except for toxics, pH, and turbidity, by 10 percent or less of the standard;

(ii) Decreased the dissolved oxygen concentration by less than one milligram per liter below the standard;

(iii) Increased the concentration of toxic pollutants by 10 percent or less of the chronic standard;

(iv) Increased or decreased pH by 0.5 pH unit or less from the standard; or

(v) Increased turbidity by 20 NTU or less over background.

(c) The selected magnitude under (2)(a) or (b) may be increased one or more levels if the violation:

(A) Occurred in a water body that is water quality limited (listed on the most current 303(d) list) and the discharge is the same pollutant for which the water body is listed;

(B) Depressed oxygen levels or increased turbidity and/or sedimentation in a stream in which salmonids may be rearing or spawning as indicated by the beneficial use maps available at OAR 340-041-0101 through 0340;

(C) Violated a bacteria standard either in shellfish growing waters or during the period from June 1 through September 30; or

(D) Resulted in a documented fish or wildlife kill.

(3) Magnitudes for selected Solid Waste violations will be determined as follows:

(a) Operating a solid waste disposal facility without a permit or disposing of solid waste at an unpermitted site:

(A) Major — The volume of material disposed of exceeds 400 cubic yards;

(B) Moderate — The volume of material disposed of is greater than or equal to 40 cubic yards and less than or equal to 400 cubic yards; or

(C) Minor — The volume of materials disposed of is less than 40 cubic yards.

(D) The magnitude of the violation may be raised by one magnitude if the material disposed of was either in the floodplain of waters of the state or within 100 feet of waters of the state.

(b) Failing to accurately report the amount of solid waste disposed:

(A) Major — The amount of solid waste is underreported by 15 percent or more of the amount received;

(B) Moderate — The amount of solid waste is underreported by 5 percent or more, but less than 15 percent, of the amount received; or

(C) Minor — The amount of solid waste is underreported by less than 5 percent of the amount received.

(4) Magnitudes for selected Hazardous Waste violations will be determined as follows:

(a) Failure to make a hazardous waste determination;

(A) Major — Failure to make the determination on five or more waste streams;

(B) Moderate — Failure to make the determination on three or four waste streams; or

(C) Minor — Failure to make the determination on one or two waste streams.

(b) Hazardous Waste treatment, storage and disposal violations of OAR 340-012-0068(1)(b), (c), (h), (k), (l), (m), (p), (q) and (r):

(A) Major:

(i) Treatment, storage, or disposal of more than 55 gallons or 330 pounds of hazardous waste; or

(ii) Treatment, storage, or disposal of at least one quart or 2.2 pounds of acutely hazardous waste.

(B) Moderate:

(i) Treatment, storage, or disposal of 55 gallons or 330 pounds or less of hazardous waste; or

(ii) Treatment, storage, or disposal of less than one quart or 2.2 pounds of acutely hazardous waste.

(c) Hazardous waste management violations classified in OAR 340-012-0068(1)(d), (e) (f), (g), (i), (j), (n), (s) and (2)(a), (b), (d), (e), (h), (i), (k), (m), (n), (o), (p), (r) and (s):

(A) Major:

(i) Hazardous waste management violations involving more than 1,000 gallons or 6,000 pounds of hazardous waste; or

(ii) Hazardous waste management violations involving at least one quart or 2.2 pounds of acutely hazardous waste.

(B) Moderate:

(i) Hazardous waste management violations involving more than 250 gallons or 1,500 pounds, up to and including 1,000 gallons or 6,000 pounds of hazardous waste; or

(ii) Hazardous waste management violations involving less than one quart or 2.2 pounds of acutely hazardous waste.

(C) Minor:

(i) Hazardous waste management violations involving 250 gallons or 1,500 pounds or less of hazardous waste and no acutely hazardous waste.

(5) Magnitudes for selected Used Oil violations (OAR 340-012-0072) will be determined as follows:

(a) Used Oil violations set forth in OAR 340-012-0072(1)(f), (h), (i), (j); and (2)(a) through (h):

(A) Major — Used oil management violations involving more than 1,000 gallons or 7,000 pounds of used oil or used oil mixtures;

(B) Moderate — Used oil management violations involving more than 250 gallons or 1,750 pounds, up to and including 1,000 gallons or 7,000 pounds of used oil or used oil mixture; or

(C) Minor — Used oil management violations involving 250 gallons or 1,750 pounds or less of used oil or used oil mixtures.

(b) Used Oil spill or disposal violations set forth in OAR 340-012-0072(1)(a) through (e), (g) and (k).

(A) Major — A spill or disposal involving more than 420 gallons or 2,940 pounds of used oil or used oil mixtures;

(B) Moderate — A spill or disposal involving more than 42 gallons or 294 pounds, up to and including 420 gallons or 2,940 pounds of used oil or used oil mixtures; or

(C) Minor — A spill or disposal of used oil involving 42 gallons or 294 pounds or less of used oil or used oil mixtures.

[ED. NOTE: Tables & Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.065 & 468A.045

Stats. Implemented: ORS 468.090 - 468.140 & 468A.060

Hist.: DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 1-2003, f. & cert. ef. 1-31-03; Renumbered from 340-012-0090, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 6-2006, f. & cert. ef. 6-29-06; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

340-012-0140,

Determination of Base Penalty

(1) Except for Class III violations and as provided in OAR 340-012-0155, the base penalty (BP) is determined by applying the class and magnitude of the violation to the matrices set forth in this section. For Class III violations, no magnitude determination is required.

(2) \$12,000 Penalty Matrix:

(a) The \$12,000 penalty matrix applies to the following:

(A) Any violation of an air quality statute, rule, permit, permit attachment, or related order committed by a person that has or should have a Title V permit or an Air Contaminant Discharge Permit (ACDP) issued ~~pursuant to~~ under New Source Review (NSR) regulations or Prevention of Significant Deterioration (PSD) regulations, or section 112(g) of the federal Clean Air Act.

(B) Open burning violations as follows:

(i) Any violation of OAR 340-264-0060(3) committed by an industrial facility operating under an air quality permit.

(ii) Any violation of OAR 340-264-0060(3) in which 25 or more cubic yards of prohibited materials or more than 15 tires are burned, except when committed by a residential owner-occupant.

(C) Any violation of the Oregon Low Emission Vehicle rules (OAR 340-257) by an automobile manufacturer.

(D) Any violation of ORS 468B.025(1)(a) or (1)(b), or of 468B.050(1)(a) by a person without a National Pollutant Discharge Elimination System (NPDES) permit, unless otherwise classified.

(E) Any violation of a water quality statute, rule, permit or related order by:

(i) A person that has an NPDES permit, or that has or should have a Water Pollution Control Facility (WPCF) permit, for a municipal or private utility sewage treatment facility with a permitted flow of five million or more gallons per day.

- (ii) A person that has a Tier 1 industrial source NPDES or WPCF permit.
- (iii) A person that has a population of 100,000 or more, as determined by the most recent national census, and either has or should have a WPCF Municipal Stormwater Underground Injection Control (UIC) System Permit, or has an NPDES Municipal Separated Storm Sewer Systems (MS4) Stormwater Discharge Permit.
- (iv) A person that installs or operates a prohibited Class I, II, III, IV or V UIC system, except for a cesspool.
- (v) A person that has or should have applied for coverage under an NPDES Stormwater Discharge 1200-C General Permit for a construction site that disturbs 20 or more acres.
- (F) Any violation of the ballast water statute in ORS Chapter 783 or ballast water management rule in OAR 340, division 143.
- (G) Any violation of a Clean Water Act Section 401 Water Quality Certification by a 100 megawatt or more hydroelectric facility.
- (H) Any violation of a Clean Water Act Section 401 Water Quality Certification for a dredge and fill project except for Tier 1, 2A or 2B projects.
- (I) Any violation of an underground storage tanks statute, rule, permit or related order committed by the owner, operator or permittee of 10 or more UST facilities or a person who is licensed or should be licensed by DEQ to perform tank services.
- (J) Any violation of a heating oil tank statute, rule, permit, license or related order committed by a person who is licensed or should be licensed by DEQ to perform heating oil tank services.
- (K) Any violation of ORS 468B.485, or related rules or orders regarding financial assurance for ships transporting hazardous materials or oil.
- (L) Any violation of a used oil statute, rule, permit or related order committed by a person who is a used oil transporter, transfer facility, processor or re-refiner, off-specification used oil burner or used oil marketer.
- (M) Any violation of a hazardous waste statute, rule, permit or related order by:
 - (i) A person that is a large quantity generator or hazardous waste transporter.
 - (ii) A person that has or should have a treatment, storage or disposal facility permit.
- (N) Any violation of an oil and hazardous material spill and release statute, rule, or related order committed by a covered vessel or facility as defined in ORS 468B.300 or by a person who is engaged in the business of manufacturing, storing or transporting oil or hazardous materials.

(O) Any violation of a polychlorinated biphenyls (PCBs) management and disposal statute, rule, permit or related order.

(P) Any violation of ORS Chapter 465, UST or environmental cleanup statute, rule, related order or related agreement.

(Q) Unless specifically listed under another penalty matrix, any violation of ORS Chapter 459 or any violation of a solid waste statute, rule, permit, or related order committed by:

(i) A person that has or should have a solid waste disposal permit.

(ii) A person with a population of 25,000 or more, as determined by the most recent national census.

(R) Any violation of the Oregon Clean Fuels Program under OAR 340 division 253 by a person registered as an importer of blendstocks.

(b) The base penalty values for the \$12,000 penalty matrix are as follows:

(A) Class I:

(i) Major — \$12,000;

(ii) Moderate — \$6,000;

(iii) Minor — \$3,000.

(B) Class II:

(i) Major — \$6,000;

(ii) Moderate — \$3,000;

(iii) Minor — \$1,500.

(C) Class III: \$1,000.

(3) \$8,000 Penalty Matrix:

(a) The \$8,000 penalty matrix applies to the following:

(A) Any violation of an air quality statute, rule, permit, permit attachment, or related order committed by a person that has or should have an ACDP permit, except for NSR, PSD and Basic ACDP permits, unless listed under another penalty matrix.

(B) Any violation of an asbestos statute, rule, permit or related order except those violations listed in section (5) of this rule.

(C) Any violation of a vehicle inspection program statute, rule, permit or related order committed by an auto repair facility.

(D) Any violation of the Oregon Low Emission Vehicle rules (OAR 340-257) committed by an automobile dealer or an automobile rental agency.

(E) Any violation of a water quality statute, rule, permit or related order committed by:

(i) A person that has an NPDES Permit, or that has or should have a WPCF Permit, for a municipal or private utility sewage treatment facility with a permitted flow of two million or more, but less than five million, gallons per day.

(ii) A person that has a Tier 2 industrial source NPDES or WPCF Permit.

(iii) A person that has or should have applied for coverage under an NPDES or a WPCF General Permit, except an NPDES Stormwater Discharge 1200-C General Permit for a construction site of less than five acres in size or 20 or more acres in size.

(iv) A person that has a population of less than 100,000 but more than 10,000, as determined by the most recent national census, and has or should have a WPCF Municipal Stormwater UIC System Permit or has an NPDES MS4 Stormwater Discharge Permit.

(v) A person that owns, and that has or should have registered, a UIC system that disposes of wastewater other than stormwater or sewage or geothermal fluids.

(F) Any violation of a Clean Water Act Section 401 Water Quality Certification by a less than 100 megawatt hydroelectric facility.

(G) Any violation of a Clean Water Act Section 401 Water Quality Certification for a Tier 2A or Tier 2B dredge and fill project.

(H) Any violation of an UST statute, rule, permit or related order committed by a person who is the owner, operator or permittee of five to nine UST facilities.

(I) Unless specifically listed under another penalty matrix, any violation of ORS Chapter 459 or other solid waste statute, rule, permit, or related order committed by:

(i) A person that has or should have a waste tire permit; or

(ii) A person with a population of more than 5,000 but less than or equal to 25,000, as determined by the most recent national census.

(J) Any violation of a hazardous waste management statute, rule, permit or related order committed by a person that is a small quantity generator.

(K) Any violation of an oil and hazardous material spill and release statute, rule, or related order committed by a person other than a person listed in OAR 340-012-0140(2)(a)(N) occurring during a commercial activity or involving a derelict vessel over 35 feet in length.

(L) Any violation of the Oregon Clean Fuels Program under OAR 340 division 253 by a person registered as a credit generator.

(b) The base penalty values for the \$8,000 penalty matrix are as follows:

(A) Class I:

(i) Major — \$8,000.

(ii) Moderate — \$4,000.

(iii) Minor — \$2,000.

(B) Class II:

(i) Major — \$4,000.

(ii) Moderate — \$2,000.

(iii) Minor — \$1,000.

(C) Class III: \$ 700.

(4) \$3,000 Penalty Matrix:

(a) The \$3,000 penalty matrix applies to the following:

(A) Any violation of any statute, rule, permit, license, or order committed by a person not listed under another penalty matrix.

(B) Any violation of an air quality statute, rule, permit, permit attachment, or related order committed by a person not listed under another penalty matrix.

(C) Any violation of an air quality statute, rule, permit, permit attachment, or related order committed by a person that has or should have a Basic ACDP or an ACDP or registration only because the person is subject to Area Source NESHAP regulations.

(D) Any violation of OAR 340-264-0060(3) in which 25 or more cubic yards of prohibited materials or more than 15 tires are burned by a residential owner-occupant.

(E) Any violation of a vehicle inspection program statute, rule, permit or related order committed by a natural person, except for those violations listed in section (5) of this rule.

(F) Any violation of a water quality statute, rule, permit, license or related order not listed under another penalty matrix and committed by:

(i) A person that has an NPDES permit, or has or should have a WPCF permit, for a municipal or private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

(ii) A person that has or should have applied for coverage under an NPDES Stormwater Discharge 1200-C General Permit for a construction site that is more than one, but less than five acres.

(iii) A person that has a population of 10,000 or less, as determined by the most recent national census, and either has an NPDES MS4 Stormwater Discharge Permit or has or should have a WPCF Municipal Stormwater UIC System Permit.

(iv) A person who is licensed to perform onsite sewage disposal services or who has performed sewage disposal services.

(v) A person, except for a residential owner-occupant, that owns and either has or should have registered a UIC system that disposes of stormwater, sewage or geothermal fluids.

(vi) A person that has or should have a WPCF individual stormwater UIC system permit.

(vii) Any violation of a water quality statute, rule, permit or related order committed by a person that has or should have applied for coverage under an NPDES 700-PM General Permit for suction dredges.

(G) Any violation of an onsite sewage disposal statute, rule, permit or related order, except for a violation committed by a residential owner-occupant.

(H) Any violation of a Clean Water Act Section 401 Water Quality Certification for a Tier 1 dredge and fill project.

(I) Any violation of an UST statute, rule, permit or related order if the person is the owner, operator or permittee of two to four UST facilities.

(J) Any violation of a used oil statute, rule, permit or related order, except a violation related to a spill or release, committed by a person that is a used oil generator.

(K) Any violation of a hazardous waste management statute, rule, permit or related order committed by a person that is a conditionally exempt generator, unless listed under another penalty matrix.

(L) Any violation of ORS Chapter 459 or other solid waste statute, rule, permit, or related order committed by a person with a population less than 5,000, as determined by the most recent national census.

(M) Any violation of the labeling requirements of ORS 459A.675 through 459A.685.

(N) Any violation of rigid pesticide container disposal requirements by a conditionally exempt generator of hazardous waste.

(O) Any violation of ORS 468B.025(1)(a) or (b) resulting from turbid discharges to waters of the state caused by non-residential uses of property disturbing less than one acre in size.

(P) Any violation of an oil and hazardous material spill and release statute, rule, or related order committed by a person not listed under another matrix.

(Q) Any violation of the Oregon Clean Fuels Program under OAR 340 division 253 by a person registered as an importer of finished fuels.

(b) The base penalty values for the \$3,000 penalty matrix are as follows:

(A) Class I:

(i) Major — \$3,000;

(ii) Moderate — \$1,500;

(iii) Minor — \$750.

(B) Class II:

(i) Major — \$1,500;

(ii) Moderate — \$750;

(iii) Minor — \$375.

(C) Class III: \$250.

(5) \$1,000 Penalty Matrix:

(a) The \$1,000 penalty matrix applies to the following:

(A) Any violation of an open burning statute, rule, permit or related order committed by a residential owner-occupant at the residence, not listed under another penalty matrix.

(B) Any violation of visible emissions standards by operation of a vehicle.

- (C) Any violation of an asbestos statute, rule, permit or related order committed by a residential owner-occupant.
 - (D) Any violation of an onsite sewage disposal statute, rule, permit or related order of OAR chapter 340, division 44 committed by a residential owner-occupant.
 - (E) Any violation of an UST statute, rule, permit or related order committed by a person who is the owner, operator or permittee of one UST facility.
 - (F) Any violation of an HOT statute, rule, permit or related order not listed under another penalty matrix.
 - (G) Any violation of OAR chapter 340, division 124 or ORS 465.505 by a dry cleaning owner or operator, dry store owner or operator, or supplier of perchloroethylene.
 - (H) Any violation of ORS Chapter 459 or other solid waste statute, rule or related order committed by a residential owner-occupant.
 - (I) Any violation of a statute, rule, permit or order relating to rigid plastic containers, except for violation of the labeling requirements under OAR 459A.675 through 459A.685.
 - (J) Any violation of a statute, rule or order relating to the opportunity to recycle.
 - (K) Any violation of OAR chapter 340, division 262 or other statute, rule or order relating to solid fuel burning devices, except a violation related to the sale of new or used solid fuel burning devices or the removal and destruction of used solid fuel burning devices.
 - (L) Any violation of an UIC system statute, rule, permit or related order by a residential owner-occupant, when the UIC disposes of stormwater, sewage or geothermal fluids.
 - (M) Any Violation of ORS 468B.025(1)(a) or (b) resulting from turbid discharges to waters of the state caused by residential use of property disturbing less than one acre in size.
- (b) The base penalty values for the \$1,000 penalty matrix are as follows:
- (A) Class I:
 - (i) Major — \$1,000;
 - (ii) Moderate — \$500;
 - (iii) Minor — \$250.
 - (B) Class II:
 - (i) Major — \$500;

(ii) Moderate — \$250;

(iii) Minor — \$125.

(C) Class III: \$100.

Stat. Auth.: ORS 468.020 & 468.090 - 468.140

Stats. Implemented: ORS 459.995, 459A.655, 459A.660, 459A.685 & 468.035

Hist.: DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 33-1990, f. & cert. ef. 8-15-90; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; Renumbered from 340-012-0042, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 6-2006, f. & cert. ef. 6-29-06; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0020,

General Air Quality Definitions

As used in OAR 340 divisions 200 through 268, unless specifically defined otherwise:

- (1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. § 7401 to 7671q.
- (2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.
- (3) "Actual emissions" means the mass emissions of a regulated pollutant from an emissions source during a specified time period as set forth in OAR 340 divisions 214, 220 and 222.
- (4) "Adjacent", as used in the definitions of major source and source and in OAR 340-216-0070, means interdependent facilities that are nearby to each other.
- (5) "Affected source" means a source that includes one or more affected units that are subject to emission reduction requirements or limitations under Title IV of the FCAA.
- (6) "Affected states" means all states:
 - (a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or
 - (b) That are within 50 miles of the permitted source.

(7) "Aggregate insignificant emissions" means the annual actual emissions of any regulated pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified:

(a) One ton for total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA, and each criteria pollutant, except lead;

(b) 120 pounds for lead;

(c) 600 pounds for fluorides;

(d) 500 pounds for PM10 in a PM10 nonattainment area;

(e) 500 pounds for direct PM2.5 in a PM2.5 nonattainment area;

(f) The lesser of the amount established in 40 C.F.R. 68.130 or 1,000 pounds;

(g) An aggregate of 5,000 pounds for all hazardous air pollutants;

(h) 2,756 tons CO₂e for greenhouse gases.

(8) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, particulate matter, regulated pollutant, or any combination thereof.

(9) "Air Contaminant Discharge Permit" or "ACDP" means written authorization issued, renewed, amended, or revised by DEQ, ~~pursuant to~~ under OAR 340 division 216.

(10) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to DEQ's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(11) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(12) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:

- (a) Any standard or other requirement provided in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the FCAA that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 C.F.R. part 52;
- (b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;
- (c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued ~~pursuant to~~ under OAR 340 division 224, New Source Review, until or unless DEQ revokes or modifies the term or condition by a permit modification;
- (d) Any term or condition in a Notice of Construction and Approval of Plans, OAR 340-210-0205 through 340-210-0240, until or unless DEQ revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;
- (e) Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless DEQ revokes or modifies the term or condition by a Notice of Approval or a permit modification;
- (f) Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;
- (g) Any standard or other requirement under section 111 of the FCAA, including section 111(d);
- (h) Any standard or other requirement under section 112 of the FCAA, including any requirement concerning accident prevention under section 112(r)(7) of the FCAA;
- (i) Any standard or other requirement of the acid rain program under Title IV of the FCAA or the regulations promulgated thereunder;
- (j) Any requirements established ~~pursuant to~~ under section 504(b) or section 114(a)(3) of the FCAA;
- (k) Any standard or other requirement under section 126(a)(1) and(c) of the FCAA;
- (l) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA;
- (m) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA;
- (n) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;

(o) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;

(p) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

(q) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted ~~pursuant to~~under section 504(e) of the FCAA.

(13) "Attainment area" or "unclassified area" means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR 340 division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(14) "Attainment pollutant" means a pollutant for which an area is designated an attainment or unclassified area.

(15) "Baseline emission rate" means the actual emission rate during a baseline period as determined under OAR 340 division 222.

(16) "Baseline period" means the period used to determine the baseline emission rate for each regulated pollutant under OAR 340 division 222.

(17) "Best Available Control Technology" or "BACT" means an emission limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the FCAA which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutant. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

(18) "Biomass" means non-fossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.

(19) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

(20) "Capture efficiency" means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.

(21) "Capture system" means the equipment, including but not limited to hoods, ducts, fans, and booths, used to contain, capture and transport a regulated pollutant to a control device.

(22) "Carbon dioxide equivalent" or "CO₂e" means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 C.F.R. part 98, subpart A, Table A-1-Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

(23) "Categorically insignificant activity" means any of the following listed regulated pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

(a) Constituents of a chemical mixture present at less than 1 percent by weight of any chemical or compound regulated under divisions 200 through 268 excluding divisions 248 and 262 of this chapter, or less than 0.1 percent by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year;

(b) Evaporative and tailpipe emissions from on-site motor vehicle operation;

(c) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source's expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:

(A) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour;

(B) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour.

(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such

equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;

- (e) Office activities;
- (f) Food service activities;
- (g) Janitorial activities;
- (h) Personal care activities;
- (i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;
- (j) On-site laundry activities;
- (k) On-site recreation facilities;
- (l) Instrument calibration;
- (m) Maintenance and repair shop;
- (n) Automotive repair shops or storage garages;
- (o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- (p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
- (q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
- (r) Temporary construction activities;
- (s) Warehouse activities;
- (t) Accidental fires;
- (u) Air vents from air compressors;
- (v) Air purification systems;
- (w) Continuous emissions monitoring vent lines;

- (x) Demineralized water tanks;
- (y) Pre-treatment of municipal water, including use of deionized water purification systems;
- (z) Electrical charging stations;
- (aa) Fire brigade training;
- (bb) Instrument air dryers and distribution;
- (cc) Process raw water filtration systems;
- (dd) Pharmaceutical packaging;
- (ee) Fire suppression;
- (ff) Blueprint making;
- (gg) Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;
- (hh) Electric motors;
- (ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
- (jj) On-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;
- (kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
- (ll) Pressurized tanks containing gaseous compounds;
- (mm) Vacuum sheet stacker vents;
- (nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;
- (oo) Log ponds;
- (pp) Stormwater settling basins;

- (qq) Fire suppression and training;
- (rr) Paved roads and paved parking lots within an urban growth boundary;
- (ss) Hazardous air pollutant emissions in fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;
- (tt) Health, safety, and emergency response activities;
- (uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;
- (vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;
- (ww) Non-contact steam condensate flash tanks;
- (xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;
- (yy) Boiler blowdown tanks;
- (zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;
- (aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;
- (bbb) Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources:
 - (A) Petroleum refineries;
 - (B) Sources that perform petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels;
or
 - (C) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;
- (ccc) Combustion source flame safety purging on startup;
- (ddd) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

(eee) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

(fff) White water storage tanks.

(24) "Certifying individual" means the responsible person or official authorized by the owner or operator of a source who certifies the accuracy of the emission statement.

(25) "Class I area" or "PSD Class I area" means any Federal, State or Indian reservation land which is classified or reclassified as a Class I area under OAR 340-204-0050 and 340-204-0060.

(26) "Class II area" or "PSD Class II area" means any land which is classified or reclassified as a Class II area under OAR 340-204-0050 and 340-204-0060.

(27) "Class III area" or "PSD Class III area" means any land which is reclassified as a Class III area under OAR 340-204-0060.

(28) "Commence" or "commencement" means that the owner or operator has obtained all necessary preconstruction approvals required by the FCAA and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

(29) "Commission" or "EQC" means Environmental Quality Commission.

(30) "Constant process rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

(31) "Construction":

(a) Except as provided in subsection (b) means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;

(b) As used in OAR 340 division 224 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source which would result in a change in actual emissions.

(32) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

(a) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(b) Provides data either in units of the standard or correlated directly with the compliance limit.

(33) "Continuous monitoring systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis as specified in the DEQ Continuous Monitoring Manual, [found in OAR 340-200-0035](#), and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(34) "Control device" means equipment, other than inherent process equipment that is used to destroy or remove a regulated pollutant prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices, such as carbon beds, condensers, scrubbers, such as wet collection and gas absorption devices, selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems, such as water, steam, ammonia, sorbent or limestone injection, and combustion devices independent of the particular process being conducted at an emissions unit, e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters. For purposes of OAR 340-212-0200 through 340-212-0280, a control device does not include passive control measures that act to prevent regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular regulated pollutant-specific emissions unit, then that definition will be binding for purposes of OAR 340-212-0200 through 340-212-0280.

(35) "Control efficiency" means the product of the capture and removal efficiencies.

(36) "Criteria pollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, and lead.

(37) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

(38) "Day" means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period as specified in a permit.

(39) "De minimis emission level" means the level for the regulated pollutants listed below:

(a) Greenhouse Gases (CO₂e) = 2,756 tons per year.

(b) CO = 1 ton per year.

- (c) NO_x = 1 ton per year.
- (d) SO₂ = 1 ton per year.
- (e) VOC = 1 ton per year.
- (f) PM = 1 ton per year.
- (g) PM₁₀ (except Medford AQMA) = 1 ton per year.
- (h) PM₁₀ (Medford AQMA) = 0.5 ton per year and 5.0 pounds/day.
- (i) Direct PM_{2.5} = 1 ton per year.
- (j) Lead = 0.1 ton per year.
- (k) Fluorides = 0.3 ton per year.
- (l) Sulfuric Acid Mist = 0.7 ton per year.
- (m) Hydrogen Sulfide = 1 ton per year.
- (n) Total Reduced Sulfur (including hydrogen sulfide) = 1 ton per year.
- (o) Reduced Sulfur = 1 ton per year.
- (p) Municipal waste combustor organics (dioxin and furans) = 0.0000005 ton per year.
- (q) Municipal waste combustor metals = 1 ton per year.
- (r) Municipal waste combustor acid gases = 1 ton per year.
- (s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 1 ton per year
- (t) Single HAP = 1 ton per year
- (u) Combined HAP (aggregate) = 1 ton per year
- (40) "Department" or "DEQ":
 - (a) Means Department of Environmental Quality; except
 - (b) As used in OAR 340 divisions 218 and 220 means Department of Environmental Quality, or in the case of Lane County, LRAPA.

(41) "DEQ method [#]" means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual, [found in OAR 340-200-0035](#).

(42) "Designated area" means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under OAR 340 division 204 or applicable provisions of the FCAA.

(43) "Destruction efficiency" means removal efficiency.

(44) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.

(45) "Direct PM2.5" has the meaning provided in the definition of PM2.5.

(46) "Director" means the Director of DEQ or the Director's designee.

(47) "Draft permit" means the version of an Oregon Title V Operating Permit for which DEQ or LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(48) "Dry standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.

(49) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

(50) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(51) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.

(52) "Emission estimate adjustment factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

(53) "Emission factor" means an estimate of the rate at which a regulated pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate).

(54) "Emission limitation" or "Emission standard" or "Emission limitation or standard" means:

(a) Except as provided in subsection (b), a requirement established by a state, local government, or the EPA which limits the quantity, rate, or concentration of emissions of regulated pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) As used in OAR 340-212-0200 through 340-212-0280, any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions, e.g., pounds of SO₂ per hour, pounds of SO₂ per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO₂, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO₂. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of 340-212-0200 through 340-212-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

(55) "Emission Reduction credit banking" means to presently reserve, subject to requirements of OAR 340 division 268, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(56) "Emission reporting form" means a paper or electronic form developed by DEQ that must be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(57) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated pollutant.

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated pollutants. An activity is any process, operation, action, or reaction, e.g., chemical, at a stationary source that emits regulated pollutants. Except as described in subsection (d), parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:

(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(B) The emissions from the emissions unit are quantifiable.

(b) Emissions units may be defined on a regulated pollutant by regulated pollutant basis where applicable.

(c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR 340 divisions 210 and 224, or for determining the applicability of any New Source Performance Standard.

(58) "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

(59) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described in 40 C.F.R. part 60, Appendix A-4.

(60) "Equivalent method" means any method of sampling and analyzing for a regulated pollutant that has been demonstrated to DEQ's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(61) "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

(62) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions, or opacity, are greater than the applicable emission limitation or standard, or less than the applicable standard in the case of a percent reduction requirement, consistent with any averaging period specified for averaging the results of the monitoring.

(63) "Excess emissions" means emissions in excess of a permit or permit attachment limit, in excess of a risk limit under OAR chapter 340, division 245, or in violation of any applicable air quality rule.

(64) "Excursion" means a departure from an indicator range established for monitoring under OAR 340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

(65) "Federal Land Manager" means with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(66) "Federal Major Source" means any source listed in subsections (a) or (d) below:

(a) A source with potential to emit:

(A) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR 340 division 244 if in a source category listed in subsection (c), or

(B) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR 340 division 244, if not in a source category listed in subsection (c).

(b) Calculations for determining a source's potential to emit for purposes of subsections (a) and (d) must include the following:

(A) Fugitive emissions and insignificant activity emissions; and

(B) Increases or decreases due to a new or modified source.

(c) Source categories:

(A) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(B) Coal cleaning plants with thermal dryers;

(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary zinc smelters;

(F) Iron and steel mill plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(J) Hydrofluoric acid plants;

(K) Sulfuric acid plants;

(L) Nitric acid plants;

(M) Petroleum refineries;

(N) Lime plants;

(O) Phosphate rock processing plants;

- (P) Coke oven batteries;
 - (Q) Sulfur recovery plants;
 - (R) Carbon black plants, furnace process;
 - (S) Primary lead smelters;
 - (T) Fuel conversion plants;
 - (U) Sintering plants;
 - (V) Secondary metal production plants;
 - (W) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
 - (X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
 - (Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (Z) Taconite ore processing plants;
 - (AA) Glass fiber processing plants;
 - (BB) Charcoal production plants.
- (d) A major stationary source as defined in part D of Title I of the FCAA, including:
- (A) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;
 - (B) For ozone transport regions established ~~pursuant to under~~ section 184 of the FCAA, sources with the potential to emit 50 tons per year or more of VOCs;
 - (C) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide.

(D) For PM10 nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM10.

(67) "Final permit" means the version of an Oregon Title V Operating Permit issued by DEQ or LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(68) "Form" means a paper or electronic form developed by DEQ.

(69) "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.

(70) "Fugitive emissions":

(a) Except as used in subsection (b), means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(71) "General permit":

(a) Except as provided in subsection (b), means an Oregon Air Contaminant Discharge Permit established under OAR 340-216-0060;

(b) As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

(72) "Generic PSEL" means the levels for the regulated pollutants listed below:

(a) Greenhouse Gases (CO₂e) = 74,000 tons per year

(b) CO = 99 tons per year

(c) NO_x = 39 tons per year

(d) SO₂ = 39 tons per year

(e) VOC = 39 tons per year

(f) PM = 24 tons per year

(g) PM₁₀ (except Medford AQMA) = 14 tons per year

- (h) PM10 (Medford AQMA) = 4.5 tons per year and 49 pounds per day
 - (i) PM2.5 = 9 tons per year
 - (j) Lead = 0.5 tons per year
 - (k) Fluorides = 2 tons per year
 - (l) Sulfuric Acid Mist = 6 tons per year
 - (m) Hydrogen Sulfide = 9 tons per year
 - (n) Total Reduced Sulfur (including hydrogen sulfide) = 9 tons per year
 - (o) Reduced Sulfur = 9 tons per year
 - (p) Municipal waste combustor organics (Dioxin and furans) = 0.0000030 tons per year
 - (q) Municipal waste combustor metals = 14 tons per year
 - (r) Municipal waste combustor acid gases = 39 tons per year
 - (s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 49 tons per year
 - (t) Single HAP = 9 tons per year
 - (u) Combined HAPs (aggregate) = 24 tons per year
- (73)(a) "Greenhouse gases" or "GHGs" means the aggregate group of the following six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Each gas is also individually a greenhouse gas.
- (b) The definition of greenhouse gases in subsection (a) of this section does not include, for purposes of division 216, 218, and 224, carbon dioxide emissions from the combustion or decomposition of biomass except to the extent required by federal law.
- (74) "Growth allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed sources and modifications of sources.
- (75) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.
- (76) "Hazardous Air Pollutant" or "HAP" means an air contaminant listed by the EPA pursuant to under section 112(b) of the FCAA or determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(77) "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period.

(78) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(79) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(80) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

(81) "Insignificant activity" means an activity or emission that DEQ has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(82) "Insignificant change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

- (a) Does not result in a re-designation from an insignificant to a significant activity;
- (b) Does not invoke an applicable requirement not included in the permit; and
- (c) Does not result in emission of regulated pollutants not regulated by the source's permit.

(83) "Internal combustion engine" means stationary gas turbines and reciprocating internal combustion engines.

(84) "Late payment" means a fee payment which is postmarked after the due date.

(85) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."

(86) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

(87) "Maintenance area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to comply with the standards ~~pursuant to~~ under 40 C.F.R. 51.110. Maintenance areas are designated by the EQC according to division 204.

(88) "Maintenance pollutant" means a regulated pollutant for which a maintenance area was formerly designated a nonattainment area.

(89) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of OAR 340-224-0025.

(90) "Major New Source Review" or "Major NSR" means the new source review process and requirements under OAR 340-224-0010 through 340-224-0070 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(91) "Major source":

(a) Except as provided in subsection (b) of this section, means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.

(b) As used in OAR 340 division 210, Stationary Source Notification Requirements, OAR 340 division 218, Oregon Title V Operating Permits, OAR 340 division 220, Oregon Title V Operating Permit Fees, 340-216-0066, Standard ACDPs, and OAR 340 division 236, Emission Standards for Specific Industries, means any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person or persons under common control belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B), or (C). For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the regulated pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(A) A major source of hazardous air pollutants, which means:

(i) For hazardous air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutants that has been listed ~~pursuant to~~ under OAR 340-244-0040; 25 tons per year or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be

aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(B) A major stationary source of regulated pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of any regulated pollutant, except greenhouse gases, including any major source of fugitive emissions of any such regulated pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the FCAA, unless the source belongs to one of the following categories of stationary sources:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;

- (xviii) Sintering plants;
 - (xix) Secondary metal production plants;
 - (xx) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
 - (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
 - (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (xxiii) Taconite ore processing plants;
 - (xxiv) Glass fiber processing plants;
 - (xxv) Charcoal production plants;
 - (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
 - (xxvii) Any other stationary source category, that as of August 7, 1980 is being regulated under section 111 or 112 of the FCAA.
- (C) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by Section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of greenhouse gases and directly emits or has the potential to emit 100,000 tons per year or more CO₂e, including fugitive emissions.
- (92) "Material balance" means a procedure for determining emissions based on the difference in the amount of material added to a process and the amount consumed and/or recovered from a process.
- (93) "Modification," except as used in the terms "major modification" "permit modification" and "Title I modification," means any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source or part of the source's potential to emit any regulated pollutant on an hourly basis. Modifications do not include the following:
- (a) Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;
 - (b) Changes in the method of operation due to using an alternative fuel or raw material that the source or part of a source was physically capable of accommodating during the baseline period; and

(c) Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the source or part of a source by using component upgrades that would not otherwise be necessary for the source or part of a source to function.

(94) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard such as records of raw material content and usage, or records documenting compliance with work practice requirements. Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 C.F.R. part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

(a) Continuous emission or opacity monitoring systems.

(b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

(c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).

(d) Maintaining and analyzing records of fuel or raw materials usage.

(e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.

(f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

(g) Visible emission observations and recording.

(h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

(95) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.

(96) "Netting basis" means an emission rate determined as specified in OAR 340-222-0046.

(97) "Nitrogen oxides" or "NOx" means all oxides of nitrogen except nitrous oxide.

(98) "Nonattainment area" means a geographical area of the state, as designated by the EQC or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard. Nonattainment areas are designated by the EQC according to division 204.

(99) "Nonattainment pollutant" means a regulated pollutant for which an area is designated a nonattainment area. Nonattainment areas are designated by the EQC according to division 204.

(100) "Normal source operation" means operation that does not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(101) "Odor" means that property of an air contaminant that affects the sense of smell.

(102) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a source that is subject to Major NSR or State NSR.

(103) "Opacity" means the degree to which emissions, excluding uncombined water, reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 9 or other method, as specified in each applicable rule.

(104) "Oregon Title V operating permit" or "Title V permit" means written authorization issued, renewed, amended, or revised ~~pursuant to~~ under OAR 340 division 218.

(105) "Oregon Title V operating permit program" or "Title V program" means the Oregon program described in OAR 340 division 218 and approved by the Administrator under 40 C.F.R. part 70.

(106) "Oregon Title V operating permit program source" or "Title V source" means any source subject to the permitting requirements, OAR 340 division 218.

(107) "Ozone precursor" means nitrogen oxides and volatile organic compounds.

(108) "Ozone season" means the contiguous 3 month period during which ozone exceedances typically occur, i.e., June, July, and August.

(109) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(110) "Particulate matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit.

(111) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit, permit attachment and any amendments or modifications thereof.

(112) "Permit modification" means a permit revision that meets the applicable requirements of OAR 340 division 216, OAR 340 division 224, or OAR 340-218-0160 through 340-218-0180.

(113) "Permit revision" means any permit modification or administrative permit amendment.

(114) "Permitted emissions" as used in OAR 340 division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by DEQ ~~pursuant to~~under OAR 340-220-0090.

(115) "Permittee" means the owner or operator of a source, authorized to emit regulated pollutants under an ACDP or Oregon Title V Operating Permit.

(116) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(117) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR 340 division 220.

(118) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(119) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit;

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured under 40 C.F.R. part 50, Appendix J or an equivalent method designated under 40 C.F.R. part 53.

(120) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(b) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(c) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under 40 C.F.R. part 50, Appendix L, or an equivalent method designated under 40 C.F.R. part 53.

(121) "PM2.5 fraction" means the fraction of PM2.5 in relation to PM10 for each emissions unit that is included in the netting basis and PSEL.

(122) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated pollutant.

(123) "Portable" means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(124) "Potential to emit" or "PTE" means the lesser of:

(a) The regulated pollutant emissions capacity of a stationary source; or

(b) The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including use of control devices and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

(c) This definition does not alter or affect the use of this term for any other purposes under the FCAA or the term "capacity factor" as used in Title IV of the FCAA and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

(125) "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.

(126) "Predictive emission monitoring system" or "PEMS" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

(127) "Press/cooling vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.

(128) "Process upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(129) "Proposed permit" means the version of an Oregon Title V Operating Permit that DEQ or LRAPA proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

(130) "Reattainment area" means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the EQC according to division 204.

(131) "Reattainment pollutant" means a regulated pollutant for which an area is designated a reattainment area.

(132) "Reference method" means any method of sampling and analyzing for a regulated pollutant as specified in 40 C.F.R. part 52, 60, 61 or 63.

(133) "Regional agency" means Lane Regional Air Protection Agency.

(134) "Regulated air pollutant" or "Regulated pollutant":

(a) Except as provided in subsections (b), ~~and~~ (c) and (d), means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which an ambient air quality standard has been promulgated, including any precursors to such pollutants;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA;

(E) Any pollutant listed under OAR 340-244-0040 or 40 C.F.R. 68.130; ~~and~~

(F) Greenhouse gases; and

(G) Toxic Air Contaminants.

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide.

(c) As used in OAR 340 division 222, Plant Site Emission Limits and division 224, New Source Review, regulated pollutant does not include any pollutant listed in OAR 340 divisions 244 and 246.

(d) As used in OAR 340 division 202 Ambient Air Quality Standards And PSD Increments through division 210 Stationary Source Notification Requirements; division 215 Greenhouse Reporting Requirements; division 222 Stationary Source Plant Site Emission Limits through division 244 Oregon Federal Hazardous Air Pollutant Program; and division 248 Asbestos Requirements through division 268 Emission Reduction Credits; regulated pollutant means only the air contaminants listed under paragraphs (a)(A) through (F).

(135) "Removal efficiency" means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.

(136) "Renewal" means the process by which a permit is reissued at the end of its term.

(137) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(B) The delegation of authority to such representative is approved in advance by DEQ or LRAPA.

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this division, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of EPA (e.g., a Regional Administrator of the EPA); or

(d) For affected sources:

(A) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated there under are concerned; and

(B) The designated representative for any other purposes under the Oregon Title V Operating Permit program.

(138) "Secondary emissions" means emissions that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships and trains coming to or from a facility;

(b) Emissions from off-site support facilities that would be constructed or would otherwise increase emissions as a result of the construction or modification of a source.

(139) "Section 111" means section 111 of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

(140) "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(141) "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants.

(142) "Section 112(b)" means subsection 112(b) of the FCAA, 42 U.S.C. § 7412(b), which includes the list of hazardous air pollutants to be regulated.

(143) "Section 112(d)" means subsection 112(d) of the FCAA, 42 U.S.C. § 7412(d), which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(144) "Section 112(e)" means subsection 112(e) of the FCAA, 42 U.S.C. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(145) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(146) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.

(147) "Section 129" means section 129 of the FCAA, 42 U.S.C. § 7429, which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(148) "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(149) "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NO_x in ozone nonattainment areas.

(150) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NO_x sources in ozone nonattainment areas.

(151) "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(152) "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(153) "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.

(154) "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.

(155) "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."

(156) "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(157) "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.

(158) "Section 502(b)(10) change" means a change which contravenes an express permit term but is not a change that:

(a) Would violate applicable requirements;

(b) Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or

(c) Is a FCAA Title I modification.

(159) "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(160) "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.

(161) "Significant emission rate" or "SER," except as provided in subsections (v) and (w), means an emission rate equal to or greater than the rates specified for the regulated pollutants below:

(a) Greenhouse gases (CO₂e) = 75,000 tons per year

- (b) Carbon monoxide = 100 tons per year except in a serious nonattainment area = 50 tons per year, provided DEQ has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
- (c) Nitrogen oxides (NOX) = 40 tons per year.
- (d) Particulate matter = 25 tons per year.
- (e) PM10 = 15 tons per year.
- (f) Direct PM2.5 = 10 tons per year.
- (g) PM2.5 precursors (SO2 or NOx) = 40 tons per year.
- (h) Sulfur dioxide (SO2) = 40 tons per year.
- (i) Ozone precursors (VOC or NOx) = 40 tons per year except:
 - (I) In a serious or severe ozone nonattainment area = 25 tons per year.
 - (II) In an extreme ozone nonattainment area = any emissions increase.
- (j) Lead = 0.6 tons per year.
- (k) Fluorides = 3 tons per year.
- (l) Sulfuric acid mist = 7 tons per year.
- (m) Hydrogen sulfide = 10 tons per year.
- (n) Total reduced sulfur (including hydrogen sulfide) = 10 tons per year.
- (o) Reduced sulfur compounds (including hydrogen sulfide) = 10 tons per year.
- (p) Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans) = 0.0000035 tons per year.
- (q) Municipal waste combustor metals (measured as particulate matter) = 15 tons per year.
- (r) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride) = 40 tons per year.
- (s) Municipal solid waste landfill emissions (measured as nonmethane organic compounds) = 50 tons per year.
- (t) Ozone depleting substances in aggregate = 100 tons per year.

(u) For the Medford-Ashland Air Quality Maintenance Area, the SER for PM10 is defined as 5 tons per year on an annual basis and 50.0 pounds per day on a daily basis.

(v) For regulated pollutants not listed in subsections (a) through (u), the SER is zero unless DEQ determines the rate that constitutes a SER.

(w) Any new source or modification with an emissions increase less than the rates specified above and that is located within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m³ (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions.

(162) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NO_x, a source has a significant impact if it is located within the ozone impact distance defined in OAR 340 division 224.

(163) "Significant impact level" or "SIL" means the ambient air quality concentrations listed below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR 340 division 202, but do not apply for protecting air quality related values, including visibility.

(a) For Class I areas:

(A) PM2.5:

(i) Annual = 0.06 µg/m³.

(ii) 24-hour = 0.07 µg/m³.

(B) PM10:

(i) Annual = 0.20 µg/m³.

(ii) 24-hour = 0.30 µg/m³.

(C) Sulfur dioxide:

(i) Annual = 0.10 µg/m³.

(ii) 24-hour = 0.20 µg/m³.

(iii) 3-hour = 1.0 µg/m³.

(D) Nitrogen dioxide: annual = 0.10 µg/m³.

(b) For Class II areas:

(A) PM2.5:

(i) Annual = 0.3 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 1.2 $\mu\text{g}/\text{m}^3$.

(B) PM10:

(i) Annual = 0.20 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 1.0 $\mu\text{g}/\text{m}^3$.

(C) Sulfur dioxide:

(i) Annual = 1.0 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 5.0 $\mu\text{g}/\text{m}^3$.

(iii) 3-hour = 25.0 $\mu\text{g}/\text{m}^3$.

(iv) 1-hour = 8.0 $\mu\text{g}/\text{m}^3$.

(D) Nitrogen dioxide:

(i) Annual = 1.0 $\mu\text{g}/\text{m}^3$.

(ii) 1-hour = 8.0 $\mu\text{g}/\text{m}^3$.

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m^3 .

(ii) 1-hour = 2.0 mg/m^3 .

(c) For Class III areas:

(A) PM2.5:

(i) Annual = 0.3 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 1.2 $\mu\text{g}/\text{m}^3$.

(B) PM10:

(i) Annual = 0.20 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 1.0 $\mu\text{g}/\text{m}^3$.

(C) Sulfur dioxide:

(i) Annual = 1.0 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 5.0 $\mu\text{g}/\text{m}^3$.

(iii) 3-hour = 25.0 $\mu\text{g}/\text{m}^3$.

(D) Nitrogen dioxide: annual = 1.0 $\mu\text{g}/\text{m}^3$

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m^3 .

(ii) 1-hour = 2.0 mg/m^3 .

(164) "Significant impairment" occurs when DEQ determines that visibility impairment interferes with the management, protection, preservation, or enjoyment of the visual experience within a Class I area. DEQ will make this determination on a case-by-case basis after considering the recommendations of the Federal Land Manager and the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered along with visitor use of the Class I areas, and the frequency and occurrence of natural conditions that reduce visibility.

(165) "Small scale local energy project" means:

(a) A system, mechanism or series of mechanisms located primarily in Oregon that directly or indirectly uses or enables the use of, by the owner or operator, renewable resources including, but not limited to, solar, wind, geothermal, biomass, waste heat or water resources to produce energy, including heat, electricity and substitute fuels, to meet a local community or regional energy need in this state;

(b) A system, mechanism or series of mechanisms located primarily in Oregon or providing substantial benefits to Oregon that directly or indirectly conserves energy or enables the conservation of energy by the owner or operator, including energy used in transportation;

(c) A recycling project;

(d) An alternative fuel project;

(e) An improvement that increases the production or efficiency, or extends the operating life, of a system, mechanism, series of mechanisms or project otherwise described in this section of this rule, including but not limited to restarting a dormant project;

(f) A system, mechanism or series of mechanisms installed in a facility or portions of a facility that directly or indirectly reduces the amount of energy needed for the construction and operation of the facility and that meets the sustainable building practices standard established by the State Department of Energy by rule; or

(g) A project described in subsections (a) to (f), whether or not the existing project was originally financed under ORS 470, together with any refinancing necessary to remove prior liens or encumbrances against the existing project.

(h) A project described in subsections (a) to (g) that conserves energy or produces energy by generation or by processing or collection of a renewable resource.

(166) "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all air contaminant emitting activities that belong to a single major industrial group, i.e., that have the same two-digit code, as described in the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987, or that support the major industrial group.

(167) "Source category":

(a) Except as provided in subsection (b), means all the regulated pollutant emitting activities that belong to the same industrial grouping, i.e., that have the same two-digit code, as described in the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987.

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that DEQ determines are using similar raw materials and have equivalent process controls and pollution control device.

(168) "Source test" means the average of at least three test runs conducted under the DEQ Source Sampling Manual [found in 340-200-0035](#).

(169) "Standard conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).

(170) "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.

(171) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 and approved by EPA.

(172) "State New Source Review" or "State NSR" means the new source review process and requirements under OAR 340-224-0010 through 340-224-0038, 340-224-0245 through 340-224-0270 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(173) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under OAR 340 division 216.

(174) "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.

(175) "Sustainment area" means a geographical area of the state for which DEQ has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the EQC, unless superseded by rule. Sustainment areas are designated by the EQC according to division 204.

(176) "Sustainment pollutant" means a regulated pollutant for which an area is designated a sustainment area.

(177) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit regulated pollutants contained in an ACDP or Oregon Title V permit issued by DEQ.

(178) "Title I modification" means one of the following modifications ~~pursuant to~~under Title I of the FCAA:

(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas or OAR 340-224-0055, Requirements for Sources in Reattainment Areas;

(b) A major modification subject to OAR 340-224-0060, Requirements for Sources in Maintenance Areas;

(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or 340-224-0045 Requirements for Sources in Sustainment Areas;

(d) A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or,

(e) A modification under Section 112 of the FCAA.

(179) "Total reduced sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present expressed as hydrogen sulfide (H₂S).

(180) "Toxic air contaminant" means an air pollutant that has been determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health and is listed in OAR 340-245-8020 Table 2.

~~(180181)~~ "Type A State NSR" means State NSR as specified in OAR 340-224-0010(2)(a).

~~(181182)~~ "Type B State NSR" means State NSR that is not Type A State NSR.

~~(182183)~~ "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit under OAR 340-226-0130.

~~(183184)~~ "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.

~~(184185)~~ "Unavoidable" or "could not be avoided" means events that are not caused entirely or in part by design, operation, maintenance, or any other preventable condition in either process or control device.

~~(185186)~~ "Unclassified area" or "attainment area" means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR 340 division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

~~(186187)~~ "Upset" or "Breakdown" means any failure or malfunction of any pollution control device or operating equipment that may cause excess emissions.

~~(187188)~~ "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

~~(188189)~~ "Veneer dryer" means equipment in which veneer is dried.

~~(189190)~~ "Visibility impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

~~(190191)~~ "Volatile organic compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

(A) Methane;

(B) Ethane;

(C) Methylene chloride (dichloromethane);

- (D) 1,1,1-trichloroethane (methyl chloroform);
- (E) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- (F) Trichlorofluoromethane (CFC-11);
- (G) Dichlorodifluoromethane (CFC-12);
- (H) Chlorodifluoromethane (HCFC-22);
- (I) Trifluoromethane (HFC-23);
- (J) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- (K) Chloropentafluoroethane (CFC-115);
- (L) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- (M) 1,1,1,2-tetrafluoroethane (HFC-134a);
- (N) 1,1-dichloro 1-fluoroethane (HCFC-141b);
- (O) 1-chloro 1,1-difluoroethane (HCFC-142b);
- (P) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (Q) Pentafluoroethane (HFC-125);
- (R) 1,1,2,2-tetrafluoroethane (HFC-134);
- (S) 1,1,1-trifluoroethane (HFC-143a);
- (T) 1,1-difluoroethane (HFC-152a);
- (U) Parachlorobenzotrifluoride (PCBTF);
- (V) Cyclic, branched, or linear completely methylated siloxanes;
- (W) Acetone;
- (X) Perchloroethylene (tetrachloroethylene);
- (Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);

- (AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- (BB) Difluoromethane (HFC-32);
- (CC) Ethylfluoride (HFC-161);
- (DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
- (EE) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- (FF) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- (GG) 1,1,1,2,3-pentafluoropropane (HFC-245eb);
- (HH) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- (II) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
- (JJ) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- (KK) chlorofluoromethane (HCFC-31);
- (LL) 1 chloro-1-fluoroethane (HCFC-151a);
- (MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
- (NN) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4 F9 OCH3 or HFE-7100);
- (OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CF2 OCH3);
- (PP) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4 F9 OC2 H5 or HFE-7200);
- (QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CF2 OC2 H5);
- (RR) Methyl acetate;
- (SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);
- (TT) 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);
- (UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
- (VV) Methyl formate (HCOOCH3);
- (WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

(XX) Propylene carbonate;

(YY) Dimethyl carbonate;

(ZZ) Trans -1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);

(AAA) HCF₂ OCF₂ H (HFE-134);

(BBB) HCF₂ OCF₂ OCF₂ H (HFE-236cal2);

(CCC) HCF₂ OCF₂ CF₂ OCF₂ H (HFE-338pcc13);

(DDD) HCF₂ OCF₂ OCF₂ CF₂ OCF₂ H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(EEE) Trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));

(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf);

(GGG) 2-amino-2-methyl-1-propanol; and

(HHH) perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in the DEQ Source Sampling Manual [referenced in OAR 340-200-0035](#). Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and DEQ approves the exclusion.

(c) DEQ may require an owner or operator to provide monitoring or testing methods and results demonstrating, to DEQ's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

(d) The following compounds are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

(~~191~~192) "Wood fired veneer dryer" means a veneer dryer, that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

(~~192~~193) "Wood fuel-fired device" means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.

(~~193~~194) "Year" means any consecutive 12 month period of time.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 468.020 & 468A

Stats. Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070, 468A.075, 468A.085, 468A.105, 468A.135, 468A.140, 468A.155, 468A.280, 468A.310, 468A.315, 468A.360, 468A.363, 468A.380, 468A.385, 468A.420, 468A.495, 468A.500, 468A.505, 468A.515, 468A.575, 468A.595, 468A.600, 468A.610, 468A.612, 468A.620, 468A.635, 468A.707, 468A.740, 468A.745, 468A.750, 468A.775, 468A.780, 468A.797, 468A.799, 468A.803, 468A.820, & Or. Laws 2009, chapter 754

Hist.: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. &

cert. ef. 11-7-13; DEQ 12-2014(Temp), f. & cert. ef. 11-12-14 thru 5-10-15; DEQ 7-2015, f. & cert. ef. 4-16-15

340-200-0035,

Reference Materials

As used in divisions 200 through 268, the following materials refer to the versions listed below.

(1) "C.F.R." means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, ~~2014~~2018 edition.

(2) The DEQ Source Sampling Manual refers to the ~~March 2015~~November 2018 edition.

(3) The DEQ Continuous Monitoring Manual refers to the March 2015 edition.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

[ED. NOTE: Manuals referenced are not included in rule text. [Click here for PDF copy of manuals.](#)]

Stat. Auth.: ORS 468.020 & 468A

Stats. Implemented: ORS 468A

Hist.: DEQ 7-2015, f. & cert. ef. 4-16-15

340-200-0040,

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on ~~September 13~~November XX, 2018.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Stat. Auth.: ORS 468.020 & 468A

Stats. Implemented: ORS 468A.035 & 468A.135

Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. &

cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert. ef. 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2013, f. & cert. ef. 12-19-13; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 4-2014, f. & cert. ef. 3-31-14; DEQ 5-2014, f. & cert. ef. 3-31-14; DEQ 6-2014, f. & cert. ef. 3-31-14; DEQ 7-2014, f. & cert. ef. 6-26-14; DEQ 6-2015, f. & cert. ef. 4-16-15; DEQ 7-2015, f. & cert. ef. 4-16-15; DEQ 10-2015, f. & cert. ef. 10-16-15; DEQ 14-2015, f. & cert. ef. 12-10-15; DEQ 2-2017, f. & cert. ef. 1-19-17; DEQ 7-2017, f. & cert. ef. 7-13-17

DIVISION 209

PUBLIC PARTICIPATION

340-209-0020,

Applicability

This division applies to permit actions requiring public notice as specified in OAR 340, divisions 216, ~~and~~ 218 and 245.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310

Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & 468A.310

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

340-209-0030,

Public Notice Categories and Timing

(1) DEQ categorizes permit actions according to potential environmental and public health significance and the degree to which DEQ has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.

(2) Permit actions are assigned to specific categories in OAR 340, divisions 216, ~~and 218,~~ and 245. If a permit action is uncategorized, the permit action will be processed under Category III.

(3) The following describes the public notice or participation requirements for each category:

(a) Category I — No prior public notice or opportunity for participation. However, DEQ will maintain a list of all permit actions processed under Category I and make the list available for public review.

(b) Category II — DEQ will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

(c) Category III — DEQ will provide public notice of the proposed permit action and a minimum of 35 days to submit written comments. DEQ will provide a minimum of 30 days' notice for a hearing, if one is scheduled. DEQ will schedule a hearing at a reasonable time and place to allow interested persons to submit oral or written comments if:

(A) DEQ determines that a hearing is necessary; or

(B) Within 35 days of the mailing of the public notice, DEQ receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.

(d) Category IV — Once an application is considered complete under OAR 340-216-0040, DEQ will:

(A)(i) Provide notice of the completed application and requested permit action; and

(ii) Schedule an informational meeting within the community where the facility will be or is located and provide public notice at least 14 days before the meeting. During the meeting, DEQ will describe the requested permit action and accept comments from the public. DEQ will consider any information gathered in this process in its drafting of the proposed permit, but will not maintain an official record of the meeting and will not provide a written response to the comments;

(B) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and

(C) Schedule a public hearing at a reasonable time and place to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

(4) Except for actions regarding Oregon Title V Operating Permits, DEQ may move a permit action to a higher category under section (3) based on, but not limited to the following factors:

- (a) Anticipated public interest in the facility;
- (b) Compliance and enforcement history of the facility or owner;
- (c) Potential for significant environmental or public harm due to location or type of facility; or
- (d) Federal requirements.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Statutory/Other Authority: ORS 468.020, 468.065 & 468A.310

Statutes/Other Implemented: ORS 468.065 & 468A.035, 468A.040 & 468A.310

History:

DEQ 123-2018, minor correction filed 04/11/2018, effective 04/11/2018

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2009, f. & cert. ef. 12-16-09

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-209-0040.

Public Notice Information

(1) The following information is required in public notices for all proposed ACDP, ~~and~~ draft Oregon Title V Operating Permit actions, and Toxic Air Contaminant Permit Addenda(t) issued under division 245, except for General Permit actions:

- (a) Name of applicant and location of the facility;
- (b) Type of facility, including a description of the facility's processes subject to the permit;
- (c) Description of the air contaminant emissions including, the type of regulated pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;
- (d) Location and description of documents relied upon in preparing the draft permit;
- (e) Other permits required by DEQ;
- (f) Date of previous permit actions;

- (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the public notice category);
- (h) Compliance, enforcement, and complaint history along with resolution of the same;
- (i) A summary of the discretionary decisions made by DEQ in drafting the permit;
- (j) Type and duration of the proposed or draft permit action;
- (k) Basis of need for the proposed or draft permit action;
- (l) Any special conditions imposed in the proposed or draft permit action;
- (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment/unclassified, sustainment, nonattainment, reattainment or maintenance for that pollutant;
- (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
- (o) If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;
- (p) Other available information relevant to the permitting action;
- (q) The name and address of DEQ office processing the permit;
- (r) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to DEQ that are relevant to the permit decision; ~~and~~
- (s) If applicable, a statement that an enhanced NSR process under OAR 340 division 224, including the external review procedures required under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an Oregon Title V Operating Permit as an administrative amendment; and
- (t) For Toxic Air Contaminant Permit Addenda and ACDP permits that include conditions consistent with OAR chapter 340, division 245, a list of estimated toxic air contaminant emissions and, if applicable, a summary of the results of any risk assessment.

(2) General Permit Actions. The following information is required for General ACDP and General Oregon Title V Operating Permit actions:

- (a) The name and address of potential or actual facilities assigned to the General Permit;
- (b) Type of facility, including a description of the facility's process subject to the permit;
- (c) Description of the air contaminant emissions including, the type of regulated pollutants, quantity of emissions, and any decreases or increases since the last permit action for the potential or actual facilities assigned to the permit;
- (d) Location and description of documents relied upon in preparing the draft permit;
- (e) Other permits required by DEQ;
- (f) Date of previous permit actions;
- (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);
- (h) Compliance, enforcement, and complaint history along with resolution of the same;
- (i) A summary of the discretionary decisions made by DEQ in drafting the permit;
- (j) Type and duration of the proposed or draft permit action;
- (k) Basis of need for the proposed or draft permit action;
- (l) Any special conditions imposed in the proposed or draft permit action;
- (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or non-attainment for that pollutant;
- (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
- (o) Other available information relevant to the permitting action; and
- (p) The name and address of DEQ office processing the permit;
- (q) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to DEQ that are relevant to the permit decision.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310

Stats. Implemented: ORS 468.065 & 468A.035, 468A.040 & 468A.310

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0150; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1710; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-216-0050; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2015, f. & cert. ef. 4-16-15

340-209-0050,

Public Notice Procedures

(1) All notices. DEQ will mail or email a notice of proposed permit actions to the persons identified in OAR 340-209-0060.

(2) NSR, Oregon Title V Operating Permit and General ACDP actions. In addition to section (1), DEQ will provide notice of NSR, Oregon Title V Operating Permit and General ACDP actions as follows:

(a) Advertisement in a newspaper of general circulation in the area where the source or sources are or will be located, electronic noticing (termed e-notice), or a DEQ publication designed to give general public notice; and

(b) Other means, if necessary, to assure adequate notice to the affected public.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310

Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & 468A.310

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

DIVISION 216

AIR CONTAMINANT DISCHARGE PERMITS

340-216-0020,

Applicability and Jurisdiction

(1) This division applies to all sources listed in OAR 340-216-8010. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by 340-218-0020 or 340-224-0010. Sources referred to in 340-216-8010 are subject to fees in 340-216-8020.

(2) Sources in any one of the categories in OAR 340-216-8010 must obtain a permit. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by DEQ, then the source must obtain a Simple or Standard ACDP. Source categories are not listed in alphabetical order.

(a) The commercial and industrial sources in OAR 340-216-8010 Part A must obtain a Basic ACDP under 340-216-0056 unless the source chooses to obtain a General, Simple or Standard ACDP. For purposes of Part A, production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.

(b) Sources in any one of the categories in OAR 340-216-8010 Part B must obtain one of the following unless otherwise allowed in Part B:

(A) A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under OAR 340-216-0060;

(B) A Simple ACDP under OAR 340-216-0064; or

(C) A Standard ACDP under OAR 340-216-0066 if the source fits one of the criteria of Part C or does not qualify for a Simple ACDP.

(c) Sources in any one of the categories in OAR 340-216-8010 Part C must obtain a Standard ACDP under the procedures set forth in OAR 340-216-0066.

(3) No person may construct, install, establish, develop or operate any air contaminant source listed in OAR 340-216-8010 without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in subsection (~~13~~)(b) or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (~~13~~)(~~fe~~). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated, denied, or revoked; except as provided in 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both DEQ and LRAPA. DEQ or LRAPA, depending where the portable source's corporate offices are located, will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, DEQ will be responsible for issuing the permit.

(b) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to under a NESHAP under OAR division 244 or NSPS under OAR division 238 is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective

date of the EQC's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the EQC's adoption of the NESHAP or NSPS. In addition, DEQ may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

(c) Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(d) OAR 340-216-0060(1)(b)(A), 340-216-0062(2)(b)(A), 340-216-0064(4)(a), and 340-216-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if DEQ has not incorporated such requirements into the permit.

(e) DEQ may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.

(4) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from DEQ or LRAPA.

(5) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(6) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(7) No person may increase emissions above the PSEL by more than the de minimis emission levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

(8) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

~~**ED-NOTE:** Tables referenced are in OAR 340-216-8010 and 340-216-8020 are available from the agency.~~

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310

Stats. Implemented: ORS 468A.025, 468A.040, 468A.135 - 468A.155 & 468A.310

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-

79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. & cert. ef. 7-21-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

340-216-0030,

Definitions

The definitions in OAR 340-200-0020, 340-204-0010, 340-245-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, ~~or~~ 340-204-0010 or 340-245-0020, the definition in this rule applies to this division.

- (1) “Basic technical modification” includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.
- (2) “Complex technical modification” includes, but is not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new applicable requirement into a permit due to a change in process or change in rules, and similar changes.
- (3) “Moderate technical modification” includes, but is not limited to adding a simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules, incorporating NSPS and NESHAP requirements, and similar changes.
- (4) “Non-technical modification” means name changes, change of ownership, correction of typographical errors and similar administrative changes.
- (5) “Simple technical modification” includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, and similar changes.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-~~2001~~-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Stat. Auth.: ORS 468.020 & 468A

Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310

Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

340-216-0040₂

Application Requirements

(1) New Permits.

(a) Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by DEQ in addition to any other information required for a specific permit type:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code;

(B) The name and phone number of a local person responsible for compliance with the permit;

(C) The name of a person authorized to receive requests for data and information;

(D) A description of the production processes and related flow chart;

(E) A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

(F) The type and quantity of fuels used;

(G) An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

(H) Any information on pollution prevention measures and cross-media impacts the applicant wants DEQ to consider in determining applicable control requirements and evaluating compliance methods;

(I) Estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(J) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness,

information necessary for DEQ to establish operational and maintenance requirements in OAR 340-226-0120(1) and (2);

(K) A Land Use Compatibility Statement signed by a local, city or county, planner either approving or disapproving construction or modification of the source, if required by the local planning agency;

(L) Any information required by OAR 340 divisions 224, ~~and~~ 225, and 245, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable; and

(M) Any other information requested by DEQ.

(b) Applications for new permits must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant ~~must~~should also consider the timelines provided in paragraph (2)(b), as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section (1) using forms provided by DEQ, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in section (1) only for those changes.

(a) Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code, using a form provided by DEQ; and

(B) A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

(b) The owner or operator must submit an application for renewal of the existing permit by no later than:

(A) 30 days prior to the expiration date of a Basic ACDP;

(B) 120 days prior to the expiration date of a Simple ACDP; or

(C) 180 days prior to the expiration date of a Standard ACDP.

(c) DEQ must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.

(3) Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes. When preparing an application, the applicant ~~must~~^{should} also consider the timelines provided in subsection (2)(b), as well as OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(4) Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(5) The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

(6) Two copies of the application are required, unless otherwise requested by DEQ. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by DEQ.

(7) A copy of permit applications subject to Major NSR under OAR 340 division 224, including all supplemental and supporting information, must also be submitted directly to the EPA.

(8) The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

(9) All applications must include the appropriate fees as specified in OAR 340-216-8020.

(10) Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by DEQ and returned to the applicant for completion.

(11) Within 15 days after receiving the application, DEQ will preliminarily review the application to determine the adequacy of the information submitted:

(a) If DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;

(b) If, in the opinion of DEQ, additional measures are necessary to gather facts regarding the application, DEQ will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, DEQ will so notify the applicant.

(12) If at any time while processing the application, DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

(13) If, upon review of an application, DEQ determines that a permit is not required, DEQ will so notify the applicant in writing. Such notification is a final action by DEQ on the application.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants or OAR chapter 340, division 245.

~~[ED-NOTE: Tables referenced are in OAR 340-216-8010 and 340-216-8020 are available from the agency.]~~

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 20-1979, f. & ef. 6-29-79; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0175; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1770; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0020 & 340-014-0030; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

340-216-0069, Toxic Air Contaminant Permit Addendums

(1) Purpose and Intent. DEQ may implement requirements pertaining to toxic air contaminants under OAR chapter 340, division 245 as follows:

(a) For new sources required to obtain a Standard or Simple ACDP, by including conditions in the source's ACDP to ensure compliance with the Cleaner Air Oregon rules, OAR chapter 340, division 245;

(b) For new sources required to obtain a Basic or General ACDP, by including conditions in an addendum to the source's ACDP to ensure compliance with the Cleaner Air Oregon rules, OAR chapter 340, division 245; and

(c) For existing sources, by requiring the owner or operator of the sources to obtain a Toxic Air Contaminant Permit Addendum under OAR chapter 340, division 245 that amends the source's ACDP.

(2) A Toxic Air Contaminant Permit Addendum will be incorporated into a source's ACDP upon renewal or modification that involves a public notice for which DEQ has followed the Category II or Category III public notice procedure in OAR chapter 340, division 209, except for sources that have Basic or General ACDPs.

(3) OAR 340-216-0062 and 340-216-0068 do not apply to Toxic Air Contaminant Permit Addenda.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155
Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040,
468A.050, 468A.070, and 468A.155

340-216-0090,

Sources Subject to ACDPs and Fees

(1) All air contaminant discharge sources listed in OAR 340-216-8010 must obtain a permit from DEQ and are subject to fees in OAR 340-216-8020.

(2) An owner or operator of a source that is required to demonstrate compliance with Cleaner Air Oregon rules under OAR 340-245-0005 through 340-245-8050 must pay the fees specified in OAR 340-216-8030.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Stat. Auth.: ORS 468.020, 468.065, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468.065, 468A.040, 468A.310 & 468A.315
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.12; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 11-1983, f. & ef. 5-31-83; DEQ 6-1986, f. & ef. 3-26-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 17-1990, f. & cert. ef. 5-25-90; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0165; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 22-1994, f. & cert. ef. 10-14-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 18-1997, f. 8-27-97, cert. ef. 10-1-97; DEQ 7-1998, f. & cert. ef. 5-5-98; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1750; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

340-216-8020,

Table 2 — Air Contaminant Discharge Permits

Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

NOTE: See history of this table under OAR 340-216-0020.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.310

Stats. Implemented: ORS 468A

Hist.: DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15



Oregon Department of Environmental Quality

Table 2 – 340-216-8020

Air Contaminant Discharge Permits

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)		
a. Short Term Activity ACDP		\$3,600.00
b. Basic ACDP		\$144.00
c. Assignment to General ACDP ¹		\$1,440.00
d. Simple ACDP		\$7,200.00
e. Construction ACDP		\$11,520.00
f. Standard ACDP		\$14,400.00
g. Standard ACDP (Major NSR or Type A State NSR)		\$50,400.00
1. DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.		
Part 2. Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year)		
a. Short Term Activity ACDP		\$NA
b. Basic ACDP		\$432.00
c. General ACDP	(A) Fee Class One	\$864.00
	(B) Fee Class Two	\$1,555.00
	(C) Fee Class Three	\$2,246.00
	(D) Fee Class Four	\$432.00
	(E) Fee Class Five	\$144.00
	(F) Fee Class Six	\$288.00
d. Simple ACDP	(A) Low Fee	\$2,304.00
	(B) High Fee	\$4,608.00

e. Standard ACDP		\$9,216.00
f. Greenhouse Gas Reporting, as required by OAR 340, Division 215		12.5% of the applicable annual fee in Part 2
1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.		
Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)		
a. <u>Basic ACDP</u>		<u>\$151.00</u>
b. <u>General ACDP</u>	(A) <u>Fee Class One</u>	<u>\$302.00</u>
	(B) <u>Fee Class Two</u>	<u>\$544.00</u>
	(C) <u>Fee Class Three</u>	<u>\$786.00</u>
	(D) <u>Fee Class Four</u>	<u>\$151.00</u>
	(E) <u>Fee Class Five</u>	<u>\$ 50.00</u>
	(F) <u>Fee Class Six</u>	<u>\$100.00</u>
c. <u>Simple ACDP</u>	(A) <u>Low Fee</u>	<u>\$806.00</u>
	(B) <u>High Fee</u>	<u>\$1,612.00</u>
d. <u>Standard ACDP</u>		<u>\$3,225.00</u>
2. <u>DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.</u>		
Part 34. Specific Activity Fees:		
a. Non-Technical Permit Modification ¹		\$432.00
b. Basic Technical Permit Modification		\$432.00
c. Simple Technical Permit Modification		\$1,440.00
d. Moderate Technical Permit Modification		\$7,200.00
e. Complex Technical Permit Modification		\$14,440.00
f. Major NSR or Type A State NSR Permit Modification		\$50,400.00
g. Modeling Review (outside Major NSR or Type A State NSR)		\$7,200.00

h. Public Hearing at Source's Request	\$2,880.00
i. State MACT Determination	\$7,200.00
j. Compliance Order Monitoring ²	\$144.00/month
Part 45. Late Fees:	
a. 8-30 days late	5%
b. 31-60 days late	10%
c. 61 or more days late	20%
<p>1. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4).</p> <p>2. This is a one-time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order.</p> <p>NOTE: See history of this table under OAR 340-216-0020.</p>	


340-216-8030, Table 3 — Cleaner Air Oregon Specific Activity Fees

Sources subject to OAR chapter 340, division 245, Cleaner Air Oregon, are required to pay the specific activity fees in Table 3.

[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]

Stat. Auth.: ORS 468.020, 468.065, 468A.040, 468A.050 and 468A.315

Stats. Implemented: ORS 468.020, 468.065, 468A.040, 468A.050 and 468A.315

 <u>Oregon Department of Environmental Quality</u> <u>Table 3 – 340-216-8030</u> <u>Cleaner Air Oregon Specific Activity Fees</u>					
<u>#</u>	<u>ACTIVITY</u>	<u>Permit Type</u>			
		<u>Title V</u>	<u>Standard ACDP</u>	<u>Simple ACDP</u>	<u>General Basic ACDP</u>
<u>1</u>	<u>Existing Source Call-In Fee</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$1,000</u>	<u>\$500</u>
<u>2</u>	<u>New Source Consulting Fee</u>	<u>\$12,000</u>	<u>\$12,000</u>	<u>\$1,900</u>	<u>\$1,000</u>
<u>3</u>	<u>Submittal Document Modification Fee</u>	<u>\$2,500</u>	<u>\$2,500</u>	<u>\$500</u>	<u>\$250</u>
<u>Risk Assessment Fees</u>					
<u>4</u>	<u>Level 1 Risk Assessment - de minimis (no permit required)</u>	<u>\$1,500</u>	<u>\$1,500</u>	<u>\$1,000</u>	<u>\$800</u>
<u>5</u>	<u>Level 1 Risk Assessment – not de minimis</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$1,500</u>	<u>\$1,100</u>
<u>6</u>	<u>Level 2 Risk Assessment - de minimis (no permit required)</u>	<u>\$3,100</u>	<u>\$3,100</u>	<u>\$2,300</u>	<u>\$2,000</u>
<u>7</u>	<u>Level 2 Risk Assessment – not de minimis</u>	<u>\$3,600</u>	<u>\$3,600</u>	<u>\$2,800</u>	<u>\$2,300</u>
<u>8</u>	<u>Level 3 Risk Assessment - de minimis (no permit required)</u>	<u>\$8,800</u>	<u>\$8,200</u>	<u>\$5,300</u>	<u>\$4,500</u>
<u>9</u>	<u>Level 3 Risk Assessment – not de minimis</u>	<u>\$19,900</u>	<u>\$11,300</u>	<u>\$7,700</u>	<u>\$6,300</u>
<u>10</u>	<u>Level 4 Risk Assessment - de minimis (no permit required)</u>	<u>\$21,400</u>	<u>\$18,500</u>	<u>\$11,700</u>	<u>NA</u>
<u>11</u>	<u>Level 4 Risk Assessment – not de minimis</u>	<u>\$34,600</u>	<u>\$25,800</u>	<u>\$15,500</u>	<u>NA</u>
<u>Risk Above Risk Action Levels</u>					
<u>12</u>	<u>Risk Reduction Plan Fee</u>	<u>\$6,700</u>	<u>\$6,700</u>	<u>\$2,600</u>	<u>\$2,600</u>
<u>13</u>	<u>Air Monitoring Plan Fee (includes risk assessment)</u>	<u>\$25,900</u>	<u>\$25,900</u>	<u>NA</u>	<u>NA</u>
<u>14</u>	<u>Postponement of Risk Reduction Fee</u>	<u>\$4,400</u>	<u>\$4,400</u>	<u>\$4,400</u>	<u>\$2,000</u>
<u>15</u>	<u>TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)</u>	<u>\$3,000</u>	<u>\$3,000</u>	<u>\$1,500</u>	<u>\$1,500</u>



Oregon Department of Environmental Quality

Table 3 – 340-216-8030

Cleaner Air Oregon Specific Activity Fees

<u>Other Fees</u>					
<u>16</u>	<u>TEU Risk Assessment – no permit mod</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$500</u>	<u>\$500</u>
<u>17</u>	<u>TEU Risk Assessment – permit mod</u>	<u>\$4,000</u>	<u>\$4,000</u>	<u>\$2,000</u>	<u>\$1,000</u>
<u>18</u>	<u>Level 2 Modeling review only for TEU approval</u>	<u>\$1,900</u>	<u>\$1,300</u>	<u>\$800</u>	<u>\$700</u>
<u>19</u>	<u>Level 3 Modeling review only for TEU approval</u>	<u>\$3,800</u>	<u>\$3,800</u>	<u>\$3,500</u>	<u>\$3,500</u>
<u>20</u>	<u>Community Engagement Meeting Fee – high</u>	<u>\$8,000</u>	<u>\$8,000</u>	<u>\$8,000</u>	<u>\$8,000</u>
<u>21</u>	<u>Community Engagement Meeting Fee – medium</u>	<u>\$4,000</u>	<u>\$4,000</u>	<u>\$4,000</u>	<u>\$4,000</u>
<u>22</u>	<u>Community Engagement Meeting Fee - low</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>23</u>	<u>Source Test Review Fee (plan and data review) - complex</u>	<u>\$6,000</u>	<u>\$6,000</u>	<u>\$6,000</u>	<u>\$6,000</u>
<u>24</u>	<u>Source Test Review Fee (plan and data review) – moderate</u>	<u>\$4,200</u>	<u>\$4,200</u>	<u>\$4,200</u>	<u>\$4,200</u>
<u>25</u>	<u>Source Test Review Fee (plan and data review) - simple</u>	<u>\$1,400</u>	<u>\$1,400</u>	<u>\$1,400</u>	<u>\$1,400</u>

DIVISION 218

OREGON TITLE V OPERATING PERMITS

340-218-0010,

Policy and Purpose

These rules establish a program to implement Title V of the FCAA for the State of Oregon as part of the overall industrial source control program:

(1) All sources subject to this division ~~shall~~must have an Oregon Title V Operating Permit that assures compliance by the source with all applicable requirements in effect as of the date of permit issuance.

(2) The requirements of the Oregon Title V Operating Permit program, including provisions regarding schedules for submission and approval or disapproval of permit applications, ~~shall~~must apply to the permitting of affected sources under the national acid rain program, except as provided herein.

(3) All sources subject to this division are exempt from the following:

(a) Registration as required by ORS 468A.050 and OAR 340-210-0100 through 340-210-0120; and

(b) Air Contaminant Discharge Permits ~~and attachments~~, OAR 340 division 216, unless required by 340-216-0020(2) or (4), or 340-224-0010(1).

(A) Oregon Title V Operating Permits do not replace requirements in an Air Contaminant Discharge Permit issued to the source even if the ACDP has expired. For a source operating under a Title V Permit, requirements established in an earlier ACDP remain in effect notwithstanding expiration of the ACDP or the Title V permit, unless a provision expires by its terms or unless a provision is modified or terminated following the procedures used to establish the requirement initially.

(B) Source specific requirements, including, but not limited to TACT, RACT, BACT, and LAER requirements, established in an ACDP must be incorporated into the Oregon Title V Operating Permit and any revisions to those requirements must follow the procedures used to establish the requirements initially.

(4) DEQ may implement requirements pertaining to toxic air contaminants under OAR chapter 340, division 245 for new and existing sources required to obtain an Oregon Title V Operating Permit by incorporating compliance conditions into a new source's Oregon Title V Operating Permit or by amending an existing source's Oregon Title V Operating Permit through a Toxic Air Contaminant Permit Addendum. A Toxic Air Contaminant Permit Addendum must be

incorporated into a source's Oregon Title V Operating Permit upon renewal, reopening, or modification that involves a public notice.

(54) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310

Stats. Implemented: ORS 468A

Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2100; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2015, f. & cert. ef. 4-16-15

340-218-0020,

Applicability

(1) Except as provided in section (4), this division applies to the following sources:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the FCAA;

(c) Any source, including an area source, subject to a standard or other requirement under section 112 of the FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the FCAA;

(d) Any affected source under Title IV; and

(e) Any source in a source category designated by the EQC ~~pursuant to~~under this rule.

(2) The owner or operator of a source with an Oregon Title V Operating Permit whose potential to emit later falls below the emission level that causes it to be a major source, and which is not otherwise required to have an Oregon Title V Operating Permit, may submit a request for revocation of the Oregon Title V Operating Permit. Granting of the request for revocation does not relieve the source from compliance with all applicable requirements or ACDP requirements.

(3) Synthetic minor sources.

(a) A source which would otherwise be a major source subject to this division may choose to become a synthetic minor source by limiting its emissions below the emission level that causes it to be a major source through limits contained in an ACDP issued by DEQ under 340 division 216.

(b) The reporting and monitoring requirements of the emission limiting conditions contained in the ACDPs of synthetic minor sources issued by DEQ under OAR 340-216 must meet the requirements of OAR 340-212-0010 through 340-212-0150 and division 214.

(c) Synthetic minor sources who request to increase their potential to emit above the major source emission rate thresholds will become subject to this division and must submit a permit application under OAR 340-218-0040 and obtain an Oregon Title V Operating Permit before increasing emissions above the major source emission rate thresholds.

(d) Synthetic minor sources that exceed the limitations on potential to emit are in violation of OAR 340-218-0020(1)(a).

(4) Source category exemptions.

(a) All sources listed in 340-218-0020(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit ~~pursuant to~~ under section 129(e) of the FCAA are not required to obtain a Title V permit, except non-major sources subject to a standard under section 111 or section 112 of the FCAA promulgated after July 21, 1992 are required to obtain a Title V permit unless specifically exempted from the requirement to obtain a Title V permit in section 111 or 112 standards.

(b) The following source categories are exempted from the obligation to obtain an Oregon Title V Operating Permit:

(A) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. part 60, subpart AAA — Standards of Performance for New Residential Wood Heaters; and

(B) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. part 61, subpart M — National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(c) Any source listed in OAR 340-218-0020(1) exempt from the requirement to obtain a permit under this rule may opt to apply for an Oregon Title V Operating Permit.

(5) Sources subject to this division may also be subject to OAR 340-245-0005 through 340-800245-8050.

(56) Emissions units and Oregon Title V Operating Permit program sources.

DEQ will include in the permit all applicable requirements for all relevant emissions units in the Oregon Title V Operating Permit source, including any equipment used to support the major industrial group at the site.

(67) Fugitive emissions. Fugitive emissions from an Oregon Title V Operating Permit program source must be included in the permit application and the permit in the same manner as stack

emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(78) Insignificant activity emissions. All emissions from insignificant activities, including categorically insignificant activities and aggregate insignificant emissions, must be included in the determination of the applicability of any requirement.

(89) Oregon Title V Operating Permit program sources that are required to obtain an ACDP, OAR 340 division 216, or a Notice of Approval, OAR 340-210-0205 through 340-210-0250, because of a Title I modification, must operate in compliance with the Oregon Title V Operating Permit until the Oregon Title V Operating Permit is revised to incorporate the ACDP or the Notice of Approval for the Title I modification.

~~[Publications: Publications referenced are available from the agency.]~~

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310

Stats. Implemented: ORS 468A

Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 24-1995, f. & cert. ef. 10-11-95; DEQ 1-1997, f. & cert. ef. 1-21-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2015, f. & cert. ef. 4-16-15

340-218-0030,

Definitions

The definitions in OAR 340-200-0020, 340-204-0010, 340-245-0020, and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, ~~or~~ 340-204-0010 or 340-245-0020, the definition in this rule applies to this division.

Stat. Auth.: ORS 468.020 & 468A

Stats. Implemented: ORS 468A

Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 7-2015, f. & cert. ef. 4-16-15

340-218-0110,

Permit Shield

(1) Except as provided in this division, DEQ must expressly include in an Oregon Title V Operating Permit a provision stating that compliance with the conditions of the permit will be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(a) Such applicable requirements are included and are specifically identified in the permit; or

(b) DEQ, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) An Oregon Title V Operating Permit that does not expressly state that a permit shield exists will be presumed not to provide such a shield.

(3) Changes made to a permit using OAR 340-218-0150(1)(h) and 340-218-0180 will be shielded.

(4) Nothing in this rule or in any Oregon Title V Operating Permit may alter or affect the following:

(a) The provisions of ORS 468.115 (enforcement in cases of emergency) and ORS 468.035;

(b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

(c) The applicable requirements of the national acid rain program, consistent with section 408(a) of the FCAA; or

(d) The ability of DEQ to obtain information from a source ~~pursuant to~~ under ORS 468.095 (investigatory authority, access to records).

(5) The permit shield does not apply to conditions and requirements included in a Toxic Air Contaminant Permit Addendum or included in an Oregon Title V Operating Permit under OAR 340-245-0005 through 340-245-8050.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310

Stats. Implemented: ORS 468A

Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2190; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

DIVISION 220

OREGON TITLE V OPERATING PERMIT FEES

340-220-0010,

Purpose, Scope And Applicability

(1) The purpose of this division is to provide owners and operators of Oregon Title V Operating Permit program sources and DEQ with the criteria and procedures to determine emissions and fees based on air emissions and specific activities.

(2) This division applies to Oregon Title V Operating Permit program sources as defined in OAR 340-200-0020.

(3) The owner or operator may elect to pay emission fees for each regulated pollutant on either actual emissions or permitted emissions.

(4) Sources subject to the Oregon Title V Operating Permit program defined in OAR 340-200-0020, are subject to both an annual base fee established under 340-220-0030 and an emission fee calculated ~~pursuant to~~ under 340-220-0040.

(5) Sources subject to the Oregon Title V Operating Permit program may also be subject to ~~user~~ specific activity fees (OAR 340-220-0050 and 340-216-0090).

(6) DEQ will credit owners and operators of new Oregon Title V Operating Permit program sources for the unused portion of paid Annual Fees. The credit will begin from the date DEQ receives the Title V permit application.

(7) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315

Stats. Implemented: ORS 468.065 & 468A.315

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2560; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 7-2015, f. & cert. ef. 4-16-15

340-220-0020,

Definitions

The definitions in OAR 340-200-0020, 340-204-0010, 340-245-0020, and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, ~~or~~ 340-204-0010 or 340-245-0020, the definition in this rule applies to this division. Particulates. For purposes of this division, particulates mean PM10; or if a source's permit specifies particulate matter (PM) and not PM10, then PM; or if a source's permit specifies PM2.5 and neither PM10 nor PM, then PM2.5.

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315

Stats. Implemented: ORS 468.065 & 468A.315

Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 7-2015, f. & cert. ef. 4-16-15

340-220-0050,

Specific Activity Fees

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of June 15, 2016 to January 19, 2017 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$484;

(B) Simple — \$1,938;

(C) Moderate — \$14,536;

(D) Complex — \$29,072.

(b) Ambient air monitoring review — \$3,876.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of January 20, 2017 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$488;

(B) Simple — \$1,953;

(C) Moderate — \$14,653;

(D) Complex — \$29,306; and

(b) Ambient air monitoring review — \$3,907.

NOTE: *Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.

(3) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — 12 percent of the following, not to exceed \$4,500*:

(a) The applicable annual base fee under OAR 340-220-0030 (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee under OAR 340-220-0040 ~~(for emissions during the previous calendar year).~~

(4) DEQ will assess the following specific activity fees for an Oregon Title V Operating Permit for Cleaner Air Oregon program implementation, as required by OAR 340-245-0400:

(a) The annual base fee of \$2,859; and

(b) The annual emission fee of \$21.61 per ton of each regulated pollutant for emissions during the previous calendar year, up to and including 7,000 tons of such emissions per year. The emission fee will be applied to emissions based on the elections made under OAR 340-220-0090.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 16-2010, f. & cert. ef. 12-20-10; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 12-2011, f. & cert. ef. 7-21-11; DEQ 5-2012, f. & cert. ef. 7-2-12; DEQ 9-2012, f. & cert. ef. 12-11-12; DEQ 10-2014, f. & cert. ef. 9-4-14; DEQ 2-2015, f. & cert. ef. 1-7-15; DEQ 7-2016, f. & cert. ef. 6-9-16; DEQ 1-2017, f. & cert. ef. 1-19-17

DIVISION 244

OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

340-244-8990, CAGM Rules Savings Provision

(1) The owner or operator of a source that meets the applicability requirements of either the Revised Colored Art Glass Manufacturing Facility Rules, OAR 340-245-9000 through 340-245-9080 or the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090 must comply with OAR 340-245-9000 through 340-245-9080 and is subject to Cleaner Air Oregon rules, OAR 340-245-0005 through 340-245-8050, except as provided in sections (2) or (3).

(2) In the event that Cleaner Air Oregon rules, OAR 340-245-0005 through 340-245-8050 are subject to judicial challenge and a court order or injunction is issued that stays any rule or rules in OAR 340-245-0005 through 340-245-8050, then the owner or operator must comply with the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090 for so long as the court order or injunction that stays any rule or rules in OAR 340-245-0005 through 340-245-8050 remains in effect.

(3) In the event that a court issues an order that invalidates or repeals Cleaner Air Oregon rules, OAR 340-245-0005 through 340-245-8050, in whole or in part, then the owner or operator must comply with the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090.

340-244-9000,

Colored Art Glass Manufacturing Facility Rules; Applicability and Jurisdiction

[NOTE: Application of these rules is subject to OAR 340-244-8990.]

Notwithstanding OAR 340 division 246, OAR 340-244-9000 through 9090 apply to all facilities in the state of Oregon that:

(1) Manufacture glass from raw materials, or a combination of raw materials and cullet, for:

(a) Use in art, architecture, interior design and other similar decorative applications, or

(b) Use by glass manufacturers for use in art, architecture, interior design and other similar decorative applications; and

(2) Manufacture 5 tons per year or more of glass using raw materials that contain glassmaking HAPs.

(3) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement OAR 340-244-9000 through 9090 within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

DIVISION 246

OREGON STATE AIR TOXICS PROGRAM

340-246-0010,

Policy and Purpose

The purpose of Oregon's state air toxics program is to address threats to public health and the environment from toxic air pollutants that remain after implementing the state delegated technology-based strategies of the federal air toxics program in OAR 340-244-0010 through 340-

244-0252, Cleaner Air Oregon in OAR 340-245-0005 through 340-245-8050, and OAR 340-244-9000 through 340-244-9090. Oregon's program meets the goals of the federal Urban Air Toxics Strategy by using a community-based effort that focuses on geographic areas of concern. It also addresses cases of elevated health risks from ~~unregulated~~ air toxics emissions at stationary sources and source categories of air toxics emissions.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented: ORS 468A.015, 468A.025
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

340-246-0090.

Ambient Benchmarks for Air Toxics

(1) Purpose. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon Air Toxics Program. They are based on human health risk and hazard levels considering sensitive populations. Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated. DEQ will use ambient benchmarks as indicated in these rules, to implement the Geographic, Source Category, and Safety Net Programs. Ambient benchmarks set by the procedures described in this rule apply throughout Oregon, including that area within the jurisdiction of the Lane Regional Air Protection Agency. In OAR 340-245-0300, ambient benchmarks may also be considered in the risk-based concentration hierarchy used to determine risk-based concentrations for purposes of Cleaner Air Oregon regulations in OAR 340-245-0005 through 240-245-8050. Ambient benchmarks are subject to public notice and comment before adoption by the Environmental Quality Commission as administrative rules.

(2) Establishing Ambient Benchmarks

(a) DEQ will consult with the ATSAC to prioritize air toxics for ambient benchmark development. Highest priority air toxics are those that pose the greatest risk to public health.

(b) To prioritize air toxics, DEQ will apply the criteria described in OAR 340-246-0090(2)(c) to modeling, monitoring, and emissions inventory data.

(c) Ambient benchmark prioritization criteria will include at least the following:

(A) Toxicity or potency of a pollutant;

(B) Exposure and number of people at risk;

(C) Impact on sensitive human populations;

(D) The number and degree of predicted ambient benchmark exceedances; and

(E) Potential to cause harm through persistence and bio-accumulation.

(d) DEQ will develop ambient benchmarks for proposal to the ATSAC based upon a protocol that uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks.

(e) Within three months of the first meeting of the ATSAC, DEQ will propose ambient benchmark concentrations for the highest priority air toxics for review by the ATSAC. DEQ will propose additional and revised air toxics ambient benchmarks for review by the ATSAC based on the prioritization criteria in OAR 340-246-0090(2)(c). Once the ATSAC has completed review of each set of proposed ambient benchmarks, DEQ will, within 60 days, begin the process to propose ambient benchmarks as administrative rules for adoption by the Environmental Quality Commission.

(f) If DEQ is unable to propose ambient benchmarks to the ATSAC by the deadlines specified in OAR 340-246-0090(2)(e), the ATSAC will review the most current EPA ambient benchmarks. If EPA ambient benchmarks are not available, the ATSAC will review the best available information from other states and local air authorities.

(g) The ATSAC will consider proposed ambient benchmarks and evaluate their adequacy for meeting risk and hazard levels, considering human health, including sensitive human populations, scientific uncertainties, persistence, bio-accumulation, and, to the extent possible, multiple exposure pathways. The ATSAC will conduct this review consistent with the criteria in OAR 340-246-0090(2)(c) and (d). The ATSAC will report these findings to DEQ. If the ATSAC unanimously disagrees with DEQ's recommendation, DEQ will re-consider and re-submit its recommendation at a later date.

(h) The ATSAC will complete review of and report findings on each set of ambient benchmarks as quickly as possible, but no later than 12 months after DEQ has proposed them. If the ATSAC is unable to complete review of ambient benchmarks within 12 months after DEQ's proposal, DEQ will initiate rulemaking to propose ambient benchmarks.

(i) DEQ will review all ambient benchmarks at least every five years and, if necessary, propose revised or additional ambient benchmarks to the ATSAC. At its discretion, DEQ may review and propose a benchmark for review by the ATSAC at any time when new information is available.

(3) Ambient Benchmarks. Benchmark concentrations are in units of micrograms of air toxic per cubic meter of ambient air, on an average annual basis. The Chemical Abstract Service Registry Number (CASRN) is shown in parentheses.

(a) The ambient benchmark for acetaldehyde (75-07-0) is 0.45 micrograms per cubic meter.

(b) The ambient benchmark for acrolein (107-02-8) is 0.35 micrograms per cubic meter.

(c) The ambient benchmark for acrylonitrile (107-13-1) is 0.01 micrograms per cubic meter.

(d) The ambient benchmark for ammonia (7664-41-7) is 500 micrograms per cubic meter.

- (e) The ambient benchmark for arsenic (7440-38-2) is 0.0002 micrograms per cubic meter.
- (f) The ambient benchmark for benzene (71-43-2) is 0.13 micrograms per cubic meter.
- (g) The ambient benchmark for beryllium (7440-41-7) is 0.0004 micrograms per cubic meter.
- (h) The ambient benchmark for 1,3-butadiene (106-99-0) is 0.03 micrograms per cubic meter.
- (i) The ambient benchmark for cadmium and cadmium compounds (7440-43-9) is 0.0006 micrograms per cubic meter.
- (j) The ambient benchmark for carbon disulfide (75-15-0) is 800 micrograms per cubic meter.
- (k) The ambient benchmark for carbon tetrachloride (56-23-5) is 0.2 micrograms per cubic meter.
- (l) The ambient benchmark for chlorine (7782-50-5) is 0.1 micrograms per cubic meter.
- (m) The ambient benchmark for chloroform (67-66-3) is 300 micrograms per cubic meter.
- (n) The ambient benchmark for chromium, hexavalent (18540-29-9) is 0.00008 micrograms per cubic meter.
- (o) The ambient benchmark for cobalt and cobalt compounds (7440-48-4) is 0.1 micrograms per cubic meter.
- (p) The ambient benchmark for 1,4-dichlorobenzene (106-46-7) is 0.09 micrograms per cubic meter.
- (q) The ambient benchmark for 1,3-dichloropropene (542-75-6) is 0.25 micrograms per cubic meter.
- (r) The ambient benchmark for diesel particulate matter (none) is 0.1 micrograms per cubic meter. The benchmark for diesel particulate matter applies only to such material from diesel-fueled internal combustion sources.
- (s) The ambient benchmark for dioxins and furans (1746-01-6) is 0.00000003 micrograms per cubic meter. The benchmark for dioxin is for total chlorinated dioxins and furans expressed as 2,3,7,8-TCDD toxicity equivalents.
- (t) The ambient benchmark for ethyl benzene (100-41-4) is 0.4 micrograms per cubic meter.
- (u) The ambient benchmark for ethylene dibromide (106-93-4) is 0.002 micrograms per cubic meter.
- (v) The ambient benchmark for ethylene dichloride (107-06-2) is 0.04 micrograms per cubic meter.

- (w) The ambient benchmark for ethylene oxide (75-21-8) is 0.0003 micrograms per cubic meter.
- (x) The ambient benchmark for formaldehyde (50-00-0) is 0.2 micrograms per cubic meter.
- (y) The ambient benchmark for n-hexane (110-54-3) is 700 micrograms per cubic meter.
- (z) The ambient benchmark for hydrogen chloride (7647-01-0) is 20 micrograms per cubic meter.
- (aa) The ambient benchmark for hydrogen cyanide (74-90-8) is 0.8 micrograms per cubic meter.
- (bb) The ambient benchmark for fluoride anion (7664-39-3) is 13 micrograms per cubic meter.
- (cc) The ambient benchmark for lead and lead compounds (7439-92-1) is 0.15 micrograms per cubic meter.
- (dd) The ambient benchmark for manganese and manganese compounds (7439-96-5) is 0.09 micrograms per cubic meter.
- (ee) The ambient benchmark for elemental mercury (7439-97-6) is 0.3 micrograms per cubic meter.
- (ff) The ambient benchmark for methyl bromide (74-83-9) is 5 micrograms per cubic meter.
- (gg) The ambient benchmark for methyl chloride (74-87-3) is 90 micrograms per cubic meter.
- (hh) The ambient benchmark for methyl chloroform (71-55-6) is 5,000 micrograms per cubic meter.
- (ii) The ambient benchmark for methylene chloride (75-09-2) is 100 micrograms per cubic meter.
- (jj) The ambient benchmark for naphthalene (91-20-3) is 0.03 micrograms per cubic meter.
- (kk) The benchmark for soluble nickel compounds (various) is 0.01 micrograms per cubic meter, where soluble nickel compounds include nickel acetate (373-20-4), nickel chloride (7718-54-9), nickel carbonate (3333-39-3), nickel carbonyl (13463-39-3), nickel hydroxide (12054-48-7), nickelocene (1271-28-9), nickel sulfate (7786-81-4), nickel sulfate hexahydrate (10101-97-0), nickel nitrate hexahydrate (13478-00-7), and nickel carbonate hydroxide (12607-70-4).
- (ll) The ambient benchmark for insoluble nickel compounds (various) is 0.004 micrograms per cubic meter, where insoluble nickel compounds include nickel subsulfide (12035-72-2), nickel oxide (1313-99-1), nickel sulfide (11113-75-0), and nickel metal (7440-02-0).
- (mm) The ambient benchmark for phosphine (7803-51-2) is 0.8 micrograms per cubic meter.
- (nn) The ambient benchmark for phosphoric acid (7664-38-2) is 10 micrograms per cubic meter.

(oo) The ambient benchmark for total (as the sum of congeners) polychlorinated biphenyls (1336-36-3) is 0.01 micrograms per cubic meter.

(pp) The ambient benchmark for total polycyclic aromatic hydrocarbons (none) is 0.002 micrograms per cubic meter, where total polycyclic aromatic hydrocarbons are the sum of the toxicity equivalency factor (with respect to benzo(a)pyrene (50-32-8)) adjusted concentrations for all of the following individual 26 polycyclic aromatic hydrocarbons: 5-methylchrysene (3697-24-3); 6-nitrochrysene (7496-02-8); acenaphthene (83-32-9); acenaphthylene (208-96-8); anthanthrene (191-26-4); anthracene (120-12-7); benz(a)anthracene (56-55-3); benzo(a)pyrene (50-32-8); benzo(b)fluoranthene (205-99-6); benzo(c)fluoranthene (243-17-4); benzo(e)pyrene (192-97-2); benzo(g,h,i)perylene (191-24-2); benzo(j)fluoranthene (205-82-3); benzo(k)fluoranthene (207-08-9); chrysene (218-01-9); cyclopenta(c,d)pyrene (27208-37-3); dibenz(a,h)anthracene (226-36-8); dibenzo(a,e)pyrene (192-65-4); dibenzo(a,h)pyrene (189-64-0); dibenzo(a,i)pyrene (189-55-9); dibenzo(a,l)pyrene (191-30-0); fluoranthene (206-44-0); fluorene (86-73-7); indeno(1,2,3-c,d)pyrene (193-39-5); phenanthrene (85-01-8); and pyrene (129-00-0).

(qq) The ambient benchmark for tetrachloroethylene (127-18-4) is 4 micrograms per cubic meter.

(rr) The ambient benchmark for toluene (108-88-3) is 5,000 micrograms per cubic meter.

(ss) The ambient benchmark for 2,4- & 2,6 toluene diisocyanate, mixture (26471-62-5) is 0.02 micrograms per cubic meter.

(tt) The ambient benchmark for trichloroethylene (79-01-6) is 0.2 micrograms per cubic meter.

(uu) The ambient benchmark for vinyl chloride (75-01-4) is 0.1 micrograms per cubic meter.

(vv) The ambient benchmark for white phosphorus (7723-14-0) is 9 micrograms per cubic meter.

(ww) The ambient benchmark for xylenes, mixed (1330-20-7) is 200 micrograms per cubic meter.

(xx) The ambient benchmark for hydrogen sulfide (7783-06-4) is 2.0 micrograms per cubic meter.

(yy) The ambient benchmark for methanol (67-56-1) is 4,000 micrograms per cubic meter.

(zz) The ambient benchmark for phosgene (75-44-5) is 0.3 micrograms per cubic meter.

(aaa) The ambient benchmark for n-propyl bromide (106-94-5) is 0.5 micrograms per cubic meter.

(bbb) The ambient benchmark concentration for styrene (100-42-5) is 1,000 micrograms per cubic meter.

Stat. Auth.: ORS 468.035, 468A.010(1) & 468A.015
Stats. Implemented: ORS 468A.015, 468A.025
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03; DEQ 12-2006, f. & cert. ef. 8-15-06

340-246-0190.

Air Toxics Safety Net Program (0190 through 0230)

(1) The purpose of the Air Toxics Safety Net Program is to address human exposures at public receptors to air toxics emissions from stationary sources that are not addressed by other regulatory programs or the Geographic Program. It is the Commission's expectation that the Safety Net Program in OAR 340-246-0190 through 340-246-0230 will apply only rarely.

(2) Subject to the requirements contained in OAR 340-246-0190 through 340-246-0230, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing the Air Toxics Safety Net Program within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement the Air Toxics Safety Net Program unless the Regional Authority adopts superseding rules, which are at least as restrictive as the rules adopted by the Commission.

(3) Selection of Sources. DEQ will select a source for the Air Toxics Safety Net Program if all of the following criteria are met:

(a) DEQ has ambient monitoring information, gathered using appropriate EPA or other published international, national, or state standard methods that concentrations of air toxics have caused an exceedance of at least one ambient benchmark at a site representing expected human exposure to air toxics from the source at a public receptor in a location outside of the source's ownership or control.

(b) DEQ has information that the source's air toxics emissions alone have caused an exceedance of at least one ambient benchmark at a site representing expected human exposure to air toxics from the source at a public receptor, in a location outside of the source's ownership or control. This could be based on emissions inventory, modeling or other information.

(c) The source is not subject to or scheduled for a federal residual risk assessment under the federal Clean Air Act section 112(f)(2) through (6).

(d) The source is not subject to the permitting requirements under OAR chapter 340, division 245.

~~(e)~~ The source is not subject to an emissions limit or control requirement imposed as the result of modeling or a risk assessment performed or required by DEQ prior to November 1, 2003 for the air toxics that exceed the ambient benchmarks.

~~(f)~~ The source is located outside of a selected geographic area, as designated in OAR 340-246-0130 through 0170.

(4) Air Toxics Science Advisory Committee Review. Before requiring a source to conduct a source-specific risk assessment, DEQ will present its analysis to the ATSAC. Within 120 days, the ATSAC will review the analysis and make a finding. If the ATSAC concurs with DEQ or takes no action, DEQ may proceed under this rule. If the ATSAC objects, DEQ will not proceed until it receives concurrence from the Commission.

(5) Source-Specific Exposure Modeling and Risk Assessment. Upon written notification by DEQ, a source must conduct a risk assessment including exposure modeling for the air toxics measured at levels above ambient benchmarks. The source must use a risk assessment methodology provided by DEQ. This risk assessment will provide the basis for establishing air toxics emissions reductions or demonstrating that at public receptors in areas outside of a source's ownership or control, people are not being exposed to air toxics at levels that exceed the ambient benchmarks.

(6) Risk Assessment Methodology. DEQ will provide guidance on the methods to be used. The risk assessment methodology will be developed in consultation with the ATSAC and will result in a protocol that:

- (a) Uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks;
- (b) Considers the range of probabilities of risks actually occurring, the range of size of the populations likely to be exposed to the risk, and current and reasonably likely future land uses;
- (c) Defines the use of high-end and central-tendency exposure cases and assumptions;
- (d) Develops values associated with chronic exposure for carcinogens; and
- (e) Addresses both carcinogenic and non-carcinogenic air toxics and allows for detailed exposure assessments to the extent possible.

(7) Review and Acceptance by DEQ. DEQ will evaluate the risk assessment for adequacy and completeness before accepting the results. If the results demonstrate that the source is not causing human exposures to air toxics at levels that exceed the ambient benchmarks at public receptors, in areas outside the source's ownership or control, and DEQ has received concurrence from the ATSAC, DEQ will notify the source that air toxics emissions reductions will not be required under this rule.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015

Stats. Implemented: ORS 468A.015, 468A.025

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 12

ENFORCEMENT PROCEDURE AND CIVIL PENALTIES

340-012-0030, Definitions

All terms used in this division have the meaning given to the term in the appropriate substantive statute or rule or, in the absence of such definition, their common and ordinary meaning unless otherwise required by context or defined below:

- (1) "Alleged Violation" means any violation cited in a written notice issued by DEQ or other government agency.
- (2) "Class I Equivalent," which is used to determine the value of the "P" factor in the civil penalty formula, means two Class II violations, one Class II and two Class III violations, or three Class III violations.
- (3) "Commission" means the Environmental Quality Commission.
- (4) "Compliance" means meeting the requirements of the applicable statutes, and commission or DEQ rules, permits, permit attachments or orders.
- (5) "Conduct" means an act or omission.
- (6) "Director" means the director of DEQ or the director's authorized deputies or officers.
- (7) "DEQ" means the Department of Environmental Quality.
- (8) "Expedited Enforcement Offer" (EEO) means a written offer by DEQ to settle an alleged violation in accordance with the expedited procedure described in OAR 340-012-0170(2).
- (9) "Field Penalty" as used in this division, has the meaning given that term in OAR chapter 340, division 150.
- (10) "Final Order and Stipulated Penalty Demand Notice" means a written notice issued to a respondent by DEQ demanding payment of a stipulated penalty as required by the terms of an agreement entered into between the respondent and DEQ.
- (11) "Flagrant" or "flagrantly" means the respondent had actual knowledge that the conduct was unlawful and consciously set out to commit the violation.
- (12) "Formal Enforcement Action" (FEA) means a proceeding initiated by DEQ that entitles a person to a contested case hearing or that settles such entitlement, including, but not limited to,

Notices of Civil Penalty Assessment and Order, Final Order and Stipulated Penalty Demand Notices, department or commission orders originating with the Office of Compliance and Enforcement, Mutual Agreement and Orders, accepted Expedited Enforcement Offers, Field Penalties, and other consent orders.

(13) "Intentional" means the respondent acted with a conscious objective to cause the result of the conduct.

(14) "Magnitude of the Violation" means the extent and effects of a respondent's deviation from statutory requirements, rules, standards, permits or orders.

(15) "Negligence" or "Negligent" means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation.

(16) "Notice of Civil Penalty Assessment and Order" means a notice provided under OAR 137-003-0505 to notify a person that DEQ has initiated a formal enforcement action that includes a financial penalty and may include an order to comply.

(17) "Pre-Enforcement Notice" (PEN) means an informal written notice of an alleged violation that DEQ is considering for formal enforcement.

(18) "Person" includes, but is not limited to, individuals, corporations, associations, firms, partnerships, trusts, joint stock companies, public and municipal corporations, political subdivisions, states and their agencies, and the federal government and its agencies.

(19) "Prior Significant Action" (PSA) means any violation cited in an FEA, with or without admission of a violation, that becomes final by payment of a civil penalty, by a final order of the commission or DEQ, or by judgment of a court.

(20) "Reckless" or "Recklessly" means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation.

(21) "Residential Owner-Occupant" means the natural person who owns or otherwise possesses a single family dwelling unit, and who occupies that dwelling at the time of the alleged violation. The violation must involve or relate to the normal uses of a dwelling unit.

(22) "Respondent" means the person named in a formal enforcement action (FEA).

(23) "Systematic" means any violation that occurred or occurs on a regular basis.

(24) "Violation" means a transgression of any statute, rule, order, license, permit, permit attachment, or any part thereof and includes both acts and omissions.

(25) "Warning Letter" (WL) means an informal written notice of an alleged violation for which formal enforcement is not anticipated.

(26) "Willful" means the respondent had a conscious objective to cause the result of the conduct and the respondent knew or had reason to know that the result was not lawful.

Stat. Auth.: ORS 468.020 & 468.130

Stats. Implemented: ORS 459.376, 459.995, 465.900, 468.090-140, 466.880 - 466.895, 468.996 - 468.997, 468A.990 -468A.992 & 468B.220

Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 22-1984, f. & ef. 11-8-84; DEQ 22-1988, f. & cert. ef. 9-14-88; DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 1-2014, f. & cert. ef. 1-6-14

340-012-0053, Classification of Violations that Apply to all Programs

(1) Class I:

(a) Violating a requirement or condition of a commission or department order, consent order, agreement, consent judgment (formerly called judicial consent decree) or compliance schedule contained in a permit or permit attachment;

(b) Submitting false, inaccurate or incomplete information to DEQ where the submittal masked a violation, caused environmental harm, or caused DEQ to misinterpret any substantive fact;

(c) Failing to provide access to premises or records as required by statute, permit, order, consent order, agreement or consent judgment (formerly called judicial consent decree); or

(d) Using fraud or deceit to obtain DEQ approval, permit, permit attachment, certification, or license.

(2) Class II: Violating any otherwise unclassified requirement.

Stat. Auth.: ORS 468.020 & 468.130

Stats. Implemented: ORS 459.376, 459.995, 465.900, 465.992, 466.990 - 466.994, 468.090 - 468.140 & 468B.450

Hist.: DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 1-2014, f. & cert. ef. 1-6-14

340-012-0054, Air Quality Classification of Violations

(1) Class I:

(a) Constructing a new source or modifying an existing source without first obtaining a required New Source Review/Prevention of Significant Deterioration (NSR/PSD) permit;

- (b) Constructing a new source, as defined in OAR 340-245-0020, without first obtaining a required Air Contaminant Discharge Permit that includes permit conditions required under OAR 340-245-0005 through 340-245-8050 or without complying with Cleaner Air Oregon rules under OAR 340-245-0005 through 340-245-8050;
- (c) Failing to conduct a source risk assessment, as required under OAR 340-245-0050;
- (d) Modifying a source in such a way as to require a permit modification under OAR 340-245-0005 through 340-245-8050, that would increase risk above permitted levels under OAR 340-245-0005 through 340-245-8050 without first obtaining such approval from DEQ;
- (e) Operating a major source, as defined in OAR 340-200-0020, without first obtaining the required permit;
- (f) Operating an existing source, as defined in OAR 340-245-0020, after a submittal deadline under OAR 340-245-0030 without having submitted a complete application for a Toxic Air Contaminant Permit Addendum required under OAR 340-245-0005 through 340-245-8050;
- (g) Exceeding a Plant Site Emission Limit (PSEL);
- (h) Exceeding a risk limit, including a Source Risk Limit, applicable to a source under OAR 340-245-0100;
- (i) Failing to install control equipment or meet emission limits, operating limits, work practice requirements, or performance standards as required by New Source Performance Standards under OAR 340 division 238 or National Emission Standards for Hazardous Air Pollutant Standards under OAR 340 division 244;
- (j) Exceeding a hazardous air pollutant emission limitation;
- (k) Failing to comply with an Emergency Action Plan;
- (l) Exceeding an opacity or emission limit (including a grain loading standard) or violating an operational or process standard, that was established under New Source Review/Prevention of Significant Deterioration (NSR/PSD);
- (m) Exceeding an emission limit or violating an operational or process standard that was established to limit emissions to avoid classification as a major source, as defined in OAR 340-200-0020;
- (n) Exceeding an emission limit or violating an operational limit, process limit, or work practice requirement that was established to limit risk or emissions to avoid exceeding an applicable Risk Action Level or other requirement under OAR 340-245-0005 through 340-245-8050;
- (o) Exceeding an emission limit, including a grain loading standard, by a major source, as defined in OAR 340-200-0020, when the violation was detected during a reference method stack test;

- (p) Failing to perform testing or monitoring, required by a permit, permit attachment, rule or order, that results in failure to show compliance with a Plant Site Emission Limit or with an emission limitation or a performance standard established under New Source Review/Prevention of Significant Deterioration, National Emission Standards for Hazardous Air Pollutants, New Source Performance Standards, Reasonably Available Control Technology, Best Available Control Technology, Maximum Achievable Control Technology, Typically Achievable Control Technology, Lowest Achievable Emission Rate, Toxics Best Available Control Technology, Toxics Lowest Achievable Emission Rate, or adopted under section 111(d) of the Federal Clean Air Act;
- (q) Causing emissions that are a hazard to public safety;
- (r) Violating a work practice requirement for asbestos abatement projects;
- (s) Improperly storing or openly accumulating friable asbestos material or asbestos-containing waste material;
- (t) Conducting an asbestos abatement project, by a person not licensed as an asbestos abatement contractor;
- (u) Violating an OAR 340 division 248 disposal requirement for asbestos-containing waste material;
- (v) Failing to hire a licensed contractor to conduct an asbestos abatement project;
- (w) Openly burning materials which are prohibited from being open burned anywhere in the state by OAR 340-264-0060(3), or burning materials in a solid fuel burning device, fireplace, trash burner or other device as prohibited by OAR 340-262-0900(1);
- (x) Failing to install certified vapor recovery equipment;
- (y) Delivering for sale a noncompliant vehicle by an automobile manufacturer in violation of Oregon Low Emission Vehicle rules set forth in OAR 340 division 257;
- (z) Exceeding an Oregon Low Emission Vehicle average emission limit set forth in OAR 340 division 257;
- (aa) Failing to comply with Zero Emission Vehicle (ZEV) sales requirements set forth in OAR 340 division 257;
- (bb) Failing to obtain a Motor Vehicle Indirect Source Permit as required in OAR 340 division 257;
- (cc) Selling, leasing, or renting a noncompliant vehicle by an automobile dealer or rental car agency in violation of Oregon Low Emission Vehicle rules set forth in OAR 340 division 257; or

(dd) Failing to comply with any of the clean fuel standards set forth in OAR 340-253-0100(6), OAR 340-253-8010 (Table 1) and OAR 340-253-8020 (Table 2).

(2) Class II:

(a) Constructing or operating a source required to have an Air Contaminant Discharge Permit (ACDP), ACDP attachment, or registration without first obtaining such permit or registration, unless otherwise classified;

(b) Violating the terms or conditions of a permit, permit attachment or license, unless otherwise classified;

(c) Modifying a source in such a way as to require a permit or permit attachment modification from DEQ without first obtaining such approval from DEQ, unless otherwise classified;

(d) Exceeding an opacity limit, unless otherwise classified;

(e) Exceeding a Volatile Organic Compound (VOC) emission standard, operational requirement, control requirement or VOC content limitation established by OAR 340 division 232;

(f) Failing to timely submit a complete ACDP annual report or permit attachment annual report;

(g) Failing to timely submit a certification, report, or plan as required by rule, permit or permit attachment, unless otherwise classified;

(h) Failing to timely submit a complete permit application, ACDP attachment application, or permit renewal application;

(i) Failing to submit a timely and complete toxic air contaminant emissions inventory as required under OAR 340-245-0005 through 340-245-8050;

(j) Failing to comply with the open burning requirements for commercial, construction, demolition, or industrial wastes in violation of OAR 340-264-0080 through 0180;

(k) Failing to comply with open burning requirements in violation of any provision of OAR 340 division 264, unless otherwise classified; or burning materials in a solid fuel burning device, fireplace, trash burner or other device as prohibited by OAR 340-262-0900(2).

(l) Failing to replace, repair, or modify any worn or ineffective component or design element to ensure the vapor tight integrity and efficiency of a stage I or stage II vapor collection system;

(m) Failing to provide timely, accurate or complete notification of an asbestos abatement project;

(n) Failing to perform a final air clearance test or submit an asbestos abatement project air clearance report for an asbestos abatement project;

- (o) Violating on road motor vehicle refinishing rules contained in OAR 340-242-0620; or
- (p) Failing to comply with an Oregon Low Emission Vehicle reporting, notification, or warranty requirement set forth in OAR division 257;
- (q) Failing to register as a regulated party in the Oregon Clean Fuels Program under OAR 340-253-0100(1) and (4), when the person is a producer or importer of blendstocks, as those terms are defined in OAR 340-253-0040;
- (r) Failing to submit a broker designation form under OAR 340-253-0100(3) and (4)(c);
- (s) Failing to keep records under OAR 340-253-0600 when the records relate to obtaining a carbon intensity under OAR 340-253-0450; or
- (t) Failing to keep records related to obtaining a carbon intensity under OAR 340-253-0450; or
- (u) Failing to submit an annual compliance report under OAR 340-253-0100(8).

(3) Class III:

- (a) Failing to perform testing or monitoring required by a permit, permit attachment, rule or order where missing data can be reconstructed to show compliance with standards, emission limitations or underlying requirements;
- (b) Constructing or operating a source required to have a Basic Air Contaminant Discharge Permit without first obtaining the permit;
- (c) Modifying a source in such a way as to require construction approval from DEQ without first obtaining such approval from DEQ, unless otherwise classified;
- (d) Failing to revise a notification of an asbestos abatement project when necessary, unless otherwise classified;
- (e) Submitting a late air clearance report that demonstrates compliance with the standards for an asbestos abatement project; or
- (f) Licensing a noncompliant vehicle by an automobile dealer or rental car agency in violation of Oregon Low Emission Vehicle rules set forth in OAR 340 division 257;
- (g) Failing to register as a regulated party in the Oregon Clean Fuels Program under OAR 340-253-0100(1) and (4), when the person is an importer of finished fuels, as those terms are defined in OAR 340-253-0040;
- (h) Failing to keep records under OAR 340-253-0600, except as provided in subsection (2)(r); or
- (i) Failing to submit quarterly progress reports under OAR 340-253-0100(7).

[Ed. Note: Tables and Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.045

Stats. Implemented: ORS 468.020 & 468A.025

Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 5-1980, f. & ef. 1-28-80; DEQ 22-1984, f. & ef. 11-8-84; DEQ 22-1988, f. & cert. ef. 9-14-88; DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 31-1990, f. & cert. ef. 8-15-90; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; Renumbered from 340-012-0050, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 6-2006, f. & cert. ef. 6-29-06; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

340-012-0135, Selected Magnitude Categories

(1) Magnitudes for selected Air Quality violations will be determined as follows:

(a) Opacity limit violations:

(A) Major — Opacity measurements or readings of 20 percent opacity or more over the applicable limit, or an opacity violation by a federal major source as defined in OAR 340-200-0020;

(B) Moderate — Opacity measurements or readings greater than 10 percent opacity and less than 20 percent opacity over the applicable limit; or

(C) Minor — Opacity measurements or readings of 10 percent opacity or less over the applicable limit.

(b) Operating a major source, as defined in OAR 340-200-0020, without first obtaining the required permit: Major — if a Lowest Achievable Emission Rate (LAER) or Best Available Control Technology (BACT) analysis shows that additional controls or offsets are or were needed, otherwise apply OAR 340-012-0130.

(c) Exceeding an emission limit established under New Source Review/Prevention of Significant Deterioration (NSR/PSD): Major — if exceeded the emission limit by more than 50 percent of the limit, otherwise apply OAR 340-012-0130.

(d) Exceeding an emission limit established under federal National Emission Standards for Hazardous Air Pollutants (NESHAPs): Major — if exceeded the Maximum Achievable Control Technology (MACT) standard emission limit for a directly-measured hazardous air pollutant (HAP), otherwise apply OAR 340-012-0130.

(e) Exceeding a cancer or noncancer risk limit that is equivalent to a Risk Action Level or a Source Risk Limit if the limit is a Risk Action Level established under OAR 340-245-0005 through 340-245-8050: Major, otherwise apply OAR 340-012-0130.

(f) Air contaminant emission limit violations for selected air pollutants: Magnitude determinations under this subsection will be made based upon significant emission rate (SER) amounts listed in OAR 340-200-0020.

(A) Major:

(i) Exceeding the annual emission limit as established by permit, rule or order by more than the annual SER; or

(ii) Exceeding the short-term (less than one year) emission limit as established by permit, rule or order by more than the applicable short-term SER.

(B) Moderate:

(i) Exceeding the annual emission limit as established by permit, rule or order by an amount from 50 up to and including 100 percent of the annual SER; or

(ii) Exceeding the short-term (less than one-year) emission limit as established by permit, rule or order by an amount from 50 up to and including 100 percent of the applicable short-term SER.

(C) Minor:

(i) Exceeding the annual emission limit as established by permit, rule or order by an amount less than 50 percent of the annual SER; or

(ii) Exceeding the short-term (less than one year) emission limit as established by permit, rule or order by an amount less than 50 percent of the applicable short-term SER.

(g) Violations of Emergency Action Plans: Major — Major magnitude in all cases.

(h) Violations of on road motor vehicle refinishing rules contained in OAR 340-242-0620: Minor — Refinishing 10 or fewer on road motor vehicles per year.

(i) Asbestos violations — These selected magnitudes apply unless the violation does not cause the potential for human exposure to asbestos fibers:

(A) Major — More than 260 linear feet or more than 160 square feet of asbestos-containing material or asbestos-containing waste material;

(B) Moderate — From 40 linear feet up to and including 260 linear feet or from 80 square feet up to and including 160 square feet of asbestos-containing material or asbestos-containing waste material; or

(C) Minor — Less than 40 linear feet or 80 square feet of asbestos-containing material or asbestos-containing waste material.

(D) The magnitude of the asbestos violation may be increased by one level if the material was comprised of more than five percent asbestos.

(j) Open burning violations:

(A) Major — Initiating or allowing the initiation of open burning of 20 or more cubic yards of commercial, construction, demolition and/or industrial waste; or 5 or more cubic yards of prohibited materials (inclusive of tires); or 10 or more tires;

(B) Moderate — Initiating or allowing the initiation of open burning of 10 or more, but less than 20 cubic yards of commercial, construction, demolition and/or industrial waste; or 2 or more, but less than 5 cubic yards of prohibited materials (inclusive of tires); or 3 to 9 tires; or if DEQ lacks sufficient information upon which to make a determination of the type of waste, number of cubic yards or number of tires burned; or

(C) Minor — Initiating or allowing the initiation of open burning of less than 10 cubic yards of commercial, construction, demolition and/or industrial waste; or less than 2 cubic yards of prohibited materials (inclusive of tires); or 2 or less tires.

(D) The selected magnitude may be increased one level if DEQ finds that one or more of the following are true, or decreased one level if DEQ finds that none of the following are true:

(i) The burning took place in an open burning control area;

(ii) The burning took place in an area where open burning is prohibited;

(iii) The burning took place in a non-attainment or maintenance area for PM10 or PM2.5; or

(iv) The burning took place on a day when all open burning was prohibited due to meteorological conditions.

(k) Oregon Low Emission Vehicle Non-Methane Gas (NMOG) or Green House Gas (GHG) fleet average emission limit violations:

(A) Major — Exceeding the limit by more than 10 percent; or

(B) Moderate — Exceeding the limit by 10 percent or less.

(l) Oregon Clean Fuels Program violations:

(A) Exceeding the clean fuel standards set forth in OAR 340-253-0100(6), 340-253-8010 (Table 1) and 340-253-8020 (Table 2) by:

(i) Major — more than 15 percent;

(ii) Moderate — more than 10 percent but less than 15 percent;

(iii) Minor — 10 percent or less.

(B) Failing to register under OAR 340-253-0100(1) and (4): Minor — producers and importers of blendstocks;

(C) Failing to submit broker designation form under OAR 340-253-0100(3) and (4)(c): Minor; or

(D) Failing to keep records as set forth in OAR 340-253-0600, when the records relate to obtaining a carbon intensity under OAR 340-253-04500600: Minor; or

(E) Failing to submit annual compliance reports under OAR 340-253-0100(8): Moderate.

(2) Magnitudes for selected Water Quality violations will be determined as follows:

(a) Violating wastewater discharge permit effluent limitations:

(A) Major:

(i) The dilution (D) of the spill or technology based effluent limitation exceedance was less than two, when calculated as follows: $D = ((QR / 4) + QI) / QI$, where QR is the estimated receiving stream flow and QI is the estimated quantity or discharge rate of the incident;

(ii) The receiving stream flow at the time of the water quality based effluent limitation (WQBEL) exceedance was at or below the flow used to calculate the WQBEL; or

(iii) The resulting water quality from the spill or discharge was as follows:

(I) For discharges of toxic pollutants: CS/D was more than CA_{acute} , where CS is the concentration of the discharge, D is the dilution of the discharge as determined under (2)(a)(A)(i), and CA_{acute} is the concentration for acute toxicity (as defined by the applicable water quality standard);

(II) For spills or discharges affecting temperature, when the discharge temperature is at or above 32 degrees centigrade after two seconds from the outfall; or

(III) For BOD5 discharges: $(BOD5)/D$ is more than 10, where BOD5 is the concentration of the five-day Biochemical Oxygen Demand of the discharge and D is the dilution of the discharge as determined under (2)(a)(A)(i).

(B) Moderate:

(i) The dilution (D) of the spill or the technology based effluent limitation exceedance was two or more but less than 10 when calculated as follows: $D = ((QR / 4) + QI) / QI$, where QR is the

estimated receiving stream flow and QI is the estimated quantity or discharge rate of the discharge;
or

(ii) The receiving stream flow at the time of the WQBEL exceedance was greater than, but less than twice, the flow used to calculate the WQBEL.

(C) Minor:

(i) The dilution (D) of the spill or the technology based effluent limitation exceedance was 10 or more when calculated as follows: $D = ((QR/4) + QI) / QI$, where QR is the receiving stream flow and QI is the quantity or discharge rate of the incident; or

(ii) The receiving stream flow at the time of the WQBEL exceedance was twice the flow or more of the flow used to calculate the WQBEL.

(b) Violating numeric water quality standards:

(A) Major:

(i) Increased the concentration of any pollutant except for toxics, dissolved oxygen, pH, and turbidity, by 25 percent or more of the standard;

(ii) Decreased the dissolved oxygen concentration by two or more milligrams per liter below the standard;

(iii) Increased the toxic pollutant concentration by any amount over the acute standard or by 100 percent or more of the chronic standard;

(iv) Increased or decreased pH by one or more pH units from the standard; or

(v) Increased turbidity by 50 or more nephelometric turbidity units (NTU) over background.

(B) Moderate:

(i) Increased the concentration of any pollutant except for toxics, pH, and turbidity by more than 10 percent but less than 25 percent of the standard;

(ii) Decreased dissolved oxygen concentration by one or more, but less than two, milligrams per liter below the standard;

(iii) Increased the concentration of toxic pollutants by more than 10 percent but less than 100 percent of the chronic standard;

(iv) Increased or decreased pH by more than 0.5 pH unit but less than 1.0 pH unit from the standard; or

(v) Increased turbidity by more than 20 but less than 50 NTU over background.

(C) Minor:

(i) Increased the concentration of any pollutant, except for toxics, pH, and turbidity, by 10 percent or less of the standard;

(ii) Decreased the dissolved oxygen concentration by less than one milligram per liter below the standard;

(iii) Increased the concentration of toxic pollutants by 10 percent or less of the chronic standard;

(iv) Increased or decreased pH by 0.5 pH unit or less from the standard; or

(v) Increased turbidity by 20 NTU or less over background.

(c) The selected magnitude under (2)(a) or (b) may be increased one or more levels if the violation:

(A) Occurred in a water body that is water quality limited (listed on the most current 303(d) list) and the discharge is the same pollutant for which the water body is listed;

(B) Depressed oxygen levels or increased turbidity and/or sedimentation in a stream in which salmonids may be rearing or spawning as indicated by the beneficial use maps available at OAR 340-041-0101 through 0340;

(C) Violated a bacteria standard either in shellfish growing waters or during the period from June 1 through September 30; or

(D) Resulted in a documented fish or wildlife kill.

(3) Magnitudes for selected Solid Waste violations will be determined as follows:

(a) Operating a solid waste disposal facility without a permit or disposing of solid waste at an unpermitted site:

(A) Major — The volume of material disposed of exceeds 400 cubic yards;

(B) Moderate — The volume of material disposed of is greater than or equal to 40 cubic yards and less than or equal to 400 cubic yards; or

(C) Minor — The volume of materials disposed of is less than 40 cubic yards.

(D) The magnitude of the violation may be raised by one magnitude if the material disposed of was either in the floodplain of waters of the state or within 100 feet of waters of the state.

(b) Failing to accurately report the amount of solid waste disposed:

(A) Major — The amount of solid waste is underreported by 15 percent or more of the amount received;

(B) Moderate — The amount of solid waste is underreported by 5 percent or more, but less than 15 percent, of the amount received; or

(C) Minor — The amount of solid waste is underreported by less than 5 percent of the amount received.

(4) Magnitudes for selected Hazardous Waste violations will be determined as follows:

(a) Failure to make a hazardous waste determination;

(A) Major — Failure to make the determination on five or more waste streams;

(B) Moderate — Failure to make the determination on three or four waste streams; or

(C) Minor — Failure to make the determination on one or two waste streams.

(b) Hazardous Waste treatment, storage and disposal violations of OAR 340-012-0068(1)(b), (c), (h), (k), (l), (m), (p), (q) and (r):

(A) Major:

(i) Treatment, storage, or disposal of more than 55 gallons or 330 pounds of hazardous waste; or

(ii) Treatment, storage, or disposal of at least one quart or 2.2 pounds of acutely hazardous waste.

(B) Moderate:

(i) Treatment, storage, or disposal of 55 gallons or 330 pounds or less of hazardous waste; or

(ii) Treatment, storage, or disposal of less than one quart or 2.2 pounds of acutely hazardous waste.

(c) Hazardous waste management violations classified in OAR 340-012-0068(1)(d), (e) (f), (g), (i), (j), (n), (s) and (2)(a), (b), (d), (e), (h), (i), (k), (m), (n), (o), (p), (r) and (s):

(A) Major:

(i) Hazardous waste management violations involving more than 1,000 gallons or 6,000 pounds of hazardous waste; or

(ii) Hazardous waste management violations involving at least one quart or 2.2 pounds of acutely hazardous waste.

(B) Moderate:

(i) Hazardous waste management violations involving more than 250 gallons or 1,500 pounds, up to and including 1,000 gallons or 6,000 pounds of hazardous waste; or

(ii) Hazardous waste management violations involving less than one quart or 2.2 pounds of acutely hazardous waste.

(C) Minor:

(i) Hazardous waste management violations involving 250 gallons or 1,500 pounds or less of hazardous waste and no acutely hazardous waste.

(5) Magnitudes for selected Used Oil violations (OAR 340-012-0072) will be determined as follows:

(a) Used Oil violations set forth in OAR 340-012-0072(1)(f), (h), (i), (j); and (2)(a) through (h):

(A) Major — Used oil management violations involving more than 1,000 gallons or 7,000 pounds of used oil or used oil mixtures;

(B) Moderate — Used oil management violations involving more than 250 gallons or 1,750 pounds, up to and including 1,000 gallons or 7,000 pounds of used oil or used oil mixture; or

(C) Minor — Used oil management violations involving 250 gallons or 1,750 pounds or less of used oil or used oil mixtures.

(b) Used Oil spill or disposal violations set forth in OAR 340-012-0072(1)(a) through (e), (g) and (k).

(A) Major — A spill or disposal involving more than 420 gallons or 2,940 pounds of used oil or used oil mixtures;

(B) Moderate — A spill or disposal involving more than 42 gallons or 294 pounds, up to and including 420 gallons or 2,940 pounds of used oil or used oil mixtures; or

(C) Minor — A spill or disposal of used oil involving 42 gallons or 294 pounds or less of used oil or used oil mixtures.

[ED. NOTE: Tables & Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.065 & 468A.045

Stats. Implemented: ORS 468.090 - 468.140 & 468A.060

Hist.: DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 1-2003, f. & cert. ef. 1-31-03; Renumbered from 340-012-0090, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 6-2006, f. & cert. ef. 6-29-06; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

340-012-0140, Determination of Base Penalty

(1) Except for Class III violations and as provided in OAR 340-012-0155, the base penalty (BP) is determined by applying the class and magnitude of the violation to the matrices set forth in this section. For Class III violations, no magnitude determination is required.

(2) \$12,000 Penalty Matrix:

(a) The \$12,000 penalty matrix applies to the following:

(A) Any violation of an air quality statute, rule, permit, permit attachment, or related order committed by a person that has or should have a Title V permit or an Air Contaminant Discharge Permit (ACDP) issued under New Source Review (NSR) regulations or Prevention of Significant Deterioration (PSD) regulations, or section 112(g) of the federal Clean Air Act.

(B) Open burning violations as follows:

(i) Any violation of OAR 340-264-0060(3) committed by an industrial facility operating under an air quality permit.

(ii) Any violation of OAR 340-264-0060(3) in which 25 or more cubic yards of prohibited materials or more than 15 tires are burned, except when committed by a residential owner-occupant.

(C) Any violation of the Oregon Low Emission Vehicle rules (OAR 340-257) by an automobile manufacturer.

(D) Any violation of ORS 468B.025(1)(a) or (1)(b), or of 468B.050(1)(a) by a person without a National Pollutant Discharge Elimination System (NPDES) permit, unless otherwise classified.

(E) Any violation of a water quality statute, rule, permit or related order by:

(i) A person that has an NPDES permit, or that has or should have a Water Pollution Control Facility (WPCF) permit, for a municipal or private utility sewage treatment facility with a permitted flow of five million or more gallons per day.

(ii) A person that has a Tier 1 industrial source NPDES or WPCF permit.

(iii) A person that has a population of 100,000 or more, as determined by the most recent national census, and either has or should have a WPCF Municipal Stormwater Underground Injection Control (UIC) System Permit, or has an NPDES Municipal Separated Storm Sewer Systems (MS4) Stormwater Discharge Permit.

(iv) A person that installs or operates a prohibited Class I, II, III, IV or V UIC system, except for a cesspool.

(v) A person that has or should have applied for coverage under an NPDES Stormwater Discharge 1200-C General Permit for a construction site that disturbs 20 or more acres.

(F) Any violation of the ballast water statute in ORS Chapter 783 or ballast water management rule in OAR 340, division 143.

(G) Any violation of a Clean Water Act Section 401 Water Quality Certification by a 100 megawatt or more hydroelectric facility.

(H) Any violation of a Clean Water Act Section 401 Water Quality Certification for a dredge and fill project except for Tier 1, 2A or 2B projects.

(I) Any violation of an underground storage tanks statute, rule, permit or related order committed by the owner, operator or permittee of 10 or more UST facilities or a person who is licensed or should be licensed by DEQ to perform tank services.

(J) Any violation of a heating oil tank statute, rule, permit, license or related order committed by a person who is licensed or should be licensed by DEQ to perform heating oil tank services.

(K) Any violation of ORS 468B.485, or related rules or orders regarding financial assurance for ships transporting hazardous materials or oil.

(L) Any violation of a used oil statute, rule, permit or related order committed by a person who is a used oil transporter, transfer facility, processor or re-refiner, off-specification used oil burner or used oil marketer.

(M) Any violation of a hazardous waste statute, rule, permit or related order by:

(i) A person that is a large quantity generator or hazardous waste transporter.

(ii) A person that has or should have a treatment, storage or disposal facility permit.

(N) Any violation of an oil and hazardous material spill and release statute, rule, or related order committed by a covered vessel or facility as defined in ORS 468B.300 or by a person who is engaged in the business of manufacturing, storing or transporting oil or hazardous materials.

(O) Any violation of a polychlorinated biphenyls (PCBs) management and disposal statute, rule, permit or related order.

(P) Any violation of ORS Chapter 465, UST or environmental cleanup statute, rule, related order or related agreement.

(Q) Unless specifically listed under another penalty matrix, any violation of ORS Chapter 459 or any violation of a solid waste statute, rule, permit, or related order committed by:

(i) A person that has or should have a solid waste disposal permit.

(ii) A person with a population of 25,000 or more, as determined by the most recent national census.

(R) Any violation of the Oregon Clean Fuels Program under OAR 340 division 253 by a person registered as an importer of blendstocks.

(b) The base penalty values for the \$12,000 penalty matrix are as follows:

(A) Class I:

(i) Major — \$12,000;

(ii) Moderate — \$6,000;

(iii) Minor — \$3,000.

(B) Class II:

(i) Major — \$6,000;

(ii) Moderate — \$3,000;

(iii) Minor — \$1,500.

(C) Class III: \$1,000.

(3) \$8,000 Penalty Matrix:

(a) The \$8,000 penalty matrix applies to the following:

(A) Any violation of an air quality statute, rule, permit, permit attachment, or related order committed by a person that has or should have an ACDP permit, except for NSR, PSD and Basic ACDP permits, unless listed under another penalty matrix.

(B) Any violation of an asbestos statute, rule, permit or related order except those violations listed in section (5) of this rule.

(C) Any violation of a vehicle inspection program statute, rule, permit or related order committed by an auto repair facility.

(D) Any violation of the Oregon Low Emission Vehicle rules (OAR 340-257) committed by an automobile dealer or an automobile rental agency.

(E) Any violation of a water quality statute, rule, permit or related order committed by:

(i) A person that has an NPDES Permit, or that has or should have a WPCF Permit, for a municipal or private utility sewage treatment facility with a permitted flow of two million or more, but less than five million, gallons per day.

(ii) A person that has a Tier 2 industrial source NPDES or WPCF Permit.

(iii) A person that has or should have applied for coverage under an NPDES or a WPCF General Permit, except an NPDES Stormwater Discharge 1200-C General Permit for a construction site of less than five acres in size or 20 or more acres in size.

(iv) A person that has a population of less than 100,000 but more than 10,000, as determined by the most recent national census, and has or should have a WPCF Municipal Stormwater UIC System Permit or has an NPDES MS4 Stormwater Discharge Permit.

(v) A person that owns, and that has or should have registered, a UIC system that disposes of wastewater other than stormwater or sewage or geothermal fluids.

(F) Any violation of a Clean Water Act Section 401 Water Quality Certification by a less than 100 megawatt hydroelectric facility.

(G) Any violation of a Clean Water Act Section 401 Water Quality Certification for a Tier 2A or Tier 2B dredge and fill project.

(H) Any violation of an UST statute, rule, permit or related order committed by a person who is the owner, operator or permittee of five to nine UST facilities.

(I) Unless specifically listed under another penalty matrix, any violation of ORS Chapter 459 or other solid waste statute, rule, permit, or related order committed by:

(i) A person that has or should have a waste tire permit; or

(ii) A person with a population of more than 5,000 but less than or equal to 25,000, as determined by the most recent national census.

(J) Any violation of a hazardous waste management statute, rule, permit or related order committed by a person that is a small quantity generator.

(K) Any violation of an oil and hazardous material spill and release statute, rule, or related order committed by a person other than a person listed in OAR 340-012-0140(2)(a)(N) occurring during a commercial activity or involving a derelict vessel over 35 feet in length.

(L) Any violation of the Oregon Clean Fuels Program under OAR 340 division 253 by a person registered as a credit generator.

(b) The base penalty values for the \$8,000 penalty matrix are as follows:

(A) Class I:

- (i) Major — \$8,000.
- (ii) Moderate — \$4,000.
- (iii) Minor — \$2,000.

(B) Class II:

- (i) Major — \$4,000.
- (ii) Moderate — \$2,000.
- (iii) Minor — \$1,000.

(C) Class III: \$ 700.

(4) \$3,000 Penalty Matrix:

(a) The \$3,000 penalty matrix applies to the following:

(A) Any violation of any statute, rule, permit, license, or order committed by a person not listed under another penalty matrix.

(B) Any violation of an air quality statute, rule, permit, permit attachment, or related order committed by a person not listed under another penalty matrix.

(C) Any violation of an air quality statute, rule, permit, permit attachment, or related order committed by a person that has or should have a Basic ACDP or an ACDP or registration only because the person is subject to Area Source NESHAP regulations.

(D) Any violation of OAR 340-264-0060(3) in which 25 or more cubic yards of prohibited materials or more than 15 tires are burned by a residential owner-occupant.

(E) Any violation of a vehicle inspection program statute, rule, permit or related order committed by a natural person, except for those violations listed in section (5) of this rule.

(F) Any violation of a water quality statute, rule, permit, license or related order not listed under another penalty matrix and committed by:

- (i) A person that has an NPDES permit, or has or should have a WPCF permit, for a municipal or private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

- (ii) A person that has or should have applied for coverage under an NPDES Stormwater Discharge 1200-C General Permit for a construction site that is more than one, but less than five acres.
- (iii) A person that has a population of 10,000 or less, as determined by the most recent national census, and either has an NPDES MS4 Stormwater Discharge Permit or has or should have a WPCF Municipal Stormwater UIC System Permit.
- (iv) A person who is licensed to perform onsite sewage disposal services or who has performed sewage disposal services.
- (v) A person, except for a residential owner-occupant, that owns and either has or should have registered a UIC system that disposes of stormwater, sewage or geothermal fluids.
- (vi) A person that has or should have a WPCF individual stormwater UIC system permit.
- (vii) Any violation of a water quality statute, rule, permit or related order committed by a person that has or should have applied for coverage under an NPDES 700-PM General Permit for suction dredges.
- (G) Any violation of an onsite sewage disposal statute, rule, permit or related order, except for a violation committed by a residential owner-occupant.
- (H) Any violation of a Clean Water Act Section 401 Water Quality Certification for a Tier 1 dredge and fill project.
- (I) Any violation of an UST statute, rule, permit or related order if the person is the owner, operator or permittee of two to four UST facilities.
- (J) Any violation of a used oil statute, rule, permit or related order, except a violation related to a spill or release, committed by a person that is a used oil generator.
- (K) Any violation of a hazardous waste management statute, rule, permit or related order committed by a person that is a conditionally exempt generator, unless listed under another penalty matrix.
- (L) Any violation of ORS Chapter 459 or other solid waste statute, rule, permit, or related order committed by a person with a population less than 5,000, as determined by the most recent national census.
- (M) Any violation of the labeling requirements of ORS 459A.675 through 459A.685.
- (N) Any violation of rigid pesticide container disposal requirements by a conditionally exempt generator of hazardous waste.
- (O) Any violation of ORS 468B.025(1)(a) or (b) resulting from turbid discharges to waters of the state caused by non-residential uses of property disturbing less than one acre in size.

(P) Any violation of an oil and hazardous material spill and release statute, rule, or related order committed by a person not listed under another matrix.

(Q) Any violation of the Oregon Clean Fuels Program under OAR 340 division 253 by a person registered as an importer of finished fuels.

(b) The base penalty values for the \$3,000 penalty matrix are as follows:

(A) Class I:

(i) Major — \$3,000;

(ii) Moderate — \$1,500;

(iii) Minor — \$750.

(B) Class II:

(i) Major — \$1,500;

(ii) Moderate — \$750;

(iii) Minor — \$375.

(C) Class III: \$250.

(5) \$1,000 Penalty Matrix:

(a) The \$1,000 penalty matrix applies to the following:

(A) Any violation of an open burning statute, rule, permit or related order committed by a residential owner-occupant at the residence, not listed under another penalty matrix.

(B) Any violation of visible emissions standards by operation of a vehicle.

(C) Any violation of an asbestos statute, rule, permit or related order committed by a residential owner-occupant.

(D) Any violation of an onsite sewage disposal statute, rule, permit or related order of OAR chapter 340, division 44 committed by a residential owner-occupant.

(E) Any violation of an UST statute, rule, permit or related order committed by a person who is the owner, operator or permittee of one UST facility.

(F) Any violation of an HOT statute, rule, permit or related order not listed under another penalty matrix.

(G) Any violation of OAR chapter 340, division 124 or ORS 465.505 by a dry cleaning owner or operator, dry store owner or operator, or supplier of perchloroethylene.

(H) Any violation of ORS Chapter 459 or other solid waste statute, rule or related order committed by a residential owner-occupant.

(I) Any violation of a statute, rule, permit or order relating to rigid plastic containers, except for violation of the labeling requirements under OAR 459A.675 through 459A.685.

(J) Any violation of a statute, rule or order relating to the opportunity to recycle.

(K) Any violation of OAR chapter 340, division 262 or other statute, rule or order relating to solid fuel burning devices, except a violation related to the sale of new or used solid fuel burning devices or the removal and destruction of used solid fuel burning devices.

(L) Any violation of an UIC system statute, rule, permit or related order by a residential owner-occupant, when the UIC disposes of stormwater, sewage or geothermal fluids.

(M) Any Violation of ORS 468B.025(1)(a) or (b) resulting from turbid discharges to waters of the state caused by residential use of property disturbing less than one acre in size.

(b) The base penalty values for the \$1,000 penalty matrix are as follows:

(A) Class I:

(i) Major — \$1,000;

(ii) Moderate — \$500;

(iii) Minor — \$250.

(B) Class II:

(i) Major — \$500;

(ii) Moderate — \$250;

(iii) Minor — \$125.

(C) Class III: \$100.

Stat. Auth.: ORS 468.020 & 468.090 - 468.140

Stats. Implemented: ORS 459.995, 459A.655, 459A.660, 459A.685 & 468.035

Hist.: DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 33-1990, f. & cert. ef. 8-15-90; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 6-2001, f. 6-18-01, cert.

ef. 7-1-01; Renumbered from 340-012-0042, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 6-2006, f. & cert. ef. 6-29-06; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0020, General Air Quality Definitions

As used in OAR 340 divisions 200 through 268, unless specifically defined otherwise:

- (1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. § 7401 to 7671q.
- (2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.
- (3) "Actual emissions" means the mass emissions of a regulated pollutant from an emissions source during a specified time period as set forth in OAR 340 divisions 214, 220 and 222.
- (4) "Adjacent", as used in the definitions of major source and source and in OAR 340-216-0070, means interdependent facilities that are nearby to each other.
- (5) "Affected source" means a source that includes one or more affected units that are subject to emission reduction requirements or limitations under Title IV of the FCAA.
- (6) "Affected states" means all states:
 - (a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or
 - (b) That are within 50 miles of the permitted source.
- (7) "Aggregate insignificant emissions" means the annual actual emissions of any regulated pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified:
 - (a) One ton for total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA, and each criteria pollutant, except lead;
 - (b) 120 pounds for lead;
 - (c) 600 pounds for fluorides;

- (d) 500 pounds for PM10 in a PM10 nonattainment area;
 - (e) 500 pounds for direct PM2.5 in a PM2.5 nonattainment area;
 - (f) The lesser of the amount established in 40 C.F.R. 68.130 or 1,000 pounds;
 - (g) An aggregate of 5,000 pounds for all hazardous air pollutants;
 - (h) 2,756 tons CO₂e for greenhouse gases.
- (8) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, particulate matter, regulated pollutant, or any combination thereof.
- (9) "Air Contaminant Discharge Permit" or "ACDP" means written authorization issued, renewed, amended, or revised by DEQ, under OAR 340 division 216.
- (10) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to DEQ's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.
- (11) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.
- (12) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:
- (a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the FCAA that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 C.F.R. part 52;
 - (b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;
 - (c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued under OAR 340 division 224, New Source Review, until or unless DEQ revokes or modifies the term or condition by a permit modification;

- (d) Any term or condition in a Notice of Construction and Approval of Plans, OAR 340-210-0205 through 340-210-0240, until or unless DEQ revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;
 - (e) Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless DEQ revokes or modifies the term or condition by a Notice of Approval or a permit modification;
 - (f) Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;
 - (g) Any standard or other requirement under section 111 of the FCAA, including section 111(d);
 - (h) Any standard or other requirement under section 112 of the FCAA, including any requirement concerning accident prevention under section 112(r)(7) of the FCAA;
 - (i) Any standard or other requirement of the acid rain program under Title IV of the FCAA or the regulations promulgated thereunder;
 - (j) Any requirements established under section 504(b) or section 114(a)(3) of the FCAA;
 - (k) Any standard or other requirement under section 126(a)(1) and(c) of the FCAA;
 - (l) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA;
 - (m) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA;
 - (n) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;
 - (o) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;
 - (p) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and
 - (q) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted under section 504(e) of the FCAA.
- (13) “Attainment area” or “unclassified area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR 340 division 204. Any particular location may be part of

an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(14) "Attainment pollutant" means a pollutant for which an area is designated an attainment or unclassified area.

(15) "Baseline emission rate" means the actual emission rate during a baseline period as determined under OAR 340 division 222.

(16) "Baseline period" means the period used to determine the baseline emission rate for each regulated pollutant under OAR 340 division 222.

(17) "Best Available Control Technology" or "BACT" means an emission limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the FCAA which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutant. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

(18) "Biomass" means non-fossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.

(19) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

(20) "Capture efficiency" means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.

(21) "Capture system" means the equipment, including but not limited to hoods, ducts, fans, and booths, used to contain, capture and transport a regulated pollutant to a control device.

(22) "Carbon dioxide equivalent" or "CO₂e" means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40

C.F.R. part 98, subpart A, Table A–1-Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

(23) "Categorically insignificant activity" means any of the following listed regulated pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

(a) Constituents of a chemical mixture present at less than 1 percent by weight of any chemical or compound regulated under divisions 200 through 268 excluding divisions 248 and 262 of this chapter, or less than 0.1 percent by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year;

(b) Evaporative and tailpipe emissions from on-site motor vehicle operation;

(c) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source's expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:

(A) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour;

(B) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour.

(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

(h) Personal care activities;

(i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

- (j) On-site laundry activities;
- (k) On-site recreation facilities;
- (l) Instrument calibration;
- (m) Maintenance and repair shop;
- (n) Automotive repair shops or storage garages;
- (o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- (p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
- (q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
- (r) Temporary construction activities;
- (s) Warehouse activities;
- (t) Accidental fires;
- (u) Air vents from air compressors;
- (v) Air purification systems;
- (w) Continuous emissions monitoring vent lines;
- (x) Demineralized water tanks;
- (y) Pre-treatment of municipal water, including use of deionized water purification systems;
- (z) Electrical charging stations;
- (aa) Fire brigade training;
- (bb) Instrument air dryers and distribution;
- (cc) Process raw water filtration systems;
- (dd) Pharmaceutical packaging;

- (ee) Fire suppression;
- (ff) Blueprint making;
- (gg) Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;
- (hh) Electric motors;
- (ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
- (jj) On-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;
- (kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
- (ll) Pressurized tanks containing gaseous compounds;
- (mm) Vacuum sheet stacker vents;
- (nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;
- (oo) Log ponds;
- (pp) Stormwater settling basins;
- (qq) Fire suppression and training;
- (rr) Paved roads and paved parking lots within an urban growth boundary;
- (ss) Hazardous air pollutant emissions in fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;
- (tt) Health, safety, and emergency response activities;
- (uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency, provided that the aggregate horsepower rating of all stationary emergency

generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;

(vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;

(ww) Non-contact steam condensate flash tanks;

(xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;

(yy) Boiler blowdown tanks;

(zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;

(aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;

(bbb) Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources:

(A) Petroleum refineries;

(B) Sources that perform petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels;
or

(C) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;

(ccc) Combustion source flame safety purging on startup;

(ddd) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

(eee) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

(fff) White water storage tanks.

(24) "Certifying individual" means the responsible person or official authorized by the owner or operator of a source who certifies the accuracy of the emission statement.

(25) "Class I area" or "PSD Class I area" means any Federal, State or Indian reservation land which is classified or reclassified as a Class I area under OAR 340-204-0050 and 340-204-0060.

(26) "Class II area" or "PSD Class II area" means any land which is classified or reclassified as a Class II area under OAR 340-204-0050 and 340-204-0060.

(27) "Class III area" or "PSD Class III area" means any land which is reclassified as a Class III area under OAR 340-204-0060.

(28) "Commence" or "commencement" means that the owner or operator has obtained all necessary preconstruction approvals required by the FCAA and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

(29) "Commission" or "EQC" means Environmental Quality Commission.

(30) "Constant process rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

(31) "Construction":

(a) Except as provided in subsection (b) means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;

(b) As used in OAR 340 division 224 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source which would result in a change in actual emissions.

(32) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

(a) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(b) Provides data either in units of the standard or correlated directly with the compliance limit.

(33) "Continuous monitoring systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis as specified in the DEQ Continuous Monitoring Manual, found in OAR 340-200-0035, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(34) "Control device" means equipment, other than inherent process equipment that is used to destroy or remove a regulated pollutant prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices, such as carbon beds, condensers, scrubbers, such as

wet collection and gas absorption devices, selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems, such as water, steam, ammonia, sorbent or limestone injection, and combustion devices independent of the particular process being conducted at an emissions unit, e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters. For purposes of OAR 340-212-0200 through 340-212-0280, a control device does not include passive control measures that act to prevent regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular regulated pollutant-specific emissions unit, then that definition will be binding for purposes of OAR 340-212-0200 through 340-212-0280.

(35) "Control efficiency" means the product of the capture and removal efficiencies.

(36) "Criteria pollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, and lead.

(37) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

(38) "Day" means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period as specified in a permit.

(39) "De minimis emission level" means the level for the regulated pollutants listed below:

(a) Greenhouse Gases (CO₂e) = 2,756 tons per year.

(b) CO = 1 ton per year.

(c) NO_x = 1 ton per year.

(d) SO₂ = 1 ton per year.

(e) VOC = 1 ton per year.

(f) PM = 1 ton per year.

(g) PM₁₀ (except Medford AQMA) = 1 ton per year.

(h) PM₁₀ (Medford AQMA) = 0.5 ton per year and 5.0 pounds/day.

(i) Direct PM_{2.5} = 1 ton per year.

- (j) Lead = 0.1 ton per year.
- (k) Fluorides = 0.3 ton per year.
- (l) Sulfuric Acid Mist = 0.7 ton per year.
- (m) Hydrogen Sulfide = 1 ton per year.
- (n) Total Reduced Sulfur (including hydrogen sulfide) = 1 ton per year.
- (o) Reduced Sulfur = 1 ton per year.
- (p) Municipal waste combustor organics (dioxin and furans) = 0.0000005 ton per year.
- (q) Municipal waste combustor metals = 1 ton per year.
- (r) Municipal waste combustor acid gases = 1 ton per year.
- (s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 1 ton per year
- (t) Single HAP = 1 ton per year
- (u) Combined HAP (aggregate) = 1 ton per year
- (40) "Department" or "DEQ":
 - (a) Means Department of Environmental Quality; except
 - (b) As used in OAR 340 divisions 218 and 220 means Department of Environmental Quality, or in the case of Lane County, LRAPA.
- (41) "DEQ method [#]" means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual, found in OAR 340-200-0035.
- (42) "Designated area" means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under OAR 340 division 204 or applicable provisions of the FCAA.
- (43) "Destruction efficiency" means removal efficiency.
- (44) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.
- (45) "Direct PM2.5" has the meaning provided in the definition of PM2.5.

(46) "Director" means the Director of DEQ or the Director's designee.

(47) "Draft permit" means the version of an Oregon Title V Operating Permit for which DEQ or LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(48) "Dry standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.

(49) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

(50) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(51) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.

(52) "Emission estimate adjustment factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

(53) "Emission factor" means an estimate of the rate at which a regulated pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate).

(54) "Emission limitation" or "Emission standard" or "Emission limitation or standard" means:

(a) Except as provided in subsection (b), a requirement established by a state, local government, or the EPA which limits the quantity, rate, or concentration of emissions of regulated pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) As used in OAR 340-212-0200 through 340-212-0280, any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions, e.g., pounds of SO₂ per hour, pounds of SO₂ per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO₂,

or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO₂. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of 340-212-0200 through 340-212-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

(55) "Emission Reduction credit banking" means to presently reserve, subject to requirements of OAR 340 division 268, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(56) "Emission reporting form" means a paper or electronic form developed by DEQ that must be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(57) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated pollutant.

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated pollutants. An activity is any process, operation, action, or reaction, e.g., chemical, at a stationary source that emits regulated pollutants. Except as described in subsection (d), parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:

(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(B) The emissions from the emissions unit are quantifiable.

(b) Emissions units may be defined on a regulated pollutant by regulated pollutant basis where applicable.

(c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR 340 divisions 210 and 224, or for determining the applicability of any New Source Performance Standard.

(58) "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

(59) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described in 40 C.F.R. part 60, Appendix A-4.

(60) "Equivalent method" means any method of sampling and analyzing for a regulated pollutant that has been demonstrated to DEQ's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(61) "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

(62) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions, or opacity, are greater than the applicable emission limitation or standard, or less than the applicable standard in the case of a percent reduction requirement, consistent with any averaging period specified for averaging the results of the monitoring.

(63) "Excess emissions" means emissions in excess of a permit or permit attachment limit, in excess of a risk limit under OAR chapter 340, division 245, or in violation of any applicable air quality rule.

(64) "Excursion" means a departure from an indicator range established for monitoring under OAR 340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

(65) "Federal Land Manager" means with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(66) "Federal Major Source" means any source listed in subsections (a) or (d) below:

(a) A source with potential to emit:

(A) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR 340 division 244 if in a source category listed in subsection (c), or

(B) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR 340 division 244, if not in a source category listed in subsection (c).

(b) Calculations for determining a source's potential to emit for purposes of subsections (a) and (d) must include the following:

(A) Fugitive emissions and insignificant activity emissions; and

- (B) Increases or decreases due to a new or modified source.
- (c) Source categories:
 - (A) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;
 - (B) Coal cleaning plants with thermal dryers;
 - (C) Kraft pulp mills;
 - (D) Portland cement plants;
 - (E) Primary zinc smelters;
 - (F) Iron and steel mill plants;
 - (G) Primary aluminum ore reduction plants;
 - (H) Primary copper smelters;
 - (I) Municipal incinerators capable of charging more than 50 tons of refuse per day;
 - (J) Hydrofluoric acid plants;
 - (K) Sulfuric acid plants;
 - (L) Nitric acid plants;
 - (M) Petroleum refineries;
 - (N) Lime plants;
 - (O) Phosphate rock processing plants;
 - (P) Coke oven batteries;
 - (Q) Sulfur recovery plants;
 - (R) Carbon black plants, furnace process;
 - (S) Primary lead smelters;
 - (T) Fuel conversion plants;
 - (U) Sintering plants;

(V) Secondary metal production plants;

(W) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

(Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(Z) Taconite ore processing plants;

(AA) Glass fiber processing plants;

(BB) Charcoal production plants.

(d) A major stationary source as defined in part D of Title I of the FCAA, including:

(A) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(B) For ozone transport regions established under section 184 of the FCAA, sources with the potential to emit 50 tons per year or more of VOCs;

(C) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide.

(D) For PM10 nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM10.

(67) "Final permit" means the version of an Oregon Title V Operating Permit issued by DEQ or LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(68) "Form" means a paper or electronic form developed by DEQ.

(69) "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.

(70) "Fugitive emissions":

(a) Except as used in subsection (b), means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(71) "General permit":

(a) Except as provided in subsection (b), means an Oregon Air Contaminant Discharge Permit established under OAR 340-216-0060;

(b) As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

(72) "Generic PSEL" means the levels for the regulated pollutants listed below:

(a) Greenhouse Gases (CO₂e) = 74,000 tons per year

(b) CO = 99 tons per year

(c) NO_x = 39 tons per year

(d) SO₂ = 39 tons per year

(e) VOC = 39 tons per year

(f) PM = 24 tons per year

(g) PM₁₀ (except Medford AQMA) = 14 tons per year

(h) PM₁₀ (Medford AQMA) = 4.5 tons per year and 49 pounds per day

(i) PM_{2.5} = 9 tons per year

(j) Lead = 0.5 tons per year

(k) Fluorides = 2 tons per year

(l) Sulfuric Acid Mist = 6 tons per year

(m) Hydrogen Sulfide = 9 tons per year

(n) Total Reduced Sulfur (including hydrogen sulfide) = 9 tons per year

(o) Reduced Sulfur = 9 tons per year

(p) Municipal waste combustor organics (Dioxin and furans) = 0.0000030 tons per year

(q) Municipal waste combustor metals = 14 tons per year

(r) Municipal waste combustor acid gases = 39 tons per year

(s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 49 tons per year

(t) Single HAP = 9 tons per year

(u) Combined HAPs (aggregate) = 24 tons per year

(73)(a) "Greenhouse gases" or "GHGs" means the aggregate group of the following six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Each gas is also individually a greenhouse gas.

(b) The definition of greenhouse gases in subsection (a) of this section does not include, for purposes of division 216, 218, and 224, carbon dioxide emissions from the combustion or decomposition of biomass except to the extent required by federal law.

(74) "Growth allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed sources and modifications of sources.

(75) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(76) "Hazardous Air Pollutant" or "HAP" means an air contaminant listed by the EPA under section 112(b) of the FCAA or determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(77) "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period.

(78) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(79) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(80) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

(81) "Insignificant activity" means an activity or emission that DEQ has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(82) "Insignificant change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

- (a) Does not result in a re-designation from an insignificant to a significant activity;
- (b) Does not invoke an applicable requirement not included in the permit; and
- (c) Does not result in emission of regulated pollutants not regulated by the source's permit.

(83) "Internal combustion engine" means stationary gas turbines and reciprocating internal combustion engines.

(84) "Late payment" means a fee payment which is postmarked after the due date.

(85) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."

(86) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

(87) "Maintenance area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to comply with the standards under 40 C.F.R. 51.110. Maintenance areas are designated by the EQC according to division 204.

(88) "Maintenance pollutant" means a regulated pollutant for which a maintenance area was formerly designated a nonattainment area.

(89) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of OAR 340-224-0025.

(90) "Major New Source Review" or "Major NSR" means the new source review process and requirements under OAR 340-224-0010 through 340-224-0070 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(91) "Major source":

(a) Except as provided in subsection (b) of this section, means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.

(b) As used in OAR 340 division 210, Stationary Source Notification Requirements, OAR 340 division 218, Oregon Title V Operating Permits, OAR 340 division 220, Oregon Title V Operating Permit Fees, 340-216-0066, Standard ACDPs, and OAR 340 division 236, Emission Standards for Specific Industries, means any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person or persons under common control belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B), or (C). For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the regulated pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(A) A major source of hazardous air pollutants, which means:

(i) For hazardous air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutants that has been listed under OAR 340-244-0040; 25 tons per year or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(B) A major stationary source of regulated pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of any regulated pollutant, except greenhouse gases, including any major source of fugitive emissions of any such regulated

pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the FCAA, unless the source belongs to one of the following categories of stationary sources:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

- (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
- (xxvii) Any other stationary source category, that as of August 7, 1980 is being regulated under section 111 or 112 of the FCAA.

(C) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by Section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of greenhouse gases and directly emits or has the potential to emit 100,000 tons per year or more CO₂e, including fugitive emissions.

(92) "Material balance" means a procedure for determining emissions based on the difference in the amount of material added to a process and the amount consumed and/or recovered from a process.

(93) "Modification," except as used in the terms "major modification" "permit modification" and "Title I modification," means any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source or part of the source's potential to emit any regulated pollutant on an hourly basis. Modifications do not include the following:

(a) Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;

(b) Changes in the method of operation due to using an alternative fuel or raw material that the source or part of a source was physically capable of accommodating during the baseline period; and

(c) Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the source or part of a source by using component upgrades that would not otherwise be necessary for the source or part of a source to function.

(94) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard such as records of raw material content and usage, or records documenting compliance with work

practice requirements. Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 C.F.R. part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

- (a) Continuous emission or opacity monitoring systems.
 - (b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.
 - (c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).
 - (d) Maintaining and analyzing records of fuel or raw materials usage.
 - (e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.
 - (f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.
 - (g) Visible emission observations and recording.
 - (h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.
- (95) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.
- (96) "Netting basis" means an emission rate determined as specified in OAR 340-222-0046.
- (97) "Nitrogen oxides" or "NO_x" means all oxides of nitrogen except nitrous oxide.
- (98) "Nonattainment area" means a geographical area of the state, as designated by the EQC or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard. Nonattainment areas are designated by the EQC according to division 204.
- (99) "Nonattainment pollutant" means a regulated pollutant for which an area is designated a nonattainment area. Nonattainment areas are designated by the EQC according to division 204.
- (100) "Normal source operation" means operation that does not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

- (101) "Odor" means that property of an air contaminant that affects the sense of smell.
- (102) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a source that is subject to Major NSR or State NSR.
- (103) "Opacity" means the degree to which emissions, excluding uncombined water, reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 9 or other method, as specified in each applicable rule.
- (104) "Oregon Title V operating permit" or "Title V permit" means written authorization issued, renewed, amended, or revised under OAR 340 division 218.
- (105) "Oregon Title V operating permit program" or "Title V program" means the Oregon program described in OAR 340 division 218 and approved by the Administrator under 40 C.F.R. part 70.
- (106) "Oregon Title V operating permit program source" or "Title V source" means any source subject to the permitting requirements, OAR 340 division 218.
- (107) "Ozone precursor" means nitrogen oxides and volatile organic compounds.
- (108) "Ozone season" means the contiguous 3 month period during which ozone exceedances typically occur, i.e., June, July, and August.
- (109) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.
- (110) "Particulate matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit.
- (111) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit, permit attachment and any amendments or modifications thereof.
- (112) "Permit modification" means a permit revision that meets the applicable requirements of OAR 340 division 216, OAR 340 division 224, or OAR 340-218-0160 through 340-218-0180.
- (113) "Permit revision" means any permit modification or administrative permit amendment.
- (114) "Permitted emissions" as used in OAR 340 division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by DEQ under OAR 340-220-0090.
- (115) "Permittee" means the owner or operator of a source, authorized to emit regulated pollutants under an ACDP or Oregon Title V Operating Permit.

(116) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(117) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR 340 division 220.

(118) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(119) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit;

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured under 40 C.F.R. part 50, Appendix J or an equivalent method designated under 40 C.F.R. part 53.

(120) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(b) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(c) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under 40 C.F.R. part 50, Appendix L, or an equivalent method designated under 40 C.F.R. part 53.

(121) "PM2.5 fraction" means the fraction of PM2.5 in relation to PM10 for each emissions unit that is included in the netting basis and PSEL.

(122) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated pollutant.

(123) "Portable" means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(124) "Potential to emit" or "PTE" means the lesser of:

(a) The regulated pollutant emissions capacity of a stationary source; or

(b) The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including use of control devices and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

(c) This definition does not alter or affect the use of this term for any other purposes under the FCAA or the term "capacity factor" as used in Title IV of the FCAA and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

(125) "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.

(126) "Predictive emission monitoring system" or "PEMS" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

(127) "Press/cooling vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.

(128) "Process upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(129) "Proposed permit" means the version of an Oregon Title V Operating Permit that DEQ or LRAPA proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

(130) "Reattainment area" means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the EQC according to division 204.

(131) "Reattainment pollutant" means a regulated pollutant for which an area is designated a reattainment area.

(132) "Reference method" means any method of sampling and analyzing for a regulated pollutant as specified in 40 C.F.R. part 52, 60, 61 or 63.

(133) "Regional agency" means Lane Regional Air Protection Agency.

(134) "Regulated air pollutant" or "Regulated pollutant":

(a) Except as provided in subsections (b), (c) and (d), means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which an ambient air quality standard has been promulgated, including any precursors to such pollutants;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA;

(E) Any pollutant listed under OAR 340-244-0040 or 40 C.F.R. 68.130;

(F) Greenhouse gases; and

(G) Toxic Air Contaminants.

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide.

(c) As used in OAR 340 division 222, Plant Site Emission Limits and division 224, New Source Review, regulated pollutant does not include any pollutant listed in OAR 340 divisions 244 and 246.

(d) As used in OAR 340 division 202 [Ambient Air Quality Standards And PSD Increments](#) through division 210 Stationary Source Notification Requirements; division 215 Greenhouse Reporting Requirements; division 222 Stationary Source Plant Site Emission Limits through division 244 [Oregon Federal Hazardous Air Pollutant Program](#); and division 248 Asbestos Requirements through division 268 Emission Reduction Credits; regulated pollutant means only the air contaminants listed under paragraphs (a)(A) through (F).

(135) "Removal efficiency" means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.

(136) "Renewal" means the process by which a permit is reissued at the end of its term.

(137) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(B) The delegation of authority to such representative is approved in advance by DEQ or LRAPA.

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this division, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of EPA (e.g., a Regional Administrator of the EPA); or

(d) For affected sources:

(A) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated there under are concerned; and

(B) The designated representative for any other purposes under the Oregon Title V Operating Permit program.

(138) "Secondary emissions" means emissions that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships and trains coming to or from a facility;

(b) Emissions from off-site support facilities that would be constructed or would otherwise increase emissions as a result of the construction or modification of a source.

(139) "Section 111" means section 111 of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

(140) "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(141) "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants.

(142) "Section 112(b)" means subsection 112(b) of the FCAA, 42 U.S.C. § 7412(b), which includes the list of hazardous air pollutants to be regulated.

(143) "Section 112(d)" means subsection 112(d) of the FCAA, 42 U.S.C. § 7412(d), which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(144) "Section 112(e)" means subsection 112(e) of the FCAA, 42 U.S.C. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(145) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(146) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.

(147) "Section 129" means section 129 of the FCAA, 42 U.S.C. § 7429, which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(148) "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(149) "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NO_x in ozone nonattainment areas.

(150) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NO_x sources in ozone nonattainment areas.

(151) "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(152) "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(153) "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.

(154) "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.

(155) "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."

(156) "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(157) "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.

(158) "Section 502(b)(10) change" means a change which contravenes an express permit term but is not a change that:

(a) Would violate applicable requirements;

(b) Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or

(c) Is a FCAA Title I modification.

(159) "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(160) "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.

(161) "Significant emission rate" or "SER," except as provided in subsections (v) and (w), means an emission rate equal to or greater than the rates specified for the regulated pollutants below:

(a) Greenhouse gases (CO₂e) = 75,000 tons per year

(b) Carbon monoxide = 100 tons per year except in a serious nonattainment area = 50 tons per year, provided DEQ has determined that stationary sources contribute significantly to carbon monoxide levels in that area.

(c) Nitrogen oxides (NO_x) = 40 tons per year.

(d) Particulate matter = 25 tons per year.

(e) PM₁₀ = 15 tons per year.

(f) Direct PM_{2.5} = 10 tons per year.

(g) PM_{2.5} precursors (SO₂ or NO_x) = 40 tons per year.

(h) Sulfur dioxide (SO₂) = 40 tons per year.

- (i) Ozone precursors (VOC or NO_x) = 40 tons per year except:
 - (I) In a serious or severe ozone nonattainment area = 25 tons per year.
 - (II) In an extreme ozone nonattainment area = any emissions increase.
 - (j) Lead = 0.6 tons per year.
 - (k) Fluorides = 3 tons per year.
 - (l) Sulfuric acid mist = 7 tons per year.
 - (m) Hydrogen sulfide = 10 tons per year.
 - (n) Total reduced sulfur (including hydrogen sulfide) = 10 tons per year.
 - (o) Reduced sulfur compounds (including hydrogen sulfide) = 10 tons per year.
 - (p) Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans) = 0.0000035 tons per year.
 - (q) Municipal waste combustor metals (measured as particulate matter) = 15 tons per year.
 - (r) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride) = 40 tons per year.
 - (s) Municipal solid waste landfill emissions (measured as nonmethane organic compounds) = 50 tons per year.
 - (t) Ozone depleting substances in aggregate = 100 tons per year.
 - (u) For the Medford-Ashland Air Quality Maintenance Area, the SER for PM₁₀ is defined as 5 tons per year on an annual basis and 50.0 pounds per day on a daily basis.
 - (v) For regulated pollutants not listed in subsections (a) through (u), the SER is zero unless DEQ determines the rate that constitutes a SER.
 - (w) Any new source or modification with an emissions increase less than the rates specified above and that is located within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m³ (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions.
- (162) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NO_x, a source has a significant impact if it is located within the ozone impact distance defined in OAR 340 division 224.

(163) “Significant impact level” or “SIL” means the ambient air quality concentrations listed below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR 340 division 202, but do not apply for protecting air quality related values, including visibility.

(a) For Class I areas:

(A) PM_{2.5}:

(i) Annual = 0.06 µg/m³.

(ii) 24-hour = 0.07 µg/m³.

(B) PM₁₀:

(i) Annual = 0.20 µg/m³.

(ii) 24-hour = 0.30 µg/m³.

(C) Sulfur dioxide:

(i) Annual = 0.10 µg/m³.

(ii) 24-hour = 0.20 µg/m³.

(iii) 3-hour = 1.0 µg/m³.

(D) Nitrogen dioxide: annual = 0.10 µg/m³.

(b) For Class II areas:

(A) PM_{2.5}:

(i) Annual = 0.3 µg/m³.

(ii) 24-hour = 1.2 µg/m³.

(B) PM₁₀:

(i) Annual = 0.20 µg/m³.

(ii) 24-hour = 1.0 µg/m³.

(C) Sulfur dioxide:

(i) Annual = 1.0 µg/m³.

(ii) 24-hour = 5.0 $\mu\text{g}/\text{m}^3$.

(iii) 3-hour = 25.0 $\mu\text{g}/\text{m}^3$.

(iv) 1-hour = 8.0 $\mu\text{g}/\text{m}^3$.

(D) Nitrogen dioxide:

(i) Annual = 1.0 $\mu\text{g}/\text{m}^3$.

(ii) 1-hour = 8.0 $\mu\text{g}/\text{m}^3$.

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m^3 .

(ii) 1-hour = 2.0 mg/m^3 .

(c) For Class III areas:

(A) PM_{2.5}:

(i) Annual = 0.3 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 1.2 $\mu\text{g}/\text{m}^3$.

(B) PM₁₀:

(i) Annual = 0.20 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 1.0 $\mu\text{g}/\text{m}^3$.

(C) Sulfur dioxide:

(i) Annual = 1.0 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 5.0 $\mu\text{g}/\text{m}^3$.

(iii) 3-hour = 25.0 $\mu\text{g}/\text{m}^3$.

(D) Nitrogen dioxide: annual = 1.0 $\mu\text{g}/\text{m}^3$

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m^3 .

(ii) 1-hour = 2.0 mg/m³.

(164) "Significant impairment" occurs when DEQ determines that visibility impairment interferes with the management, protection, preservation, or enjoyment of the visual experience within a Class I area. DEQ will make this determination on a case-by-case basis after considering the recommendations of the Federal Land Manager and the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered along with visitor use of the Class I areas, and the frequency and occurrence of natural conditions that reduce visibility.

(165) "Small scale local energy project" means:

(a) A system, mechanism or series of mechanisms located primarily in Oregon that directly or indirectly uses or enables the use of, by the owner or operator, renewable resources including, but not limited to, solar, wind, geothermal, biomass, waste heat or water resources to produce energy, including heat, electricity and substitute fuels, to meet a local community or regional energy need in this state;

(b) A system, mechanism or series of mechanisms located primarily in Oregon or providing substantial benefits to Oregon that directly or indirectly conserves energy or enables the conservation of energy by the owner or operator, including energy used in transportation;

(c) A recycling project;

(d) An alternative fuel project;

(e) An improvement that increases the production or efficiency, or extends the operating life, of a system, mechanism, series of mechanisms or project otherwise described in this section of this rule, including but not limited to restarting a dormant project;

(f) A system, mechanism or series of mechanisms installed in a facility or portions of a facility that directly or indirectly reduces the amount of energy needed for the construction and operation of the facility and that meets the sustainable building practices standard established by the State Department of Energy by rule; or

(g) A project described in subsections (a) to (f), whether or not the existing project was originally financed under ORS 470, together with any refinancing necessary to remove prior liens or encumbrances against the existing project.

(h) A project described in subsections (a) to (g) that conserves energy or produces energy by generation or by processing or collection of a renewable resource.

(166) "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all air contaminant emitting activities that belong to a

single major industrial group, i.e., that have the same two-digit code, as described in the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987, or that support the major industrial group.

(167) "Source category":

(a) Except as provided in subsection (b), means all the regulated pollutant emitting activities that belong to the same industrial grouping, i.e., that have the same two-digit code, as described in the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987.

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that DEQ determines are using similar raw materials and have equivalent process controls and pollution control device.

(168) "Source test" means the average of at least three test runs conducted under the DEQ Source Sampling Manual found in 340-200-0035.

(169) "Standard conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).

(170) "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.

(171) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 and approved by EPA.

(172) "State New Source Review" or "State NSR" means the new source review process and requirements under OAR 340-224-0010 through 340-224-0038, 340-224-0245 through 340-224-0270 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(173) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under OAR 340 division 216.

(174) "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.

(175) "Sustainment area" means a geographical area of the state for which DEQ has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the EQC, unless superseded by rule. Sustainment areas are designated by the EQC according to division 204.

(176) "Sustainment pollutant" means a regulated pollutant for which an area is designated a sustainment area.

(177) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit regulated pollutants contained in an ACDP or Oregon Title V permit issued by DEQ.

(178) "Title I modification" means one of the following modifications under Title I of the FCAA:

(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas or OAR 340-224-0055, Requirements for Sources in Reattainment Areas;

(b) A major modification subject to OAR 340-224-0060, Requirements for Sources in Maintenance Areas;

(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or 340-224-0045 Requirements for Sources in Sustainment Areas;

(d) A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or,

(e) A modification under Section 112 of the FCAA.

(179) "Total reduced sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present expressed as hydrogen sulfide (H₂S).

(180) "Toxic air contaminant" means an air pollutant that has been determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health and is listed in OAR 340-245-8020 Table 2.

(181) "Type A State NSR" means State NSR as specified in OAR 340-224-0010(2)(a).

(182) "Type B State NSR" means State NSR that is not Type A State NSR.

(183) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit under OAR 340-226-0130.

(184) "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.

(185) "Unavoidable" or "could not be avoided" means events that are not caused entirely or in part by design, operation, maintenance, or any other preventable condition in either process or control device.

(186) "Unclassified area" or "attainment area" means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR 340 division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(187) "Upset" or "Breakdown" means any failure or malfunction of any pollution control device or operating equipment that may cause excess emissions.

(188) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(189) "Veneer dryer" means equipment in which veneer is dried.

(190) "Visibility impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

(191) "Volatile organic compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

- (A) Methane;
- (B) Ethane;
- (C) Methylene chloride (dichloromethane);
- (D) 1,1,1-trichloroethane (methyl chloroform);
- (E) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- (F) Trichlorofluoromethane (CFC-11);
- (G) Dichlorodifluoromethane (CFC-12);
- (H) Chlorodifluoromethane (HCFC-22);
- (I) Trifluoromethane (HFC-23);
- (J) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);

- (K) Chloropentafluoroethane (CFC-115);
- (L) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- (M) 1,1,1,2-tetrafluoroethane (HFC-134a);
- (N) 1,1-dichloro 1-fluoroethane (HCFC-141b);
- (O) 1-chloro 1,1-difluoroethane (HCFC-142b);
- (P) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (Q) Pentafluoroethane (HFC-125);
- (R) 1,1,2,2-tetrafluoroethane (HFC-134);
- (S) 1,1,1-trifluoroethane (HFC-143a);
- (T) 1,1-difluoroethane (HFC-152a);
- (U) Parachlorobenzotrifluoride (PCBTF);
- (V) Cyclic, branched, or linear completely methylated siloxanes;
- (W) Acetone;
- (X) Perchloroethylene (tetrachloroethylene);
- (Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
- (AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- (BB) Difluoromethane (HFC-32);
- (CC) Ethylfluoride (HFC-161);
- (DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
- (EE) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- (FF) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- (GG) 1,1,1,2,3-pentafluoropropane (HFC-245eb);

- (HH) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- (II) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
- (JJ) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- (KK) chlorofluoromethane (HCFC-31);
- (LL) 1 chloro-1-fluoroethane (HCFC-151a);
- (MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
- (NN) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4 F9 OCH3 or HFE-7100);
- (OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CFCF2 OCH3);
- (PP) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4 F9 OC2 H5 or HFE-7200);
- (QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CFCF2 OC2 H5);
- (RR) Methyl acetate;
- (SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);
- (TT) 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);
- (UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
- (VV) Methyl formate (HCOOCH3);
- (WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
- (XX) Propylene carbonate;
- (YY) Dimethyl carbonate;
- (ZZ) Trans -1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);
- (AAA) HCF2 OCF2 H (HFE-134);
- (BBB) HCF2 OCF2 OCF2 H (HFE-236cal2);
- (CCC) HCF2 OCF2 CF2 OCF2 H (HFE-338pec13);
- (DDD) HCF2 OCF2 OCF2 CF2 OCF2 H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(EEE) Trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));

(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf);

(GGG) 2-amino-2-methyl-1-propanol; and

(HHH) perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in the DEQ Source Sampling Manual referenced in OAR 340-200-0035. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and DEQ approves the exclusion.

(c) DEQ may require an owner or operator to provide monitoring or testing methods and results demonstrating, to DEQ's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

(d) The following compounds are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

(192) "Wood fired veneer dryer" means a veneer dryer, that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

(193) "Wood fuel-fired device" means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.

(194) "Year" means any consecutive 12 month period of time.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 468.020 & 468A

Stats. Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070, 468A.075, 468A.085, 468A.105, 468A.135, 468A.140, 468A.155, 468A.280, 468A.310, 468A.315, 468A.360, 468A.363, 468A.380, 468A.385, 468A.420, 468A.495, 468A.500, 468A.505, 468A.515, 468A.575, 468A.595, 468A.600, 468A.610, 468A.612, 468A.620, 468A.635, 468A.707, 468A.740, 468A.745, 468A.750, 468A.775, 468A.780, 468A.797, 468A.799, 468A.803, 468A.820, & Or. Laws 2009, chapter 754

Hist.: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2014(Temp), f. & cert. ef. 11-12-14 thru 5-10-15; DEQ 7-2015, f. & cert. ef. 4-16-15

340-200-0035, Reference Materials

As used in divisions 200 through 268, the following materials refer to the versions listed below.

- (1) "C.F.R." means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2018 edition.
- (2) The DEQ Source Sampling Manual refers to the November 2018 edition.
- (3) The DEQ Continuous Monitoring Manual refers to the March 2015 edition.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

[ED. NOTE: Manuals referenced are not included in rule text. [Click here for PDF copy of manuals.](#)]

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A
Hist.: DEQ 7-2015, f. & cert. ef. 4-16-15

340-200-0040, State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on November XX, 2018.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.035 & 468A.135
Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-

1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert. ef. 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2013, f. & cert. ef. 12-19-13; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 4-2014, f. & cert. ef. 3-31-14; DEQ 5-2014, f. & cert. ef. 3-31-14; DEQ 6-2014, f. & cert. ef. 3-31-14; DEQ 7-2014, f. & cert. ef. 6-26-14; DEQ 6-2015, f. & cert. ef. 4-16-15; DEQ 7-2015, f. & cert. ef. 4-16-15; DEQ 10-2015, f. & cert. ef. 10-

16-15; DEQ 14-2015, f. & cert. ef. 12-10-15; DEQ 2-2017, f. & cert. ef. 1-19-17; DEQ 7-2017, f. & cert. ef. 7-13-17

DIVISION 209

PUBLIC PARTICIPATION

340-209-0020, Applicability

This division applies to permit actions requiring public notice as specified in OAR 340, divisions 216, 218 and 245.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310

Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & 468A.310

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

340-209-0030, Public Notice Categories and Timing

(1) DEQ categorizes permit actions according to potential environmental and public health significance and the degree to which DEQ has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.

(2) Permit actions are assigned to specific categories in OAR 340, divisions 216, 218, and 245. If a permit action is uncategorized, the permit action will be processed under Category III.

(3) The following describes the public notice or participation requirements for each category:

(a) Category I — No prior public notice or opportunity for participation. However, DEQ will maintain a list of all permit actions processed under Category I and make the list available for public review.

(b) Category II — DEQ will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

(c) Category III — DEQ will provide public notice of the proposed permit action and a minimum of 35 days to submit written comments. DEQ will provide a minimum of 30 days' notice for a

hearing, if one is scheduled. DEQ will schedule a hearing at a reasonable time and place to allow interested persons to submit oral or written comments if:

(A) DEQ determines that a hearing is necessary; or

(B) Within 35 days of the mailing of the public notice, DEQ receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.

(d) Category IV — Once an application is considered complete under OAR 340-216-0040, DEQ will:

(A)(i) Provide notice of the completed application and requested permit action; and

(ii) Schedule an informational meeting within the community where the facility will be or is located and provide public notice at least 14 days before the meeting. During the meeting, DEQ will describe the requested permit action and accept comments from the public. DEQ will consider any information gathered in this process in its drafting of the proposed permit, but will not maintain an official record of the meeting and will not provide a written response to the comments;

(B) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and

(C) Schedule a public hearing at a reasonable time and place to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

(4) Except for actions regarding Oregon Title V Operating Permits, DEQ may move a permit action to a higher category under section (3) based on, but not limited to the following factors:

(a) Anticipated public interest in the facility;

(b) Compliance and enforcement history of the facility or owner;

(c) Potential for significant environmental or public harm due to location or type of facility; or

(d) Federal requirements.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Statutory/Other Authority: ORS 468.020, 468.065 & 468A.310

Statutes/Other Implemented: ORS 468.065 & 468A.035, 468A.040 & 468A.310

History:

DEQ 123-2018, minor correction filed 04/11/2018, effective 04/11/2018

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-209-0040, Public Notice Information

(1) The following information is required in public notices for all proposed ACDP, draft Oregon Title V Operating Permit actions, and Toxic Air Contaminant Permit Addenda(t) issued under division 245, except for General Permit actions:

- (a) Name of applicant and location of the facility;
- (b) Type of facility, including a description of the facility's processes subject to the permit;
- (c) Description of the air contaminant emissions including, the type of regulated pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;
- (d) Location and description of documents relied upon in preparing the draft permit;
- (e) Other permits required by DEQ;
- (f) Date of previous permit actions;
- (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the public notice category);
- (h) Compliance, enforcement, and complaint history along with resolution of the same;
- (i) A summary of the discretionary decisions made by DEQ in drafting the permit;
- (j) Type and duration of the proposed or draft permit action;
- (k) Basis of need for the proposed or draft permit action;
- (l) Any special conditions imposed in the proposed or draft permit action;
- (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment/unclassified, sustainment, nonattainment, reattainment or maintenance for that pollutant;
- (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
- (o) If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;

- (p) Other available information relevant to the permitting action;
 - (q) The name and address of DEQ office processing the permit;
 - (r) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to DEQ that are relevant to the permit decision;
 - (s) If applicable, a statement that an enhanced NSR process under OAR 340 division 224, including the external review procedures required under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an Oregon Title V Operating Permit as an administrative amendment; and
 - (t) For Toxic Air Contaminant Permit Addenda and ACDP permits that include conditions consistent with OAR chapter 340, division 245, a list of estimated toxic air contaminant emissions and, if applicable, a summary of the results of any risk assessment.
- (2) General Permit Actions. The following information is required for General ACDP and General Oregon Title V Operating Permit actions:
- (a) The name and address of potential or actual facilities assigned to the General Permit;
 - (b) Type of facility, including a description of the facility's process subject to the permit;
 - (c) Description of the air contaminant emissions including, the type of regulated pollutants, quantity of emissions, and any decreases or increases since the last permit action for the potential or actual facilities assigned to the permit;
 - (d) Location and description of documents relied upon in preparing the draft permit;
 - (e) Other permits required by DEQ;
 - (f) Date of previous permit actions;
 - (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);
 - (h) Compliance, enforcement, and complaint history along with resolution of the same;
 - (i) A summary of the discretionary decisions made by DEQ in drafting the permit;
 - (j) Type and duration of the proposed or draft permit action;

- (k) Basis of need for the proposed or draft permit action;
- (l) Any special conditions imposed in the proposed or draft permit action;
- (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or non-attainment for that pollutant;
- (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
- (o) Other available information relevant to the permitting action; and
- (p) The name and address of DEQ office processing the permit;
- (q) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to DEQ that are relevant to the permit decision.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310

Stats. Implemented: ORS 468.065 & 468A.035, 468A.040 & 468A.310

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0150; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1710; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-216-0050; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2015, f. & cert. ef. 4-16-15

340-209-0050, Public Notice Procedures

- (1) All notices. DEQ will mail or email a notice of proposed permit actions to the persons identified in OAR 340-209-0060.
- (2) NSR, Oregon Title V Operating Permit and General ACDP actions. In addition to section (1), DEQ will provide notice of NSR, Oregon Title V Operating Permit and General ACDP actions as follows:
 - (a) Advertisement in a newspaper of general circulation in the area where the source or sources are or will be located, electronic noticing (termed e-notice), or a DEQ publication designed to give general public notice; and

(b) Other means, if necessary, to assure adequate notice to the affected public.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310

Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & 468A.310

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

DIVISION 216

AIR CONTAMINANT DISCHARGE PERMITS

340-216-0020, Applicability and Jurisdiction

(1) This division applies to all sources listed in OAR 340-216-8010. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by 340-218-0020 or 340-224-0010. Sources referred to in 340-216-8010 are subject to fees in 340-216-8020.

(2) Sources in any one of the categories in OAR 340-216-8010 must obtain a permit. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by DEQ, then the source must obtain a Simple or Standard ACDP. Source categories are not listed in alphabetical order.

(a) The commercial and industrial sources in OAR 340-216-8010 Part A must obtain a Basic ACDP under 340-216-0056 unless the source chooses to obtain a General, Simple or Standard ACDP. For purposes of Part A, production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.

(b) Sources in any one of the categories in OAR 340-216-8010 Part B must obtain one of the following unless otherwise allowed in Part B:

(A) A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under OAR 340-216-0060;

(B) A Simple ACDP under OAR 340-216-0064; or

(C) A Standard ACDP under OAR 340-216-0066 if the source fits one of the criteria of Part C or does not qualify for a Simple ACDP.

(c) Sources in any one of the categories in OAR 340-216-8010 Part C must obtain a Standard ACDP under the procedures set forth in OAR 340-216-0066.

(3) No person may construct, install, establish, develop or operate any air contaminant source listed in OAR 340-216-8010 without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in subsection (3)(b) or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (3)(f). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated, denied, or revoked; except as provided in 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both DEQ and LRAPA. DEQ or LRAPA, depending where the portable source's corporate offices are located, will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, DEQ will be responsible for issuing the permit.

(b) An air contaminant source required to obtain an ACDP or ACDP Attachment under a NESHAP under OAR division 244 or NSPS under OAR division 238 is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the EQC's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the EQC's adoption of the NESHAP or NSPS. In addition, DEQ may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

(c) Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(d) OAR 340-216-0060(1)(b)(A), 340-216-0062(2)(b)(A), 340-216-0064(4)(a), and 340-216-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if DEQ has not incorporated such requirements into the permit.

(e) DEQ may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.

(4) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from DEQ or LRAPA.

(5) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(6) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(7) No person may increase emissions above the PSEL by more than the de minimis emission levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

(8) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

NOTE: Tables referenced are in OAR 340-216-8010 and 340-216-8020.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310

Stats. Implemented: ORS 468A.025, 468A.040, 468A.135 - 468A.155 & 468A.310

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. & cert. ef. 7-21-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

340-216-0030, Definitions

The definitions in OAR 340-200-0020, 340-204-0010, 340-245-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, 340-204-0010 or 340-245-0020, the definition in this rule applies to this division.

(1) “Basic technical modification” includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.

(2) “Complex technical modification” includes, but is not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new

applicable requirement into a permit due to a change in process or change in rules, and similar changes.

(3) “Moderate technical modification” includes, but is not limited to adding a simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules, incorporating NSPS and NESHAP requirements, and similar changes.

(4) “Non-technical modification” means name changes, change of ownership, correction of typographical errors and similar administrative changes.

(5) “Simple technical modification” includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, and similar changes.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Stat. Auth.: ORS 468.020 & 468A

Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310

Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

340-216-0040, Application Requirements

(1) New Permits.

(a) Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by DEQ in addition to any other information required for a specific permit type:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code;

(B) The name and phone number of a local person responsible for compliance with the permit;

(C) The name of a person authorized to receive requests for data and information;

(D) A description of the production processes and related flow chart;

(E) A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

(F) The type and quantity of fuels used;

(G) An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

(H) Any information on pollution prevention measures and cross-media impacts the applicant wants DEQ to consider in determining applicable control requirements and evaluating compliance methods;

(I) Estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(J) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements in OAR 340-226-0120(1) and (2);

(K) A Land Use Compatibility Statement signed by a local, city or county, planner either approving or disapproving construction or modification of the source, if required by the local planning agency;

(L) Any information required by OAR 340 divisions 224, 225, and 245, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable; and

(M) Any other information requested by DEQ.

(b) Applications for new permits must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant must also consider the timelines provided in paragraph (2)(b), as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section (1) using forms provided by DEQ, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in section (1) only for those changes.

(a) Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code, using a form provided by DEQ; and

(B) A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

(b) The owner or operator must submit an application for renewal of the existing permit by no later than:

(A) 30 days prior to the expiration date of a Basic ACDP;

(B) 120 days prior to the expiration date of a Simple ACDP; or

(C) 180 days prior to the expiration date of a Standard ACDP.

(c) DEQ must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.

(3) Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes. When preparing an application, the applicant must also consider the timelines provided in subsection (2)(b), as well as OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(4) Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(5) The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

(6) Two copies of the application are required, unless otherwise requested by DEQ. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by DEQ.

(7) A copy of permit applications subject to Major NSR under OAR 340 division 224, including all supplemental and supporting information, must also be submitted directly to the EPA.

(8) The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

(9) All applications must include the appropriate fees as specified in OAR 340-216-8020.

(10) Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by DEQ and returned to the applicant for completion.

(11) Within 15 days after receiving the application, DEQ will preliminarily review the application to determine the adequacy of the information submitted:

(a) If DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;

(b) If, in the opinion of DEQ, additional measures are necessary to gather facts regarding the application, DEQ will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, DEQ will so notify the applicant.

(12) If at any time while processing the application, DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

(13) If, upon review of an application, DEQ determines that a permit is not required, DEQ will so notify the applicant in writing. Such notification is a final action by DEQ on the application.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants or OAR chapter 340, division 245.

NOTE: Tables referenced are in OAR 340-216-8010 and 340-216-8020.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 20-1979, f. & ef. 6-29-79; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0175; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1770; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0020 & 340-014-0030; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

340-216-0069, Toxic Air Contaminant Permit Addendums

(1) Purpose and Intent. DEQ may implement requirements pertaining to toxic air contaminants under OAR chapter 340, division 245 as follows:

(a) For new sources required to obtain a Standard or Simple ACDP, by including conditions in the source's ACDP to ensure compliance with the Cleaner Air Oregon rules, OAR chapter 340, division 245;

(b) For new sources required to obtain a Basic or General ACDP, by including conditions in an addendum to the source's ACDP to ensure compliance with the Cleaner Air Oregon rules, OAR chapter 340, division 245; and

(c) For existing sources, by requiring the owner or operator of the sources to obtain a Toxic Air Contaminant Permit Addendum under OAR chapter 340, division 245 that amends the source's ACDP.

(2) A Toxic Air Contaminant Permit Addendum will be incorporated into a source's ACDP upon renewal or modification that involves a public notice for which DEQ has followed the Category II or Category III public notice procedure in OAR chapter 340, division 209, except for sources that have Basic or General ACDPs.

(3) OAR 340-216-0062 and 340-216-0068 do not apply to Toxic Air Contaminant Permit Addenda.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155
Stats. Implemented: ORS 468.065, 468A.010, 468A.015, 468A.025, 468A.035, 468A.040, 468A.050, 468A.070, and 468A.155

340-216-0090, Sources Subject to ACDPs and Fees

(1) All air contaminant discharge sources listed in OAR 340-216-8010 must obtain a permit from DEQ and are subject to fees in OAR 340-216-8020.

(2) An owner or operator of a source that is required to demonstrate compliance with Cleaner Air Oregon rules under OAR 340-245-0005 through 340-245-8050 must pay the fees specified in OAR 340-216-8030.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

Stat. Auth.: ORS 468.020, 468.065, 468A.040, 468A.310 & 468A.315

Stats. Implemented: ORS 468.065, 468A.040, 468A.310 & 468A.315

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.12; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 11-1983, f. & ef. 5-31-83; DEQ 6-1986, f. & ef. 3-26-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 17-1990, f. & cert. ef. 5-25-90; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0165;

DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 22-1994, f. & cert. ef. 10-14-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 18-1997, f. 8-27-97, cert. ef. 10-1-97; DEQ 7-1998, f. & cert. ef. 5-5-98; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1750; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

340-216-8020, Table 2 — Air Contaminant Discharge Permits

Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

NOTE: See history of this table under OAR 340-216-0020.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.310

Stats. Implemented: ORS 468A

Hist.: DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15



Oregon Department of Environmental Quality

Table 2 – 340-216-8020

Air Contaminant Discharge Permits

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)		
a. Short Term Activity ACDP		\$3,600.00
b. Basic ACDP		\$144.00
c. Assignment to General ACDP ¹		\$1,440.00
d. Simple ACDP		\$7,200.00
e. Construction ACDP		\$11,520.00
f. Standard ACDP		\$14,400.00
g. Standard ACDP (Major NSR or Type A State NSR)		\$50,400.00
1. DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.		
Part 2. Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year)		
a. Short Term Activity ACDP		\$NA
b. Basic ACDP		\$432.00
c. General ACDP	(A) Fee Class One	\$864.00
	(B) Fee Class Two	\$1,555.00
	(C) Fee Class Three	\$2,246.00
	(D) Fee Class Four	\$432.00
	(E) Fee Class Five	\$144.00
	(F) Fee Class Six	\$288.00
d. Simple ACDP	(A) Low Fee	\$2,304.00
	(B) High Fee	\$4,608.00

e. Standard ACDP		\$9,216.00
f. Greenhouse Gas Reporting, as required by OAR 340, Division 215		12.5% of the applicable annual fee in Part 2
1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.		
Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)		
a. Basic ACDP		\$151.00
b. General ACDP	(A) Fee Class One	\$302.00
	(B) Fee Class Two	\$544.00
	(C) Fee Class Three	\$786.00
	(D) Fee Class Four	\$151.00
	(E) Fee Class Five	\$ 50.00
	(F) Fee Class Six	\$100.00
c. Simple ACDP	(A) Low Fee	\$806.00
	(B) High Fee	\$1,612.00
d. Standard ACDP		\$3,225.00
2. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.		
Part 4. Specific Activity Fees:		
a. Non-Technical Permit Modification ¹		\$432.00
b. Basic Technical Permit Modification		\$432.00
c. Simple Technical Permit Modification		\$1,440.00
d. Moderate Technical Permit Modification		\$7,200.00
e. Complex Technical Permit Modification		\$14,440.00
f. Major NSR or Type A State NSR Permit Modification		\$50,400.00
g. Modeling Review (outside Major NSR or Type A State NSR)		\$7,200.00

h. Public Hearing at Source's Request	\$2,880.00
i. State MACT Determination	\$7,200.00
j. Compliance Order Monitoring ²	\$144.00/month
Part 5. Late Fees:	
a. 8-30 days late	5%
b. 31-60 days late	10%
c. 61 or more days late	20%
<p>1. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4).</p> <p>2. This is a one-time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order.</p> <p>NOTE: See history of this table under OAR 340-216-0020.</p>	


340-216-8030, Table 3 — Cleaner Air Oregon Specific Activity Fees


Sources subject to OAR chapter 340, division 245, Cleaner Air Oregon, are required to pay the specific activity fees in Table 3.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 468.020, 468.065, 468A.040, 468A.050 and 468A.315

Stats. Implemented: ORS 468.020, 468.065, 468A.040, 468A.050 and 468A.315

 Oregon Department of Environmental Quality Table 3 – 340-216-8030 Cleaner Air Oregon Specific Activity Fees					
#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General Basic ACDP
1	Existing Source Call-In Fee	\$10,000	\$10,000	\$1,000	\$500
2	New Source Consulting Fee	\$12,000	\$12,000	\$1,900	\$1,000
3	Submittal Document Modification Fee	\$2,500	\$2,500	\$500	\$250
Risk Assessment Fees					
4	Level 1 Risk Assessment - de minimis (no permit required)	\$1,500	\$1,500	\$1,000	\$800
5	Level 1 Risk Assessment – not de minimis	\$2,000	\$2,000	\$1,500	\$1,100
6	Level 2 Risk Assessment - de minimis (no permit required)	\$3,100	\$3,100	\$2,300	\$2,000
7	Level 2 Risk Assessment – not de minimis	\$3,600	\$3,600	\$2,800	\$2,300
8	Level 3 Risk Assessment - de minimis (no permit required)	\$8,800	\$8,200	\$5,300	\$4,500
9	Level 3 Risk Assessment – not de minimis	\$19,900	\$11,300	\$7,700	\$6,300
10	Level 4 Risk Assessment - de minimis (no permit required)	\$21,400	\$18,500	\$11,700	NA
11	Level 4 Risk Assessment – not de minimis	\$34,600	\$25,800	\$15,500	NA
Risk Above Risk Action Levels					
12	Risk Reduction Plan Fee	\$6,700	\$6,700	\$2,600	\$2,600
13	Air Monitoring Plan Fee (includes risk assessment)	\$25,900	\$25,900	NA	NA
14	Postponement of Risk Reduction Fee	\$4,400	\$4,400	\$4,400	\$2,000
15	TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	\$3,000	\$3,000	\$1,500	\$1,500

 Oregon Department of Environmental Quality Table 3 – 340-216-8030 Cleaner Air Oregon Specific Activity Fees <small>State of Oregon Department of Environmental Quality</small>					
Other Fees					
16	TEU Risk Assessment – no permit mod	\$1,000	\$1,000	\$500	\$500
17	TEU Risk Assessment – permit mod	\$4,000	\$4,000	\$2,000	\$1,000
18	Level 2 Modeling review only for TEU approval	\$1,900	\$1,300	\$800	\$700
19	Level 3 Modeling review only for TEU approval	\$3,800	\$3,800	\$3,500	\$3,500
20	Community Engagement Meeting Fee – high	\$8,000	\$8,000	\$8,000	\$8,000
21	Community Engagement Meeting Fee – medium	\$4,000	\$4,000	\$4,000	\$4,000
22	Community Engagement Meeting Fee - low	\$1,000	\$1,000	\$1,000	\$1,000
23	Source Test Review Fee (plan and data review) - complex	\$6,000	\$6,000	\$6,000	\$6,000
24	Source Test Review Fee (plan and data review) – moderate	\$4,200	\$4,200	\$4,200	\$4,200
25	Source Test Review Fee (plan and data review) - simple	\$1,400	\$1,400	\$1,400	\$1,400

DIVISION 218

OREGON TITLE V OPERATING PERMITS

340-218-0010, Policy and Purpose

These rules establish a program to implement Title V of the FCAA for the State of Oregon as part of the overall industrial source control program:

(1) All sources subject to this division must have an Oregon Title V Operating Permit that assures compliance by the source with all applicable requirements in effect as of the date of permit issuance.

(2) The requirements of the Oregon Title V Operating Permit program, including provisions regarding schedules for submission and approval or disapproval of permit applications, must apply to the permitting of affected sources under the national acid rain program, except as provided herein.

(3) All sources subject to this division are exempt from the following:

(a) Registration as required by ORS 468A.050 and OAR 340-210-0100 through 340-210-0120; and

(b) Air Contaminant Discharge Permits and attachments, OAR 340 division 216, unless required by 340-216-0020(2) or (4), or 340-224-0010(1).

(A) Oregon Title V Operating Permits do not replace requirements in an Air Contaminant Discharge Permit issued to the source even if the ACDP has expired. For a source operating under a Title V Permit, requirements established in an earlier ACDP remain in effect notwithstanding expiration of the ACDP or the Title V permit, unless a provision expires by its terms or unless a provision is modified or terminated following the procedures used to establish the requirement initially.

(B) Source specific requirements, including, but not limited to TACT, RACT, BACT, and LAER requirements, established in an ACDP must be incorporated into the Oregon Title V Operating Permit and any revisions to those requirements must follow the procedures used to establish the requirements initially.

(4) DEQ may implement requirements pertaining to toxic air contaminants under OAR chapter 340, division 245 for new and existing sources required to obtain an Oregon Title V Operating Permit by incorporating compliance conditions into a new source's Oregon Title V Operating Permit or by amending an existing source's Oregon Title V Operating Permit through a Toxic Air Contaminant Permit Addendum. A Toxic Air Contaminant Permit Addendum must be incorporated into a source's Oregon Title V Operating Permit upon renewal, reopening, or modification that involves a public notice.

(5) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310

Stats. Implemented: ORS 468A

Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2100; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2015, f. & cert. ef. 4-16-15

340-218-0020, Applicability

(1) Except as provided in section (4), this division applies to the following sources:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the FCAA;

(c) Any source, including an area source, subject to a standard or other requirement under section 112 of the FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the FCAA;

(d) Any affected source under Title IV; and

(e) Any source in a source category designated by the EQC under this rule.

(2) The owner or operator of a source with an Oregon Title V Operating Permit whose potential to emit later falls below the emission level that causes it to be a major source, and which is not otherwise required to have an Oregon Title V Operating Permit, may submit a request for revocation of the Oregon Title V Operating Permit. Granting of the request for revocation does not relieve the source from compliance with all applicable requirements or ACDP requirements.

(3) Synthetic minor sources.

(a) A source which would otherwise be a major source subject to this division may choose to become a synthetic minor source by limiting its emissions below the emission level that causes it to be a major source through limits contained in an ACDP issued by DEQ under 340 division 216.

(b) The reporting and monitoring requirements of the emission limiting conditions contained in the ACDPs of synthetic minor sources issued by DEQ under OAR 340-216 must meet the requirements of OAR 340-212-0010 through 340-212-0150 and division 214.

(c) Synthetic minor sources who request to increase their potential to emit above the major source emission rate thresholds will become subject to this division and must submit a permit

application under OAR 340-218-0040 and obtain an Oregon Title V Operating Permit before increasing emissions above the major source emission rate thresholds.

(d) Synthetic minor sources that exceed the limitations on potential to emit are in violation of OAR 340-218-0020(1)(a).

(4) Source category exemptions.

(a) All sources listed in 340-218-0020(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit under section 129(e) of the FCAA are not required to obtain a Title V permit, except non-major sources subject to a standard under section 111 or section 112 of the FCAA promulgated after July 21, 1992 are required to obtain a Title V permit unless specifically exempted from the requirement to obtain a Title V permit in section 111 or 112 standards.

(b) The following source categories are exempted from the obligation to obtain an Oregon Title V Operating Permit:

(A) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. part 60, subpart AAA — Standards of Performance for New Residential Wood Heaters; and

(B) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. part 61, subpart M — National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(c) Any source listed in OAR 340-218-0020(1) exempt from the requirement to obtain a permit under this rule may opt to apply for an Oregon Title V Operating Permit.

(5) Sources subject to this division may also be subject to OAR 340-245-0005 through 340-245-8050.

(6) Emissions units and Oregon Title V Operating Permit program sources.

DEQ will include in the permit all applicable requirements for all relevant emissions units in the Oregon Title V Operating Permit source, including any equipment used to support the major industrial group at the site.

(7) Fugitive emissions. Fugitive emissions from an Oregon Title V Operating Permit program source must be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(8) Insignificant activity emissions. All emissions from insignificant activities, including categorically insignificant activities and aggregate insignificant emissions, must be included in the determination of the applicability of any requirement.

(9) Oregon Title V Operating Permit program sources that are required to obtain an ACDP, OAR 340 division 216, or a Notice of Approval, OAR 340-210-0205 through 340-210-0250, because of a Title I modification, must operate in compliance with the Oregon Title V Operating Permit until the Oregon Title V Operating Permit is revised to incorporate the ACDP or the Notice of Approval for the Title I modification.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310

Stats. Implemented: ORS 468A

Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 24-1995, f. & cert. ef. 10-11-95; DEQ 1-1997, f. & cert. ef. 1-21-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2015, f. & cert. ef. 4-16-15

340-218-0030, Definitions

The definitions in OAR 340-200-0020, 340-204-0010, 340-245-0020, and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, 340-204-0010 or 340-245-0020, the definition in this rule applies to this division.

Stat. Auth.: ORS 468.020 & 468A

Stats. Implemented: ORS 468A

Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 7-2015, f. & cert. ef. 4-16-15

340-218-0110, Permit Shield

(1) Except as provided in this division, DEQ must expressly include in an Oregon Title V Operating Permit a provision stating that compliance with the conditions of the permit will be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(a) Such applicable requirements are included and are specifically identified in the permit; or

(b) DEQ, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) An Oregon Title V Operating Permit that does not expressly state that a permit shield exists will be presumed not to provide such a shield.

(3) Changes made to a permit using OAR 340-218-0150(1)(h) and 340-218-0180 will be shielded.

(4) Nothing in this rule or in any Oregon Title V Operating Permit may alter or affect the following:

(a) The provisions of ORS 468.115 (enforcement in cases of emergency) and ORS 468.035;

(b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

(c) The applicable requirements of the national acid rain program, consistent with section 408(a) of the FCAA; or

(d) The ability of DEQ to obtain information from a source under ORS 468.095 (investigatory authority, access to records).

(5) The permit shield does not apply to conditions and requirements included in a Toxic Air Contaminant Permit Addendum or included in an Oregon Title V Operating Permit under OAR 340-245-0005 through 340-245-8050. Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310

Stats. Implemented: ORS 468A

Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2190; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

DIVISION 220

OREGON TITLE V OPERATING PERMIT FEES

340-220-0010, Purpose, Scope And Applicability

(1) The purpose of this division is to provide owners and operators of Oregon Title V Operating Permit program sources and DEQ with the criteria and procedures to determine emissions and fees based on air emissions and specific activities.

(2) This division applies to Oregon Title V Operating Permit program sources as defined in OAR 340-200-0020.

(3) The owner or operator may elect to pay emission fees for each regulated pollutant on either actual emissions or permitted emissions.

(4) Sources subject to the Oregon Title V Operating Permit program defined in OAR 340-200-0020, are subject to both an annual base fee established under 340-220-0030 and an emission fee calculated under 340-220-0040.

(5) Sources subject to the Oregon Title V Operating Permit program may also be subject to specific activity fees (OAR 340-220-0050 and 340-216-0090).

(6) DEQ will credit owners and operators of new Oregon Title V Operating Permit program sources for the unused portion of paid Annual Fees. The credit will begin from the date DEQ receives the Title V permit application.

(7) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315

Stats. Implemented: ORS 468.065 & 468A.315

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2560; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 7-2015, f. & cert. ef. 4-16-15

340-220-0020, Definitions

The definitions in OAR 340-200-0020, 340-204-0010, 340-245-0020, and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, 340-204-0010 or 340-245-0020, the definition in this rule applies to this division. Particulates. For purposes of this division, particulates mean PM10; or if a source's permit specifies particulate matter (PM) and not PM10, then PM; or if a source's permit specifies PM2.5 and neither PM10 nor PM, then PM2.5.

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315

Stats. Implemented: ORS 468.065 & 468A.315

Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 7-2015, f. & cert. ef. 4-16-15

340-220-0050, Specific Activity Fees

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of June 15, 2016 to January 19, 2017 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$484;

(B) Simple — \$1,938;

(C) Moderate — \$14,536;

(D) Complex — \$29,072.

(b) Ambient air monitoring review — \$3,876.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of January 20, 2017 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$488;

(B) Simple — \$1,953;

(C) Moderate — \$14,653;

(D) Complex — \$29,306; and

(b) Ambient air monitoring review — \$3,907.

NOTE: *Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.

(3) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — 12 percent of the following, not to exceed \$4,500*:

(a) The applicable annual base fee under OAR 340-220-0030 (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee under OAR 340-220-0040.

(4) DEQ will assess the following specific activity fees for an Oregon Title V Operating Permit for Cleaner Air Oregon program implementation, as required by OAR 340-245-0400:

(a) The annual base fee of \$2,859; and

(b) The annual emission fee of \$21.61 per ton of each regulated pollutant for emissions during the previous calendar year, up to and including 7,000 tons of such emissions per year. The emission fee will be applied to emissions based on the elections made under OAR 340-220-0090.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative

correction 7-27-10; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 16-2010, f. & cert. ef. 12-20-10; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 12-2011, f. & cert. ef. 7-21-11; DEQ 5-2012, f. & cert. ef. 7-2-12; DEQ 9-2012, f. & cert. ef. 12-11-12; DEQ 10-2014, f. & cert. ef. 9-4-14; DEQ 2-2015, f. & cert. ef. 1-7-15; DEQ 7-2016, f. & cert. ef. 6-9-16; DEQ 1-2017, f. & cert. ef. 1-19-17

DIVISION 244

OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

340-244-8990, CAGM Rules Savings Provision

(1) The owner or operator of a source that meets the applicability requirements of either the Revised Colored Art Glass Manufacturing Facility Rules, OAR 340-245-9000 through 340-245-9080 or the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090 must comply with OAR 340-245-9000 through 340-245-9080 and is subject to Cleaner Air Oregon rules, OAR 340-245-0005 through 340-245-8050, except as provided in sections (2) or (3).

(2) In the event that Cleaner Air Oregon rules, OAR 340-245-0005 through 340-245-8050 are subject to judicial challenge and a court order or injunction is issued that stays any rule or rules in OAR 340-245-0005 through 340-245-8050, then the owner or operator must comply with the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090 for so long as the court order or injunction that stays any rule or rules in OAR 340-245-0005 through 340-245-8050 remains in effect.

(3) In the event that a court issues an order that invalidates or repeals Cleaner Air Oregon rules, OAR 340-245-0005 through 340-245-8050, in whole or in part, then the owner or operator must comply with the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090.

340-244-9000, Colored Art Glass Manufacturing Facility Rules; Applicability and Jurisdiction

[NOTE: Application of these rules is subject to OAR 340-244-8990.]

Notwithstanding OAR 340 division 246, OAR 340-244-9000 through 9090 apply to all facilities in the state of Oregon that:

- (1) Manufacture glass from raw materials, or a combination of raw materials and cullet, for:
 - (a) Use in art, architecture, interior design and other similar decorative applications, or

(b) Use by glass manufacturers for use in art, architecture, interior design and other similar decorative applications; and

(2) Manufacture 5 tons per year or more of glass using raw materials that contain glassmaking HAPs.

(3) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement OAR 340-244-9000 through 9090 within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

DIVISION 246

OREGON STATE AIR TOXICS PROGRAM

340-246-0010, Policy and Purpose

The purpose of Oregon's state air toxics program is to address threats to public health and the environment from toxic air pollutants that remain after implementing the state delegated technology-based strategies of the federal air toxics program in OAR 340-244-0010 through 340-244-0252, Cleaner Air Oregon in OAR 340-245-0005 through 340-245-8050, and OAR 340-244-9000 through 340-244-9090. Oregon's program meets the goals of the federal Urban Air Toxics Strategy by using a community-based effort that focuses on geographic areas of concern. It also addresses cases of elevated health risks from air toxics emissions at stationary sources and source categories of air toxics emissions.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015

Stats. Implemented: ORS 468A.015, 468A.025

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

340-246-0090, Ambient Benchmarks for Air Toxics

(1) Purpose. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon Air Toxics Program. They are based on human health risk and hazard levels considering sensitive populations. Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated. DEQ will use ambient benchmarks as indicated in these rules, to implement the Geographic, Source Category, and Safety Net Programs. Ambient benchmarks set by the procedures described in this rule apply throughout Oregon, including that area within the jurisdiction of the Lane Regional Air Protection Agency. In OAR 340-245-0300, ambient benchmarks may also be considered in the risk-based concentration hierarchy used to determine risk-based concentrations for purposes of

Cleaner Air Oregon regulations in OAR 340-245-0005 through 240-245-8050. Ambient benchmarks are subject to public notice and comment before adoption by the Environmental Quality Commission as administrative rules.

(2) Establishing Ambient Benchmarks

(a) DEQ will consult with the ATSAC to prioritize air toxics for ambient benchmark development. Highest priority air toxics are those that pose the greatest risk to public health.

(b) To prioritize air toxics, DEQ will apply the criteria described in OAR 340-246-0090(2)(c) to modeling, monitoring, and emissions inventory data.

(c) Ambient benchmark prioritization criteria will include at least the following:

(A) Toxicity or potency of a pollutant;

(B) Exposure and number of people at risk;

(C) Impact on sensitive human populations;

(D) The number and degree of predicted ambient benchmark exceedances; and

(E) Potential to cause harm through persistence and bio-accumulation.

(d) DEQ will develop ambient benchmarks for proposal to the ATSAC based upon a protocol that uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks.

(e) Within three months of the first meeting of the ATSAC, DEQ will propose ambient benchmark concentrations for the highest priority air toxics for review by the ATSAC. DEQ will propose additional and revised air toxics ambient benchmarks for review by the ATSAC based on the prioritization criteria in OAR 340-246-0090(2)(c). Once the ATSAC has completed review of each set of proposed ambient benchmarks, DEQ will, within 60 days, begin the process to propose ambient benchmarks as administrative rules for adoption by the Environmental Quality Commission.

(f) If DEQ is unable to propose ambient benchmarks to the ATSAC by the deadlines specified in OAR 340-246-0090(2)(e), the ATSAC will review the most current EPA ambient benchmarks. If EPA ambient benchmarks are not available, the ATSAC will review the best available information from other states and local air authorities.

(g) The ATSAC will consider proposed ambient benchmarks and evaluate their adequacy for meeting risk and hazard levels, considering human health, including sensitive human populations, scientific uncertainties, persistence, bio-accumulation, and, to the extent possible, multiple exposure pathways. The ATSAC will conduct this review consistent with the criteria in OAR 340-246-0090(2)(c) and (d). The ATSAC will report these findings to DEQ. If the ATSAC

unanimously disagrees with DEQ's recommendation, DEQ will re-consider and re-submit its recommendation at a later date.

(h) The ATSAC will complete review of and report findings on each set of ambient benchmarks as quickly as possible, but no later than 12 months after DEQ has proposed them. If the ATSAC is unable to complete review of ambient benchmarks within 12 months after DEQ's proposal, DEQ will initiate rulemaking to propose ambient benchmarks.

(i) DEQ will review all ambient benchmarks at least every five years and, if necessary, propose revised or additional ambient benchmarks to the ATSAC. At its discretion, DEQ may review and propose a benchmark for review by the ATSAC at any time when new information is available.

(3) Ambient Benchmarks. Benchmark concentrations are in units of micrograms of air toxic per cubic meter of ambient air, on an average annual basis. The Chemical Abstract Service Registry Number (CASRN) is shown in parentheses.

(a) The ambient benchmark for acetaldehyde (75-07-0) is 0.45 micrograms per cubic meter.

(b) The ambient benchmark for acrolein (107-02-8) is 0.35 micrograms per cubic meter.

(c) The ambient benchmark for acrylonitrile (107-13-1) is 0.01 micrograms per cubic meter.

(d) The ambient benchmark for ammonia (7664-41-7) is 500 micrograms per cubic meter.

(e) The ambient benchmark for arsenic (7440-38-2) is 0.0002 micrograms per cubic meter.

(f) The ambient benchmark for benzene (71-43-2) is 0.13 micrograms per cubic meter.

(g) The ambient benchmark for beryllium (7440-41-7) is 0.0004 micrograms per cubic meter.

(h) The ambient benchmark for 1,3-butadiene (106-99-0) is 0.03 micrograms per cubic meter.

(i) The ambient benchmark for cadmium and cadmium compounds (7440-43-9) is 0.0006 micrograms per cubic meter.

(j) The ambient benchmark for carbon disulfide (75-15-0) is 800 micrograms per cubic meter.

(k) The ambient benchmark for carbon tetrachloride (56-23-5) is 0.2 micrograms per cubic meter.

(l) The ambient benchmark for chlorine (7782-50-5) is 0.1 micrograms per cubic meter.

(m) The ambient benchmark for chloroform (67-66-3) is 300 micrograms per cubic meter.

(n) The ambient benchmark for chromium, hexavalent (18540-29-9) is 0.00008 micrograms per cubic meter.

- (o) The ambient benchmark for cobalt and cobalt compounds (7440-48-4) is 0.1 micrograms per cubic meter.
- (p) The ambient benchmark for 1,4-dichlorobenzene (106-46-7) is 0.09 micrograms per cubic meter.
- (q) The ambient benchmark for 1,3-dichloropropene (542-75-6) is 0.25 micrograms per cubic meter.
- (r) The ambient benchmark for diesel particulate matter (none) is 0.1 micrograms per cubic meter. The benchmark for diesel particulate matter applies only to such material from diesel-fueled internal combustion sources.
- (s) The ambient benchmark for dioxins and furans (1746-01-6) is 0.00000003 micrograms per cubic meter. The benchmark for dioxin is for total chlorinated dioxins and furans expressed as 2,3,7,8-TCDD toxicity equivalents.
- (t) The ambient benchmark for ethyl benzene (100-41-4) is 0.4 micrograms per cubic meter.
- (u) The ambient benchmark for ethylene dibromide (106-93-4) is 0.002 micrograms per cubic meter.
- (v) The ambient benchmark for ethylene dichloride (107-06-2) is 0.04 micrograms per cubic meter.
- (w) The ambient benchmark for ethylene oxide (75-21-8) is 0.0003 micrograms per cubic meter.
- (x) The ambient benchmark for formaldehyde (50-00-0) is 0.2 micrograms per cubic meter.
- (y) The ambient benchmark for n-hexane (110-54-3) is 700 micrograms per cubic meter.
- (z) The ambient benchmark for hydrogen chloride (7647-01-0) is 20 micrograms per cubic meter.
- (aa) The ambient benchmark for hydrogen cyanide (74-90-8) is 0.8 micrograms per cubic meter.
- (bb) The ambient benchmark for fluoride anion (7664-39-3) is 13 micrograms per cubic meter.
- (cc) The ambient benchmark for lead and lead compounds (7439-92-1) is 0.15 micrograms per cubic meter.
- (dd) The ambient benchmark for manganese and manganese compounds (7439-96-5) is 0.09 micrograms per cubic meter.
- (ee) The ambient benchmark for elemental mercury (7439-97-6) is 0.3 micrograms per cubic meter.

- (ff) The ambient benchmark for methyl bromide (74-83-9) is 5 micrograms per cubic meter.
- (gg) The ambient benchmark for methyl chloride (74-87-3) is 90 micrograms per cubic meter.
- (hh) The ambient benchmark for methyl chloroform (71-55-6) is 5,000 micrograms per cubic meter.
- (ii) The ambient benchmark for methylene chloride (75-09-2) is 100 micrograms per cubic meter.
- (jj) The ambient benchmark for naphthalene (91-20-3) is 0.03 micrograms per cubic meter.
- (kk) The benchmark for soluble nickel compounds (various) is 0.01 micrograms per cubic meter, where soluble nickel compounds include nickel acetate (373-20-4), nickel chloride (7718-54-9), nickel carbonate (3333-39-3), nickel carbonyl (13463-39-3), nickel hydroxide (12054-48-7), nickelocene (1271-28-9), nickel sulfate (7786-81-4), nickel sulfate hexahydrate (10101-97-0), nickel nitrate hexahydrate (13478-00-7), and nickel carbonate hydroxide (12607-70-4).
- (ll) The ambient benchmark for insoluble nickel compounds (various) is 0.004 micrograms per cubic meter, where insoluble nickel compounds include nickel subsulfide (12035-72-2), nickel oxide (1313-99-1), nickel sulfide (11113-75-0), and nickel metal (7440-02-0).
- (mm) The ambient benchmark for phosphine (7803-51-2) is 0.8 micrograms per cubic meter.
- (nn) The ambient benchmark for phosphoric acid (7664-38-2) is 10 micrograms per cubic meter.
- (oo) The ambient benchmark for total (as the sum of congeners) polychlorinated biphenyls (1336-36-3) is 0.01 micrograms per cubic meter.
- (pp) The ambient benchmark for total polycyclic aromatic hydrocarbons (none) is 0.002 micrograms per cubic meter, where total polycyclic aromatic hydrocarbons are the sum of the toxicity equivalency factor (with respect to benzo(a)pyrene (50-32-8)) adjusted concentrations for all of the following individual 26 polycyclic aromatic hydrocarbons: 5-methylchrysene (3697-24-3); 6-nitrochrysene (7496-02-8); acenaphthene (83-32-9); acenaphthylene (208-96-8); anthanthrene (191-26-4); anthracene (120-12-7); benz(a)anthracene (56-55-3); benzo(a)pyrene (50-32-8); benzo(b)fluoranthene (205-99-6); benzo(c)fluoranthene (243-17-4); benzo(e)pyrene (192-97-2); benzo(g,h,i)perylene (191-24-2); benzo(j)fluoranthene (205-82-3); benzo(k)fluoranthene (207-08-9); chrysene (218-01-9); cyclopenta(c,d)pyrene (27208-37-3); dibenz(a,h)anthracene (226-36-8); dibenzo(a,e)pyrene (192-65-4); dibenzo(a,h)pyrene (189-64-0); dibenzo(a,i)pyrene (189-55-9); dibenzo(a,l)pyrene (191-30-0); fluoranthene (206-44-0); fluorene (86-73-7); indeno(1,2,3-c,d)pyrene (193-39-5); phenanthrene (85-01-8); and pyrene (129-00-0).
- (qq) The ambient benchmark for tetrachloroethylene (127-18-4) is 4 micrograms per cubic meter.
- (rr) The ambient benchmark for toluene (108-88-3) is 5,000 micrograms per cubic meter.

(ss) The ambient benchmark for 2,4- & 2,6 toluene diisocyanate, mixture (26471-62-5) is 0.02 micrograms per cubic meter.

(tt) The ambient benchmark for trichloroethylene (79-01-6) is 0.2 micrograms per cubic meter.

(uu) The ambient benchmark for vinyl chloride (75-01-4) is 0.1 micrograms per cubic meter.

(vv) The ambient benchmark for white phosphorus (7723-14-0) is 9 micrograms per cubic meter.

(ww) The ambient benchmark for xylenes, mixed (1330-20-7) is 200 micrograms per cubic meter.

(xx) The ambient benchmark for hydrogen sulfide (7783-06-4) is 2.0 micrograms per cubic meter.

(yy) The ambient benchmark for methanol (67-56-1) is 4,000 micrograms per cubic meter.

(zz) The ambient benchmark for phosgene (75-44-5) is 0.3 micrograms per cubic meter.

(aaa) The ambient benchmark for n-propyl bromide (106-94-5) is 0.5 micrograms per cubic meter.

(bbb) The ambient benchmark concentration for styrene (100-42-5) is 1,000 micrograms per cubic meter.

Stat. Auth.: ORS 468.035, 468A.010(1) & 468A.015

Stats. Implemented: ORS 468A.015, 468A.025

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03; DEQ 12-2006, f. & cert. ef. 8-15-06

340-246-0190, Air Toxics Safety Net Program (0190 through 0230)

(1) The purpose of the Air Toxics Safety Net Program is to address human exposures at public receptors to air toxics emissions from stationary sources that are not addressed by other regulatory programs or the Geographic Program. It is the Commission's expectation that the Safety Net Program in OAR 340-246-0190 through 340-246-0230 will apply only rarely.

(2) Subject to the requirements contained in OAR 340-246-0190 through 340-246-0230, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing the Air Toxics Safety Net Program within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement the Air Toxics Safety Net Program unless the Regional Authority adopts superseding rules, which are at least as restrictive as the rules adopted by the Commission.

(3) Selection of Sources. DEQ will select a source for the Air Toxics Safety Net Program if all of the following criteria are met:

(a) DEQ has ambient monitoring information, gathered using appropriate EPA or other published international, national, or state standard methods that concentrations of air toxics have caused an exceedance of at least one ambient benchmark at a site representing expected human exposure to air toxics from the source at a public receptor in a location outside of the source's ownership or control.

(b) DEQ has information that the source's air toxics emissions alone have caused an exceedance of at least one ambient benchmark at a site representing expected human exposure to air toxics from the source at a public receptor, in a location outside of the source's ownership or control. This could be based on emissions inventory, modeling or other information.

(c) The source is not subject to or scheduled for a federal residual risk assessment under the federal Clean Air Act section 112(f)(2) through (6).

(d) The source is not subject to the permitting requirements under OAR chapter 340, division 245.

(e) The source is not subject to an emissions limit or control requirement imposed as the result of modeling or a risk assessment performed or required by DEQ prior to November 1, 2003 for the air toxics that exceed the ambient benchmarks.

(f) The source is located outside of a selected geographic area, as designated in OAR 340-246-0130 through 0170.

(4) Air Toxics Science Advisory Committee Review. Before requiring a source to conduct a source-specific risk assessment, DEQ will present its analysis to the ATSAC. Within 120 days, the ATSAC will review the analysis and make a finding. If the ATSAC concurs with DEQ or takes no action, DEQ may proceed under this rule. If the ATSAC objects, DEQ will not proceed until it receives concurrence from the Commission.

(5) Source-Specific Exposure Modeling and Risk Assessment. Upon written notification by DEQ, a source must conduct a risk assessment including exposure modeling for the air toxics measured at levels above ambient benchmarks. The source must use a risk assessment methodology provided by DEQ. This risk assessment will provide the basis for establishing air toxics emissions reductions or demonstrating that at public receptors in areas outside of a source's ownership or control, people are not being exposed to air toxics at levels that exceed the ambient benchmarks.

(6) Risk Assessment Methodology. DEQ will provide guidance on the methods to be used. The risk assessment methodology will be developed in consultation with the ATSAC and will result in a protocol that:

(a) Uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks;

- (b) Considers the range of probabilities of risks actually occurring, the range of size of the populations likely to be exposed to the risk, and current and reasonably likely future land uses;
 - (c) Defines the use of high-end and central-tendency exposure cases and assumptions;
 - (d) Develops values associated with chronic exposure for carcinogens; and
 - (e) Addresses both carcinogenic and non-carcinogenic air toxics and allows for detailed exposure assessments to the extent possible.
- (7) Review and Acceptance by DEQ. DEQ will evaluate the risk assessment for adequacy and completeness before accepting the results. If the results demonstrate that the source is not causing human exposures to air toxics at levels that exceed the ambient benchmarks at public receptors, in areas outside the source's ownership or control, and DEQ has received concurrence from the ATSAC, DEQ will notify the source that air toxics emissions reductions will not be required under this rule.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015

Stats. Implemented: ORS 468A.015, 468A.025

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

Air Quality Program

Source Sampling Manual

Volume 1



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Department of
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Quality

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Source Sampling Manual

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Source Sampling Manual

Executive Summary

DEQ's Source Sampling Manual provides the procedures and test methods for conducting source sampling (i.e., stack testing) at facilities regulated by DEQ. The manual includes procedures for notifying DEQ of testing projects; preparing and obtaining approval of source test plans prior to conducting the testing; and preparing source test reports after the testing is completed. The manual identifies established sampling methods that are approved for source sampling projects, as well as procedures for obtaining approval for modifications or alternatives to the methods. Most of the sampling methods are federal methods that have been incorporated by reference. However, there are several test methods that are unique to DEQ. The Source Sampling Manual was first written in 1976 with revisions in 1979, 1981, 1992, 2015 and 2018~~5~~. The Source Sampling Manual is included in Oregon's State Implementation Plan.

1.0 INTRODUCTION

1.1. PURPOSE AND SCOPE

This manual has been prepared by the Oregon Department of Environmental Quality (DEQ) for the purpose of delineating practices for the measurement and sampling of exhaust gas streams originating from point sources in accordance with Oregon Administrative Rules. Within this document, the references to *permit* signify either an Air Contaminant Discharge Permit (ACDP) or an Oregon Title V Operating Permit, both issued by the State of Oregon.

This manual applies to DEQ personnel, testing contractors, and permittees. Collectively, with permit requirements and promulgated sampling guidance documents, it outlines source sampling techniques approved by DEQ for use in conducting stationary source emissions testing. Unless otherwise specified in an Oregon Administrative Rule, permit, or DEQ letter, these general requirements must be followed when conducting source testing in Oregon. If there is a conflict with a permit or rule and this manual, the permit or rule will take precedence.

This 2018~~5~~ revision of the Source Sampling Manual, Volume I, supersedes all previous versions of this manual.

1.2. APPLICABILITY

The procedures specified in this manual are standard requirements for measuring point source emissions under normal circumstances. Methods or techniques not cited in this manual may be approved on a case-by-case basis.

The measurement of point source emissions (i.e. stack testing) is conducted to determine the quantity, concentration, or destruction/removal of a specific pollutant or pollutants being emitted into the atmosphere by a regulated or non-regulated source.

This manual references test methods published by DEQ, EPA, and other agencies or organizations.

2.0 SOURCE SAMPLING GENERAL REQUIREMENTS

2.1. TESTING DEADLINES FOR CONDUCTING SOURCE SAMPLING

2.1.a. Identifying Regulation(s)

The deadlines for conducting source sampling projects may be established by any or all of the following:

- Air Contaminant Discharge Permit;
- Oregon Title V Operating Permit;
- Chapter 340 of Oregon Administrative Rules;

- Title 40 of Code of Federal Regulations; or
- Enforcement document (e.g., Mutual Agreement Order).

2.1.b. Time Extensions

For sampling projects conducted to meet federal & state requirements, regulatory provisions to extend testing deadlines are limited and take into account the circumstances contributing to the delay. Failure to test a source by the required deadline may violate federal or state rule and may result in enforcement actions.

2.2. DEPARTMENT NOTIFICATION

DEQ must be notified of all source sampling projects that are required by DEQ, including federal requirements that have been delegated to DEQ by the Environmental Protection Agency (EPA). Unless specified by rule or by permit condition, DEQ must receive notification at least 30 days in advance of the source test date. Notification may be submitted electronically or by hardcopy, and accompanied by a source test plan.

In addition, ~~DEQ must be notified of all source sampling projects that are not required by DEQ if test results are DEQ recommends that the person responsible for sampling projects that are not required by DEQ, but may be~~ relied upon in permitting a source, used as evidence in an enforcement case, or used to demonstrate demonstrating compliance with non-delegated federal requirements, ~~notify DEQ of the sampling project schedule.~~

2.3. SOURCE TEST PLAN

A source test plan must be approved by DEQ in advance of all source sampling projects that are required by DEQ, including federal requirements delegated to DEQ by EPA. If not otherwise specified by rule or permit condition, DEQ must be provided at least 30 days to review and approve source test plans. For routine testing programs, the permit or rule often specifies 15 days notice. Conversely, particularly complex source testing programs may require ~~up to~~ 45 days or more for protocol approval. The source test plan may be prepared by the source owner, operator, or consultant representing the owner or operator. The source test plan will be reviewed by the DEQ or by an agent ~~consultant~~ representing DEQ.

A source test plan must include, as a minimum, the information stipulated by Table A-1 in Appendix A. The source test plan should *not* include a copy of the published sampling method unless specifically requested by the regulating authority. In addition, sample system diagrams should *not* be included within the source test plan unless the proposed schematic deviates from published methodology.

2.4. MODIFICATIONS/ALTERNATIVES TO METHODS OR PROCEDURES

2.4.a. Testing Projects Required by DEQ

All modifications and/or alternatives to testing methods or procedures that are performed to satisfy DEQ testing requirements must receive approval from DEQ prior to their use in the field. When possible, these requests are to be addressed within the Source Test Plan.

If the need for testing modifications or alterations to the approved Source Test Plan is discovered during field activities, approval must first be obtained from the observing Department representative. If a DEQ representative is not on site during field activities, approval from any DEQ Source Test Coordinator or other DEQ representative may be obtained. ~~Significant~~ Changes not acknowledged by the DEQ could be basis for invalidating an entire test run and potentially the entire testing program. Documentation of any deviations must be incorporated in the source test report and include an evaluation of the impact of the deviation on the test data.

2.4.b. Testing Projects Required by Federal Regulations

For all testing projects performed to satisfy federal testing requirements (e.g. NSPS, NESHAP), approval for modifications and alterations of federal testing requirements must follow the procedures outlined in the Emission Measurement Center Guideline Document GD-022R3. As per this guideline, minor changes to test methods and procedures may be approved by DEQ personnel. All other changes must be approved by EPA.

Minor change to a test method is a modification to a federally enforceable test method that (a) does not decrease the stringency of the emission limitation or standard; (b) has no national significance (e.g., does not affect implementation of the applicable regulation for other affected sources, does not set a national precedent, and individually does not result in a revision to the test method); and (c) is site-specific, made to reflect or accommodate the operational characteristics, physical constraints, or safety concerns of an affected source. Examples of minor changes to a test procedure are:

- Modified sampling traverse or location to avoid interference from an obstruction in the stack,
- Increasing the sampling time or volume,
- Use of additional impingers for a high moisture situation,
- Accepting particulate emission results for a test run that was conducted with a lower than specified temperature,
- Substitution of a material in the sampling train that has been demonstrated to be more inert for the sample matrix, and
- Changes in recovery and analytical techniques such as a change in QA/QC requirements needed to adjust for analysis of a certain sample matrix.

(Per memo from John S. Seitz, Director OAQPS, *Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies*, Attachment 1, July 10, 1998)

2.5. SAMPLE REPLICATES

Unless otherwise specified by permit, State rule, federal regulation, or Department letter, each source test must consist of at least three (3) test runs and the emission results reported as-for each run individually and as the arithmetic average of all valid test runs. If for reasons beyond the control of the permittee (e.g., forced shutdown, extreme meteorological conditions, failure of an irreplaceable portion of the sample train) a test run is invalidated and cannot be replaced by a valid test run, DEQ may consider accepting two (2) test runs for demonstrating compliance with the emission limit or standard. However, all test runs, including those deemed invalid, are to be included in the test report.

2.6. SAMPLE POSTPONEMENTS & STOPPAGES

It is acceptable to postpone a scheduled test or suspend a test in progress if the discontinuation is due to equipment failure beyond the facility's control, construction delays beyond the facility's control, severe meteorological conditions, and situations that would jeopardize the safety of the testing contractors and/or operators. If the test is underway, the permittee should make every effort to complete the test run. All recoverable test information (process & sample data) must be available for DEQ review.

It is unacceptable to postpone or suspend a test run in progress if it is discontinued because the source is not able to comply with an emission limit, ~~or~~ verify an existing emission factor, or comply with a control equipment performance standard. The permittee must provide DEQ written documentation explaining the reasons for the postponement or stoppage, and any data collected prior to the stoppage. DEQ will review the documentation and all available stack test data to determine if a violation occurred.

2.7. TEST DURATION & SAMPLE VOLUMES

2.7.a. General Duration & Volume Requirements

Unless otherwise specified by permit, state rule, federal regulation, or Department letter, each source test must be a minimum of one (1) hour long. For criteria pollutants (PM, PM₁₀, PM_{2.5}, SO_x, NO_x, CO, & VOCs) measured utilizing wet-chemistry methods, the sample volume must be sufficient to ensure a minimum In-Stack Detection Limit (ISDL) of one-half (1/2) the emission standard. Refer to Section 2.8 of this manual for the definition and calculation of ISDL.

Unless otherwise specified ~~by rule in a rule, or~~ permit condition, or source test plan approval letter, all toxic air contaminants and hazardous air pollutants (HAPs) sampling programs must ensure adequate sample volumes so that the mass recovered is at least five (5) times the limit of detection for the analytical method chosen. Alternatively, the ISDL must be less than or equal to one-fifth (1/5) the emission standard.

For purposes of this section, "emission standard" refers to emission limits (other than Plant Site Emission Limits), emission factor(s), and/or destruction and removal efficiencies.

2.7.b. DEQ Methods Specific Duration & Volume Requirements

For DEQ Methods 5 & 7, the minimum sample volume must be the greater of 31.8 dry standard cubic feet (dscf) or sufficient to ensure a minimum In-Stack Detection Limit (ISDL) of one-half (1/2) the emission standard. In addition, the minimum sample duration must be 60 minutes.

For DEQ Method 8 (high volume sampler), the minimum sample volume must be the greater of 150 dry standard cubic feet (dscf) or sufficient to ensure a minimum In-Stack Detection Limit of one-half (1/2) the emission standard. In addition, the minimum sample duration must be 15 minutes.

2.8. IN-STOCK DETECTION LIMIT

2.8.a. General In-Stack Detection Limit (ISDL)

In general practice, the In-Stack Detection Limit (ISDL) is defined as follows:

$$ISDL = \frac{A \times B}{C}$$

Where:

ISDL	=	In-Stack detection limit
A	=	Analytical detection limit for analyte (e.g., pollutant) in a sample matrix (e.g., solution, filter, resin)
B	=	Quantity of sample matrix (e.g. milliliters of solution)
C	=	Volume of stack gas sampled

Example:

For an HCl sample with the following characteristics:

A	=	1 ug (HCl) per ml of solution;
B	=	300 mls of sample solution; and
C	=	1 dscm of exhaust gas (C) drawn through the sample solution.

The ISDL in ug/dscm would be calculated as follows:

ISDL	=	(A x B)/C
ISDL	=	(1 ug/ml x 300 ml)/1 dscm
ISDL	=	<u>300 ug/dscm</u>

2.8.b. ISDL for Particulate Measurement Methods

When calculating the ISDL for particulate sampling methods, the analytical detection limits (A) are:

- 7 mg for ODEQ Methods 5 & 7 (total particulate),
- 3 mg for EPA Methods 5, 5A, 5B, 5D, 5E, 5F, & 17 (filterable particulate),
- 4 mg for EPA Method 202 (condensable particulate), and
- 100 mg for ODEQ Method 8 (high volume sampler-filterable particulate).

Additionally, when calculating the ISDL for the above particulate sampling methods, the quantity of sample matrix (character "B" in equation) equals "1 sample train".

2.8.c. ISDL for Instrumental Monitoring Reference Methods

The ISDL for continuous emission monitoring (CEM) reference methods (i.e., 3A, 6C, ~~16C/16A~~, 7E, 10, 20, & 25A), is equal to the sensitivity of the instrumentation, which is two percent (2%) of the span value (as per the CEMS Methods).

2.8.d. ISDL Expressed on a Mass Rate or Process Rate Basis

If the emission standard is expressed on a mass rate basis, a representative flow and/or process rate is to be applied in conjunction with the ISDL (on a concentration basis) to obtain a value expressed in comparable units.

2.9. REPRESENTATIVE TESTING CONDITIONS

For demonstrating compliance with an emission standard, the stack test must successfully demonstrate that a facility is capable of complying with the applicable standard under all normal operating conditions. Therefore, an owner or operator should conduct the source test while operating under typical worst-case conditions that generate the highest emissions. During the compliance demonstration, new or modified equipment should operate at levels that equal or exceed ninety-percent (90%) of the design capacity. For existing equipment, emission units should operate at levels that equal or exceed ninety-percent (90%) of normal maximum operating rates. Furthermore, the process material(s) and fuel(s) that generate the highest emissions for the pollutant(s) being tested should be used during the testing. Operating requirements for performance tests are often specified by State or federal rule, or by permit condition.

When verifying or determining an emission factor, the stack test must generate an emission factor that represents normal emissions for the operating condition tested. Multiple testing projects may be required for sources that experience ~~large~~ variations in process ~~rates~~, have frequent start-ups and shut-downs, use multiple fuel combinations, utilize numerous process materials, or manufacture diverse products.

Whether sampling to demonstrate compliance, ~~or to establish~~ formulate an emission factor, ~~or to support an toxic air contaminant risk assessment~~, it is imperative to describe in detail the proposed process conditions within the Source Test Plan. Refer to Section 2.3 and Appendix A of this manual for Source Test Plan requirements.

2.10. SIGNIFICANT FIGURES & ROUNDING PROCEDURES

2.10.a. Significant Figures

All federal emission standards have at least two (2) significant figures but no more than three (3) (Memorandum from William G. Lawton and John S. Seitz to New Source Performance Standards/National Emission Standards for Hazardous Pollutants Compliance Contacts, subject "Performance Test Calculation Guidelines", June 6, 1990). For example, 0.04 gr/dscf is considered to be 0.040 gr/dscf and 90 mg/dscm is considered to be 90. mg/dscm.

Generally, DEQ emission standards have at least two (2) significant figures. However, the number of significant figures for DEQ standards are defined by the standards themselves. For example, 40 lbs/hr is considered to be 40. lbs/hr and 0.1 gr/dscf does not include additional significant figures.

It is imperative to maintain an appropriate number of significant figures within the intermediate calculations to minimize the discrepancy of results due to rounding inconsistencies. In general, at least five (5) significant figures should be retained throughout the intermediate calculations.

2.10.b. Rounding Procedures

The procedure for rounding of a figure or a result may mean the difference between demonstrating compliance or demonstrating a violation. Based on the routine specified by the American Society for Testing and Materials (ASTM, Standard for Metric Practice E 380) the following procedure must be used:

If the first digit to be discarded is less than five (5), the last digit retained should not be changed. When the first digit discarded is greater than five (5), or if it is a five (5) followed by at least one digit other than zero (0), the last figure retained should be increased by one unit. When the first digit discarded is exactly five, followed only by zeros (0s), the last digit retained should be rounded upward if it is an odd number, but no adjustment made if it is an even number.

For example, if the emission standard is 0.040 gr/dscf, then 0.040341 would be rounded to 0.040, 0.040615 would be rounded to 0.041, 0.040500 would be rounded to 0.040, and 0.041500 would be rounded to 0.042 (note that five significant figures were retained prior to rounding).

2.11. REPORTING & RECORDKEEPING

2.11.a. Report Content & Format

At a minimum, the content of the source sampling report must be consistent with the requirements outlined in Table A-2 in Appendix A. DEQ recognizes that the presentation and format of the reports will vary between sampling projects and testing contractors. However, the report must comprehensively include all essential information and maintain sufficient detail to satisfactorily communicate the test objectives and results.

To conserve storage space and natural resources, all test reports should be published utilizing both-sides of each page. In addition, each page of the report body and of the appendices is to be numbered for ease of reference. Refer to Section 2.11.b. for information on the Source Test Audit Report.

2.11.b. Source Test Audit Report (STAR)

A Source Testing Audit Report (STAR) is required for all testing required by DEQ. Like test reports, the submittal of the STAR is the responsibility of the owner or operator. DEQ may not accept test reports that do not include the STAR or if the submitted STAR is incomplete or inaccurate. Refer to the document, “*Guidelines for Completing Source Testing Audit Report*” for more details regarding the STAR. Contact a DEQ Source Test Coordinator to receive instructions on how to obtain the most current STAR ~~forms~~[revision](#).

2.11.c. Reporting Results that are below the In-Stack Detection Limits

Emission tests occasionally yield results that are below the in-stack detection limit (ISDL) for a given pollutant. These data frequently provide important information, depending on the purpose of the test and if the tester extracted an adequate sample volume (see Section 2.7). Therefore, unless otherwise stated by method, rule, or permit, the following reporting procedures are to be followed when results from replicate tests are below the in-stack detection limit. Substitution at less than the

ISDL may be used in Cleaner Air Oregon risk assessments conducted under OAR 340 division 245 if approved by DEQ.

- Each test replicate that is below the ISDL should be reported as less than (<) the detection limit value (e.g., <0.14). If the test replicate is included in a multi-run test series, the ISDL value is used when calculating the numerical average.
- Label the average result as less than (<) if the numerical average of a test series includes at least one test replicate below the ISDL.

Several groups of toxic air contaminants are generally reported as the sum of the individual compounds (or elements) within that group. For example, the individual dioxin/furan compounds (or ‘congeners’) specified in the test method are summed using toxicity factors and reported as a single value (i.e., 2,3,7,8-TCDD Equivalents). The corresponding emission limits and/or emission factors are also expressed as 2,3,7,8-TCDD Equivalents. If any of the individual congeners are reported as ‘below the detection limit’ for a given test result, the contribution of that congener to the 2,3,7,8-TCDD Equivalent value shall be calculated as 0.5 x the detection limit. The 2,3,7,8-TCDD Equivalent value is a ‘composite result’ of the individual dioxin/furan compounds in a given sample. Although this TCDD Equivalent value may contain non-detectable quantities, the value is reported as a quantity (i.e., not a ‘< DL’ value).

Other groups of compounds that present similar reporting complexities are polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), Total Organic Hazardous Air Pollutants (OHAPs), and Total Selected Metals (TSM). A specific regulation, method, or permit condition may dictate other calculation procedures to be followed in combining non-detectable with measured quantities within a composite result; these shall take precedent over the above-described approach.

2.11.d. Report Submittal

Unless otherwise specified by rule or permit, one (1) bound copy of the source test report must be submitted to the regional Source Test Coordinator within 30 days following the field work. Requests for extensions will be evaluated by DEQ on a case- by-case basis. An electronic version of the report can also be submitted in addition to the bound copy.

2.11.e. Recordkeeping

All documentation of sampling equipment calibrations and analytical results should be maintained for a minimum of five years.

In general, the unanalyzed portions (aliquots) of the source test samples must be preserved up to the maximum holding times as specified by method. Sample filters gravimetrically analyzed for particulate matter are to be archived for a minimum of 6 months. However, sample archiving specifications pertaining to laboratory glassware is left to the discretion of the analyzing laboratory and the testing contractor.

3.0 SAMPLING METHODS

3.1. ESTABLISHED SAMPLING METHODS

Established sampling methods for various pollutants are listed within Appendix B of this manual. These methods have historically been accepted by DEQ and originate from various governmental agencies and organizations. This list is not all-inclusive and may not reflect current method updates. The use of a listed method is not automatically approved by DEQ. Instead, written DEQ approval is required prior to all testing projects that are executed to satisfy state or federal testing requirements. Refer to Sections [2.2](#) & [2.3](#) of this manual for notification and source test plan requirements.

Generally, DEQ sampling methods (ODEQ Methods) or EPA methods (promulgated, alternative, & conditional) are preferable for conducting a testing program. In some cases, utilizing methods published by other public agencies and organizations are often valid and more desirable, but must be evaluated cautiously to ensure that the test requirements established by rule or permit are satisfied.

3.2. DEQ SOURCE SAMPLING METHODS

DEQ test methods are presented in Appendix C of this manual. These methods do not encompass all the provisions and procedures critical to their successful use. Persons performing these methods must have a comprehensive understanding of the physical sciences, have ample experience utilizing the testing equipment, and have a thorough knowledge of the sources to which they are applied.

DEQ test methods should only be applied to sampling situations that are consistent with their applicability. A careful and thorough evaluation of the applicability of each method to a specific testing condition is strongly recommended. Modifications or alterations to DEQ test methods must receive approval from DEQ prior to their utilization within the testing program. Refer to Section 2.4 of this manual for requirements pertaining to modifications to methods or procedures.

There are multiple references to EPA test methods within the Oregon Source Sampling Manual and test methods. The EPA methods are incorporated into this manual by reference as of the date they were published in the CFR, as shown below. Sampling provisions and procedures published within the most up-to-date revisions to the CFR may be incorporated into the testing program if approved by the administrator.

EPA Methods incorporated by reference:

Methods 1 through 30B: 40 CFR, Part 60, Appendix A, July 2012
Methods 201 through 207: 40 CFR Part 52, Appendix M, July 2012
Methods 301 through 323: 40 CFR Part 63, Appendix A, July 2012
EPA Publication SW-846, Third Edition

3.3. Quality Assurance Requirements

Quality assurance , including minimum calibration requirements are typically specified within each test method. DEQ test methods often refer to EPA test methods for quality assurance procedures The calibration requirements for Oregon DEQ Methods 4, 5, 7, & 8 are summarized within Appendix D. Where inconsistencies exist, quality assurance requirements specified by method or by regulation supersede those presented within Appendix D.

APPENDIX A

SOURCE TEST PLAN & TEST REPORT REQUIREMENTS

MINIMUM SOURCE TEST PLAN REQUIREMENTS

DEQ does not require that source test plans adhere to a specific format, but the information listed in Table A-1 must be included (as applicable). In addition, the following statements must be included in the test plan:

- Sampling replicate(s) will not be accepted if separated by a time duration of twenty-four (24) hours or more, unless prior authorization is granted by DEQ.
- All compliance source tests must be performed while the emission unit(s) are operating at normal maximum operating rates. Unless defined by permit condition or applicable rule, normal maximum operating rate is defined as the 90th percentile of the average hourly operating rates during a 12 month period immediately preceding the source test. Rates not in agreement with those stipulated in the Air Contaminant Discharge Permit can result in rejection of the test data. Imposed process limitations could also result from operating at atypical rates during the compliance demonstration.
- The DEQ must be notified of any changes in the source test plan and/or the specified methods prior to testing. Significant changes not acknowledged by the DEQ could be the basis for invalidating a test run and potentially the entire testing program. Documentation of any deviations must include an evaluation of the impact of the deviation on the test data.
- Method-specific quality assurance/quality control (QA/QC) procedures must be performed to ensure that the data is valid for determining source compliance. Documentation of the procedures and results shall be presented in the source test report for review. Omission of this critical information will result in rejection of the data, requiring a retest.
- Only regular operating staff may adjust the combustion system or production process and emission control parameters during the source performance tests and within two (2) hours prior to the tests. Any operating adjustments made during the source performance tests, which are a result of consultation during the tests with source testing personnel, equipment vendors or consultants, may render the source performance test invalid.
- Source test reports must be submitted to DEQ within thirty (30) days of the test dates, unless another deadline has been stipulated, either by permit condition, or by DEQ written approval.

Table A-1

SOURCE TEST PLAN REQUIREMENTS

Item #	Description	Explanatory Notes
1	Facility Identification	<ul style="list-style-type: none"> - Facility Name; - Facility Address; - Permit Number (and source number if under General Permit); - Emission Unit(s) included within proposed testing project
2	Facility Personnel	<u>Name, address, phone number(s) and e-mail for:</u> <ul style="list-style-type: none"> - Project Manager - On-site Contact (if different than Project Manager)
3	Testing Contractor Personnel	<u>Name, physical address, phone number(s) and e-mail for:</u> <ul style="list-style-type: none"> - Project Manager - Site Personnel (Team Leader, Technicians) - Laboratory Support
4	Project Purpose	<ul style="list-style-type: none"> - Specify purpose of project (compliance, emission factor verification, applicability study, etc.) - Specify permit condition or rule initiating project - Specify applicable compliance limits and emission factors
5	Schedule	<ul style="list-style-type: none"> - Specify testing dates for each unit tested - Specify starting times (approximate) for each test day
6	Source Description	<u>Description of the emission unit(s), including the following:</u> <ul style="list-style-type: none"> - Narrative of the emission source (system type, manufacturer, date installed, capacity, configuration, fuel type, etc.) - Narrative of the pollution control device (system type, manufacturer, date installed, configuration, etc.) - Narrative of the sample locations (where in system, distances to disturbances, duct configuration, etc.)
7	Pollutant(s) Measured	<u>Specify the following for each pollutant measured:</u> <ul style="list-style-type: none"> - Pollutant (CO, PM, Formaldehyde, etc.) - Reporting unit for each pollutant (ppmdv, lbs/hr, lbs/ton, etc.)
8	Test Methods	<u>Include the following for each test method proposed:</u> <ul style="list-style-type: none"> - Method reference number (e.g., EPA 1, ODEQ 7); - Copy of method (only if requested by DEQ); - Quantifiable or detectable limits for each pollutant
9	Sampling Replicates	<ul style="list-style-type: none"> - Specify the number of sample replicates for each method on each emission unit; - Specify the duration of each sample replicate for each method.
10	Production and Process Information	<ul style="list-style-type: none"> - List the parameters to be recorded - Specify the frequency of measurements and recordings - Specify how each parameter is measured (manual, instrument, etc.)

11	Pollution Control Device Information	<ul style="list-style-type: none"> - List the parameters to be recorded - Specify the frequency of measurements and recordings - Specify how each parameter is measured (manual, instrument, etc.)
		-
12	Fuel Sampling and Analysis	<ul style="list-style-type: none"> - Specify how sample(s) will be collected (include references to established procedures such as ASTM, if applicable) - Specify frequency of collection - Specify the type of analysis, the analytical procedure, and the analytical laboratory
13	Other Test Method Considerations	<p><u>Include in the test plan a brief discussion of:</u></p> <ul style="list-style-type: none"> - Applicability of proposed test methods - Any and all proposed method modifications/deviations, including modifications/deviations to QA/QC activities - Any foreseeable problems with sample recovery - Any known errors in the proposed method(s) - Simultaneous testing (multiple parameters or methods) - Multiple exhaust points of the source (if applicable) - Possible method interferences - Cyclonic flow measurements (if applicable) - Stratification measurements
14	Other Process Considerations	<p><u>Include in the test plan a brief discussion of:</u></p> <ul style="list-style-type: none"> - Target process rate(s) and how it compares to day-to-day operations and the unit's rated capacity - Product (e.g., type, size, specie, etc.) - Potential process variability (i.e., continuous, cyclical, etc.) - Whether the proposed test conditions represent worst-case conditions with respect to emissions

MINIMUM SOURCE TEST REPORT REQUIREMENTS

The DEQ does not require that test reports adhere to a specific format, but the information listed in Table A-2 (below) needs to be included (as applicable). Reports shall be organized in a clear and logical fashion to promote correctness and accuracy.

Table A-2

SOURCE TEST REPORT REQUIREMENTS

Item#	Description	Explanatory Notes
1	Facility Identification	<ul style="list-style-type: none"> - Facility Name - Facility Address - Permit Number (and source number if under General Permit) - Emission Unit(s) included within the testing project
2	Facility Personnel	<u>Name, address, phone number(s) and e-mail for:</u> <ul style="list-style-type: none"> - Project Manager - On-site Contact (if different than Project Manager)
3	Testing Contractor Personnel	<u>Name, physical address, phone number(s) and e-mail for:</u> <ul style="list-style-type: none"> - Project Manager - Site Personnel (Team Leader, Technicians) - Laboratory Support
4	Project Purpose	<ul style="list-style-type: none"> - Specify purpose of project (compliance, emission factor verification, applicability study, etc.) - Specify permit condition or rule initiating project - Specify applicable compliance limits and emission factors
5	Schedule	<ul style="list-style-type: none"> - Specify testing dates for each unit tested - Specify starting and ending times for each test run
6	Source Description	<u>Description of the emission unit(s), including the following:</u> <ul style="list-style-type: none"> - Narrative of the emission source (system type, manufacturer, date installed, capacity, configuration, fuel type, etc.) - Stack height above the ground - Orientation of the exhaust (vertical, horizontal, etc.) - Narrative of the pollution control device (system type, manufacturer, date installed, configuration, etc.) - Narrative of the sample locations (where in system, distances to disturbances, duct configuration, etc.)
7	Process & Pollution Control Operating Rates & Settings	<u>Operating rates and parameters, including the following:</u> <ul style="list-style-type: none"> - Process rates for each run on each emission unit - Process characteristics for each test run (temperature, process time, size, species, pressures, settings, fuel characteristics, etc.) - Pollution control device parameters for each test run (temperature, pressure drop, water injection rate, voltage, settings, etc.)

		- Description of process changes and interruptions that occurred during testing.
8	Pollutant(s) Measured	<u>Discuss the following for each pollutant measured:</u> - Specie (CO, PM, Formaldehyde, Opacity, etc.) - Reporting unit for each specie (ppmdv, lbs/hr, lbs/ton, etc.)
9	Test Methods	<u>Include the following for each test method:</u> - Method reference number (e.g., EPA 1, ODEQ 7) - Discuss deviations from published methods and their impact on test results
10	Summary of Results	- One summary table for each emission unit (when possible) - List individual run results and average (when possible) - Include applicable emission standard, factor, or compliance limit
11	Supporting Sampling Information	- Spreadsheets & electronic data records - Field data sheets, notes, and forms - Equipment calibration documentation (field & laboratory equipment) - Example calculations - Sampling equipment description - Pre-test procedure documentation (stratification, cyclonic, etc.)
12	Laboratory Analysis	- Electronic data records - Data sheets, notes, and forms - Analytical detection limit for each constituent - Applicable analytical QA/QC information - Chain of custody
13	Supporting Process & Pollution Control Information	- Electronic generated output (if applicable) - Log sheets and forms - Operating capacity - 90% Percentile 12 Month Operating Analysis (existing sources)
14	Source Test Audit Report	- Complete for each test method and emission unit - Complete certification form
15	Test Correspondence	- Test plan - Test plan approval correspondence - Approval for method deviations - Applicable permit excerpts that pertain to testing requirements, emission limits, and emission factors

APPENDIX B

LISTING OF SOURCE SAMPLING METHODS

ALPHABETICALLY BY POLLUTANT OR STACK PARAMETER

ESTABLISHED SAMPLING METHODS

POLLUTANT OR STACK PARAMETER	TEST METHOD	COMMENTS
Ammonia	EPA CTM-027, BAAQMD ST-1B, EPA 320,	Method depends on isokinetic requirements
Carbon Dioxide (CO ₂)	EPA 3, EPA 3A, EPA 3B	
Carbon Monoxide	EPA 10	
Chloride (Total)	EPA 26A, EPA 26 SW846-0050	
Dioxins & Furans	EPA 23, SW846-23a	
Formaldehyde	NCASI 98.01, NCASI 99.02, NCASI A105.1, EPA 316, EPA 320, EPA 323	Method depends on source type, isokinetic and ISDL requirements.
Gaseous Organics	EPA 18	Not applicable for high molecular weight compounds or for compounds with very low vapor pressure at stack or instrument conditions.
Hydrogen Chloride, Hydrogen Halide and Halogens	EPA 26, EPA 26A, SW846-0050, EPA 321	Use EPA 26A when isokinetic sampling is required. EPA 321 utilizes FTIR and is specific to Portland Cement Kilns
Methanol	EPA 308, NCASI 98.01, NCASI 99.02 NCASI A105.1	Methods may also be applicable to phenol with approval
Moisture Content	EPA 4, ODEQ 4	
Molecular Weight	EPA 3, EPA 3A, EPA 3B	
Metals	EPA 29, SW846-0060	Includes: Antimony, Arsenic, Barium, Beryllium, Cadmium, Total Chromium, Cobalt, Copper, Lead, Manganese, Mercury, Nickel, Phosphorus, Selenium, Silver, Thallium, Zinc.
Nitrogen Oxides	EPA 7E, EPA 20	
Nonmethane Organic Compounds (NMOC)	EPA 25, EPA 25C, BAAQMD ST-7, SCAQMD 25.3, EPA CTM-042	EPA 25 subject to interference by H ₂ O and CO ₂ . ST-7 applicable for compounds that respond well to FID. 25.3 for low concentration sources. EPA 25C for LFG. —CTM-042 for bakeries.
Opacity	EPA 9, EPA ALT Method 082	ALT 082 when pre-approved by DEQ
Oxygen	EPA 3, EPA 3A, EPA 3B	
Particulate Matter-Filterable	EPA 5, EPA 5A, EPA 5B, EPA 5D, EPA 5E, EPA 5F, EPA 5i, EPA 17, Modified DEQ 5, DEQ 8	ODEQ 8 acceptable under limited conditions EPA 5i for low level particulate
Particulate Matter - Total	ODEQ 5, ODEQ 7, EPA 5/202	
Particulate Matter - ≤10um	EPA -201A/202	

Particulate Matter-<2.5um	EPA 201A/202	
Phenol	NCASI 98.01, NCASI 99.02, EPA 18, NCASI A105.1	
Sulfur Dioxide	EPA 6, EPA 6C, EPA 8	EPA -8 also measures sulfuric acid mist
Total Enclosure	EPA 204	Use for determining capture efficiency.
Total Hydrocarbons	EPA 25A, EPA 18	Applicable to alkanes, alkenes, and aromatic hydrocarbons. EPA 25A has a fractional -response to many other organic compounds.
Total Reduced Sulfur	EPA 16, EPA 16A, EPA 16C	
Velocity and Volumetric Flow Rate	EPA 2, EPA 2A, EPA 2C, EPA 2E, EPA 2F, EPA 2G, EPA 2H	EPA 2 if duct ≥ 12 " in diameter EPA 2A if duct < 12" in diameter
Volatile Organic Compounds by FTIR	EPA 320	Analyzes for specific defined VOCs
Volatile Organic Compounds- Uncharacterized	EPA 25, EPA 25A, EPA 25B	Total VOC's reported on an equivalent basis (i.e. "as propane")
Volatile Organic Compounds by GC	EPA 18, EPA CTM-028	Analyzes for specific defined VOCs. EPA 18 not applicable for high molecular weight compounds or for compounds with very low vapor pressure at stack or instrument conditions. CTM-028 direct interface.

APPENDIX C

OREGON DEQ SOURCE SAMPLING METHODS

- C-4: Oregon Method 4 (moisture)**
- C-5: Oregon Method 5 (PM)**
- C-7: Oregon Method 7 (PM)**
- C-8: Oregon Method 8 (PM, High Volume)**

SUB-APPENDIX C-4

OREGON DEQ SOURCE SAMPLING METHOD 4

Oregon Method 4

State of Oregon Department of Environmental Quality Source Sampling Method 4

Determination of Moisture Content of Stack Gases (Alternate Method)

1. **Principle.** Under certain conditions, the quantity of water vapor in the gas stream can be determined by measuring the wet-bulb and dry-bulb temperatures of the gaseous fluid.
2. **Applicability.** This method is applicable for the determination of the moisture content of the sample stream when EPA Method 4 is not suitable or when rigid moisture content measurements are not essential to the success of the testing program.
3. **Procedure.**
 - 3.1 Measure the dry bulb temperature in the conventional way using either a thermometer or thermocouple.
 - 3.2 Wrap the end of the temperature-measuring device in a cloth sock soaked with water. Insert the sock and temperature-measuring device into the flowing gas stream and allow the temperature to reach a steady state value. Caution: after the water on the sock has evaporated, the temperature will rise to the dry bulb temperature. (Refer to Figure 4-1). The wet bulb temperature must be taken while the sock is saturated with moisture.
 - 3.3 Apply the wet bulb readings to Table 4-1 to determine the water vapor pressure in the gas stream. Then use the dry bulb reading and equation 4.4-1 to determine the approximate water vapor content. In lieu of using Table 4-1, equation 4.4-2 may be utilized to determine the vapor pressure at saturation if the wet bulb temperature is less than 175°F.
 - 3.4 Alternately, if the barometric pressure is 29.92 ± 0.5 inches of mercury (in. Hg) apply the wet bulb and dry bulb readings to a standard psychrometric chart and determine the approximate water vapor content.
4. **Interferences and Calculations**
 - 4.1 Wet-bulb temperature readings may be affected by other gas stream components that ionize when dissolved in water (e.g., -salts, acids, bases) or hydrocarbon compounds, particularly water-soluble solvents. The effect of these components on the wet-bulb temperature is usually negligible. However, should any of the above compounds exist at levels that cause inaccurate wet-bulb readings, the tester must utilize an alternative approach to determine moisture.
 - 4.2 The wet depression temperature is dependent on the total pressure (i.e., barometric pressure \pm static pressure) in the gas stream. Moisture concentrations that are obtained

from a psychometric chart are reliable only if the gas stream is at, or near, 1 atmosphere pressure (i.e., 29.92 in. Hg ± 0.5 in. Hg). For other pressure conditions, the tester must use Equation 4.4-1 to calculate the gas stream moisture content.

4.3 Additionally, the following conditions can lead to difficulties:

- 4.3.a. Very high dry bulb temperature (in excess of 500° F).
- 4.3.b. Very high or very low gas velocities.
- 4.3.c. High concentrations of particulate matter which may adhere to the wet sock.

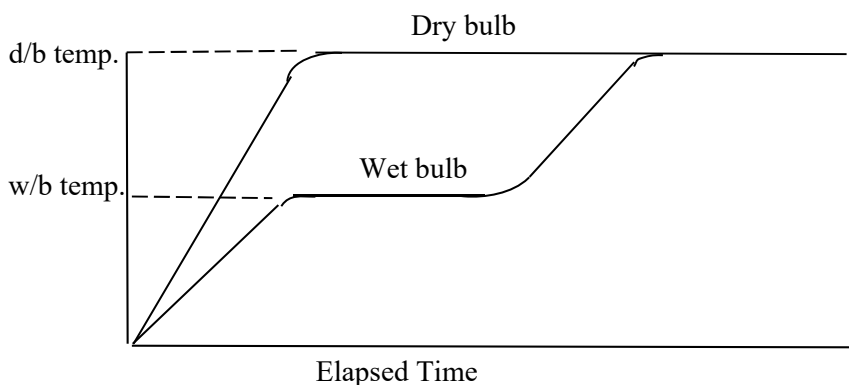


Figure 4-1

4.4 Moisture Equation:

$$H_2O = \frac{e'' - \frac{(P_s - e'')(t_d - t_w)}{2800 - (1.3t_w)}}{P_s} \times 100 \quad (\text{Eq. 4.4-1})$$

where:

- e'' = Vapor pressure of H₂O at t_w, in. Hg (See Table 4-1)
- P_s = Exhaust gas pressure (absolute), in. Hg
- t_d = Dry bulb temperature, °F
- t_w = Wet bulb temperature, °F

TABLE 4-1: VAPOR PRESSURE OF WATER AT SATURATION* (Inches of Mercury)

Wet Bulb Temperature (°F)	0	1	2	3	4	5	6	7	8	9
-20	0.0126	0.0119	0.0112	0.0106	0.0100	0.0095	0.0089	0.0084	0.0080	0.0075
-10	0.0222	0.0209	0.0190	0.0187	0.0176	0.0168	0.0158	0.0150	0.0142	0.0134
-0	0.0376	0.0359	0.0339	0.0324	0.0306	0.0289	0.0275	0.0259	0.0247	0.0233
0	0.0376	0.0398	0.0417	0.0441	0.0463	0.0489	0.0517	0.0541	0.0571	0.0598
10	0.0631	0.0660	0.0696	0.0728	0.0768	0.0810	0.0846	0.0892	0.0932	0.0982
20	0.1025	0.1080	0.1127	0.1186	0.1248	0.1302	0.1370	0.1429	0.1502	0.1567
30	0.1647	0.1716	0.1803	0.1878	0.1955	0.2035	0.2118	0.2203	0.2292	0.2383
40	0.2478	0.2576	0.2677	0.2782	0.2891	0.300	0.3120	0.3240	0.3364	0.3493
50	0.3626	0.3764	0.3906	0.4052	0.4203	0.4359	0.4520	0.4586	0.4858	0.5035
60	0.5218	0.5407	0.5601	0.5802	0.6009	0.6222	0.6442	0.6669	0.6903	0.7144
70	0.7392	0.7648	0.7912	0.8183	0.8462	0.8750	0.9046	0.9352	0.9666	0.9989
80	1.032	1.066	1.102	1.138	1.175	1.213	1.253	1.293	1.335	1.378
90	1.422	1.467	1.513	1.561	1.610	1.660	1.712	1.765	1.819	1.875
100	1.932	1.992	2.052	2.114	2.178	2.243	2.310	2.379	2.449	2.521
110	2.596	2.672	2.749	2.829	2.911	2.995	3.081	3.169	3.259	3.351
120	3.446	3.543	3.642	3.744	3.848	3.954	4.063	4.174	4.89	4.406
130	4.525	4.647	4.772	4.900	5.031	5.165	5.302	5.442	5.585	5.732
140	5.881	6.034	6.190	6.350	6.513	6.680	6.850	7.024	7.202	7.384
150	7.569	7.759	7.952	8.150	8.351	8.557	8.767	8.981	9.200	9.424
160	9.652	9.885	10.12	10.36	10.61	10.86	11.12	11.38	11.65	11.92
170	12.20	12.48	12.77	13.07	13.37	13.67	13.98	14.30	14.62	14.96
180	15.29	15.63	15.98	16.34	16.70	17.07	17.44	17.82	18.21	18.61
190	19.01	19.42	19.84	20.27	20.70	21.14	21.59	22.05	22.52	22.99
200	23.47	23.96	24.46	24.97	25.48	26.00	26.53	27.07	27.62	28.18
210	28.75	29.33	29.92	30.52	31.13	31.75	32.38	33.02	33.67	34.33
220	35.00	35.68	36.37	37.07	37.78	38.50	39.24	39.99	40.75	41.52
230	42.31	43.11	43.92	44.74	45.57	46.41	47.27	48.18	49.03	49.93
240	50.84	51.76	52.70	53.65	54.62	55.60	56.60	57.61	58.63	59.67

*Methods for Determination of Velocity, Volume, Dust, and Mist Content of Gases, Bulletin WP-50, Western Precipitation Corp., Los Angeles, CA

The following equation can be substituted for the above table for determining vapor pressures (e") from measured wet bulb (t_w) temperatures:

$$e'' = 0.1805 \times e^{\left[\frac{(17.27 \times (t_w - 32))}{(t_w + 39.5)} \right]} \quad (\text{Eq. 4.4-2})$$

SUB-APPENDIX C-5

OREGON DEQ SOURCE SAMPLING METHOD 5

Oregon Method 5

State of Oregon Department of Environmental Quality Source Sampling Method 5

Sampling Particulate Emissions from Stationary Sources

1.0 Principle and Applicability

- 1.1 **Principle.** Particulate matter including condensable aerosols are withdrawn isokinetically from a flowing gas stream. Filterable particulate matter is determined gravimetrically after removal of combined water. Condensable particulate matter is determined gravimetrically after extraction with an organic solvent and evaporation.
- 1.2 **Applicability.** This method is applicable to the determination of particulate emissions from stationary sources except those sources for which specified sampling methods have been devised and are on file with DEQ.

- 2.0 **Acceptability.** Results of this method will be accepted as demonstration of compliance (or non-compliance) provided that the methods included or referenced in this procedure are strictly adhered to and a report is prepared according to Section 2.11 of DEQ's Source Sampling Manual, Volume I. Deviations from the procedures described herein will be permitted only if authorization from DEQ is obtained in writing in advance of the tests. EPA Method 5 combined with EPA Method 202 may be substituted for this method.

3.0 Equipment and Supplies

- 3.1 **Sampling Train (figure 5-1):** Same as EPA Method 5 Section 6.1. with the following exception: Use of a glass frit filter support is prohibited. The support must be fabricated such that it can be quantitatively rinsed with acetone during sample recovery (refer to Section 5.7.1)
- 3.2 **Barometer:** Same as EPA Method 5 Section 6.1.2.
- 3.3 **Gas Density Determination Equipment:** Same as EPA Method 5 Section 6.1.3.
- 3.4 **Sample Recovery:** Same as EPA Method 5 Section 6.2.
- 3.5 **Sample Analysis:** Same as EPA Method 5 Section 6.3 with the following addition:
- 3.5.1 Glass separatory funnel (500-1000 ml) with Teflon¹ stopcock and plug.

4.0 Reagents and Standards

- 4.1 **Sample Collection:** Same as EPA Method 5 Section 7.1 with the following condition:
- 4.1.1 Distilled water with a residue content of $\leq 0.001\%$ (0.01 mg/ml) must be used in the impingers. The distilled water reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml.
 - 4.1.2 Stopcock grease (Section 7.1.5 of EPA Method 5) can bias test results and its use should be avoided whenever possible.
- 4.2 **Sample Recovery:** Same as EPA Method 5 Section 7.2.
- 4.3 **Analysis:** Same as EPA Method 5 Section 7.3 with following addition:
- 4.3.1 Methylene Chloride reagent grade, with a residue content of $\leq 0.001\%$ (0.013 mg/ml). The methylene chloride reagent blank weight correction will not exceed 0.001%, or 0.013 mg/ml. Hexane may be substituted for methylene chloride. The same purity is required.
 - 4.3.2 Distilled water with a residue content of $\leq 0.001\%$ (0.01 mg/ml). The distilled water reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml.

5.0 Sample Collection, Preservation, Storage, and Transport

- 5.1 **Pretest Preparation:** Same as EPA Method 5 Section 8.1.
- 5.2 **Preliminary Determinations:** Same as EPA Method 5 Section 8.2.
- 5.3 **Preparation of Sampling Train:** Same as EPA Method 5 Section 8.3.
- 5.4 **Leak-Check Procedures:** Same as EPA Method 5 Section 8.4.
- 5.5 **Sampling Train Operation:** Same as EPA Method 5 Section 8.5.
- 5.6 **Calculation of % Isokinetics:** Same as EPA Method 5 Section 8.6.
- 5.7 **Sample Recovery:** Same as EPA Method 5 Section 8.7 (with the following additions:
- 5.7.1 In addition to the nozzle, probe, and filter-holder rinses, the filter frit support is to be rinsed with acetone and stored in Container No. 2.
 - 5.7.2 Container No. 4. The contents of impingers 1 through 3 along with a distilled water rinse of impingers and all interconnects between the heated filter holder to the silica gel impinger must be transferred to Container No. 4. To adequately recover the sample from the impingers and interconnects, each component is to be rinsed in triplicate and the total rinse volume should equal or exceed 75 mls of reagent (distilled water).
 - 5.7.3 Container 5. Rinse all sample exposed surfaces between the filter frit support and the inlet to the silica gel impinger with acetone and store in container No. 5. To adequately recover the sample from this portion of the sampling train, each component is to be rinsed in triplicate and the total rinse volume should equal or exceed 100 mls of reagent (acetone).

5.8 **Sample Transport:** Same as EPA Method 5 Section 8.8.

6.0 **Quality Control**

6.1 **Miscellaneous Quality Control Procedures:** Same as EPA Method 5 Section 9.1 with the following additions:

6.1.1 Analytical balance calibration and auditing procedures as per Section 7.8 of this method.

6.2 **Volume Metering System Checks:** Same as EPA Method 5 Section 9.2.

7.0 **Calibration and Standardization**

7.1 **Documentation:** The calibration data and/or calibration curves shall be included in the source test report.

7.2 **Nozzles:** Same as EPA Method 5 Section 10.1.

7.3 **Pitot Tube:** Same as EPA Method 5 Section 10.2 with the following addition:

7.3.1 If calibrated against a standard pitot, Type S pitot tubes shall be recalibrated at least once every six months.

7.3.2 If default C_p value used based on measured pitot features, measurements must be conducted pre and post test.

7.4 **Metering System:** Same as EPA Method 5 Section 10.3.

7.5 **Probe Heater Calibration:** Same as EPA Method 5 Section 10.4.

7.6 **Temperature Sensors:** Same as EPA Method 5 Section 10.5 with the following additions:

7.6.1 Thermometers that measure the filter-oven, impinger exit, and dry-gas meter temperatures are to be calibrated at 32° F and 212°F against an ASTM mercury thermometer or NIST traceable thermometer. At a minimum, the filter-oven, impinger exit, and dry-gas meter thermometers are to be calibrated before initial use and at least once every six months thereafter.

7.6.2 Alternatively, in-stack temperature thermometers are to be calibrated at 32° F and 212°F against an ASTM mercury thermometer or NIST traceable thermometer. At a minimum, the in-stack temperature thermometers are to be calibrated before initial use and at least once every six months thereafter.

7.7 **Barometer:** Same as EPA Method 5 Section 10.6.

7.8 **Analytical Balance:** The following calibration and standardization procedures must be performed on the analytical balance:

7.8.1 The balance must be audited utilizing 0.500 g, 1.0000 g, 10.0000 g, 50.0000 g, and 100.0000 g Class-S standard weights. Alternatively, five (5) Class-S standard weights may be substituted that accurately represent the anticipated measurement range. The balance results must agree within ± 1 mg of the Class-S weights. At a minimum, the balance calibration must be performed subsequent to disturbing the analytical balance and annually thereafter.

- 7.8.2 Prior to weighing filters before and after sampling, adjust the analytical balance to zero and check the accuracy with a 0.5 g Class-S weight. A Class-S standard weight within 1 g of the filter weight may be used as an alternate. The balance results must agree within ± 0.5 mg and the relative humidity in the weighing environment must be $\leq 50\%$.
- 7.8.3 Prior to weighing beakers before and after sampling, adjust the analytical balance to zero and check the accuracy with a 100 g Class-S standard weight. A Class-S standard weight within 1 g of the beaker weight may be used as an alternate. The balance results must agree within ± 0.5 mg and the relative humidity in the weighing environment must be $\leq 50\%$.

8.0 Analytical Procedures

8.1 **Documentation:** Analytical documentation shall be consistent with the data entry forms presented in Figures 5-2a through 5-2c.

8.2 **Analysis:** Same as EPA Method 5 Section 11.2 with following additions:

8.2.1 **Container No. 1:** The sample (filter) must be desiccated and weighed to a constant final weight, even if it is oven dried.

8.2.2 **Container No. 4:** Transfer the contents of Container No. 4 to a separator funnel (Teflon¹ stoppered). Rinse the container with distilled water and add to the separatory funnel. Add 50 ml of methylene chloride or hexane. Stopper the separatory funnel and vigorously shake for 1 minute. Take care to momentarily release the funnel pressure several times during the shaking process. Allow the sample to separate into two distinct layers and transfer the methylene chloride (lower layer) into a tared beaker or evaporating dish made of glass, Teflon¹, or other inert material. Repeat the extraction process twice more.

NOTE: Always leave a small amount of methylene chloride in the separatory funnel to ensure that water does not get into the extracted sample. If water is present in the extracted sample, it will be difficult to completely evaporate the sample to dryness for gravimetric analysis.

8.2.2.i Transfer the remaining water in the separator funnel to a tared beaker or evaporating dish and evaporate at 105°C. Desiccate for 24 hours and weigh to a constant weight.

8.2.2.ii Evaporate the combined impinger water extracts from Section 8.2.2 at laboratory temperature ($\leq 70^\circ\text{F}$) and pressure, desiccate for 24 hours and weigh to a constant weight.

8.2.3 **Container No. 5:** Transfer the contents of container No. 5 to a tared beaker or evaporating dish, evaporate at laboratory temperature and pressure, desiccate for 24 hours, and weigh to a constant weight.

¹ Mention of trade names or specific products does not constitute endorsement by DEQ.

8.2.4 **Solvent Blanks:** Evaporate a portion of the solvents in a manner similar to the sample evaporation to determine the solvent blanks.

9.0 Calculations

9.1 **Nomenclature:** Same as EPA Method 5 Section 12.1 with following additions:

C_m = Methylene chloride (or hexane) blank residue concentration, mg/g.

C_w = Distilled water blank residue concentration, mg/g.

m_m = Mass of residue of methylene chloride (or hexane) after evaporation, mg.

m_w = Mass of residue of distilled water after evaporation, mg.

V_{mb} = Volume of methylene chloride (or hexane) blank, ml.

V_{mc} = Volume of methylene chloride (or hexane) used for extracting the impinger water, ml.

V_{wb} = Volume of distilled water blank, ml.

V_{ws} = Volume of distilled water for charging the impingers and for recovery, ml.

W_m = Weight of residue in methylene chloride (or hexane), mg.

W_w = Weight of residue of distilled water, mg.

ρ_m = Density of methylene chloride (or hexane), g/ml (see label on bottle).

ρ_w = Density of distilled water, g/ml (1.0 g/ml).

9.2 **Dry Gas Volume:** Same as EPA Method 5 Section 12.3.

9.3 **Volume of Water Vapor Condensed:** Same as EPA Method 5 Section 12.4.

9.4 **Moisture Content:** Same as EPA Method 5 Section 12.5.

9.5 **Acetone Blank Concentration:** Same as EPA Method 5 Section 12.6.

9.6 **Acetone Blank Deduction:** Same as EPA Method 5 Section 12.7 with the following addition: The acetone reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml. An acetone blank deduction value (W_a) of 0.0 mg shall be used when the acetone blank concentration (C_a) is less than or equal to zero.

9.7 **Water Blank Concentration:**

$$C_w = \frac{m_w}{V_{wb} \times \rho_w} \quad (Eq. 5.9-1)$$

9.8 **Water Blank Deduction:**

$$W_w = C_w \times V_{ws} \times \rho_w \quad (\text{Eq. 5.9-2})$$

NOTE: The distilled water reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml. A water blank deduction value (W_w) of 0.0 mg shall be used when the water blank concentration (C_w) is less than or equal to zero.

9.9 **Methylene Chloride (or Hexane) Blank Concentration:**

$$C_m = \frac{m_m}{V_{mb} \times \rho_m} \quad (\text{Eq. 5.9-3})$$

9.10 **Methylene Chloride (or Hexane) Blank Deduction:**

$$W_m = C_m \times V_{mc} \times \rho_m \quad (\text{Eq. 5.9-4})$$

NOTE: The methylene chloride reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml. A methylene chloride (or hexane) blank deduction value (W_m) of 0.0 mg shall be used when the methylene chloride blank concentration (C_m) is less than or equal to zero.

9.11 **Total Particulate Weight:**

Determine the total particulate matter catch from the sum of the weights obtained from Containers 1, 2, 4, 5 (including the organic solvent extract of the water from Container No. 4), less the acetone, methylene chloride (or hexane), and distilled water blanks (see Figures 5-2a, 5-2b, and 5-2c).

9.12 **Particulate Concentration:** Same as EPA Method 5 Section 12.9.

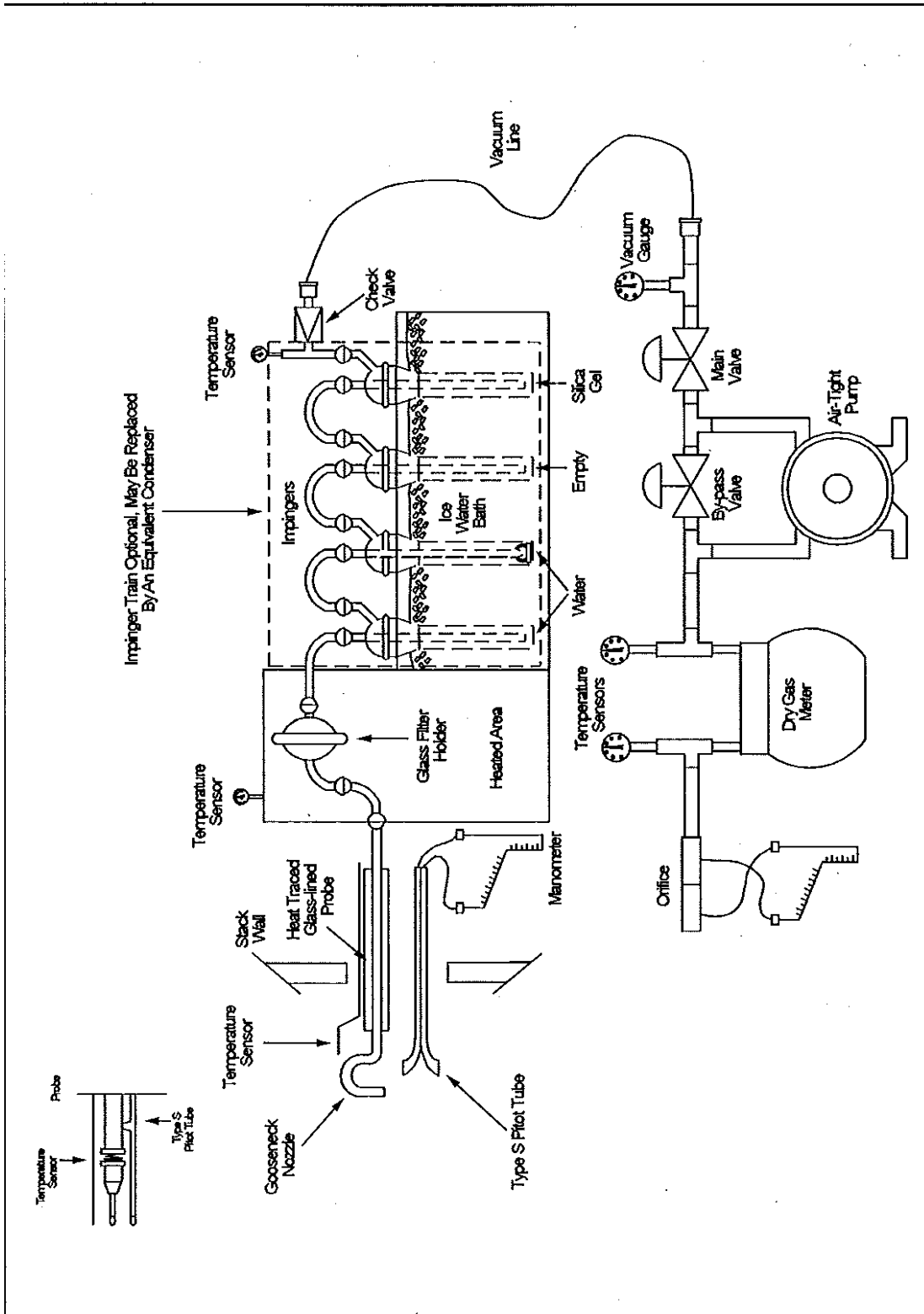
9.13 **Isokinetic Variation:** Same as EPA Method 5 Section 12.11.

9.14 **Stack Gas Velocity and Volumetric Flow Rate:** Same as EPA Method 5 Section 12.12.

10.0 **Alternative Procedures, Bibliography, Sampling Train Schematic, Example Data Sheets, Etc.:**

Same as EPA Method 5 Sections 16, 17 and Figures 5-1 through 5-12 excluding Figure 5-6 (use ODEQ Method 5 Figures 5-2a through 5-2b in place of EPA Method 5 Figure 5-6).

Figure 5-1: Particulate Sampling Train



**Figure 5-2a
 METHOD 5 DATA ANALYSIS FORM**

Plant _____ Run Number _____

Sample Location _____ Test Date _____

Sample Recovered by _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
FRONT HALF:						
<u>Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
BACK HALF:						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
<u>Water</u>						
Beaker ID: _____						
Tare Wt.: _____						
Water Vol.: _____						
Water ID: _____						
Date/time into desiccator: _____						
<u>MeCl or Hexane</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						

*filter 0.5000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

**Figure 5-2b
 METHOD 5 BLANK ANALYSIS DATA FORM**

Sample Prepared _____

Date _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
<u>Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
<u>Water</u>						
Beaker ID: _____						
Tare Wt.: _____						
Water Vol.: _____						
Water ID: _____						
Date/time into desiccator: _____						
<u>MeCl or Hexane</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. Wt: _____						
Date/time into desiccator: _____						

*filter 0.5000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

SUB-APPENDIX C-7

OREGON DEQ SOURCE SAMPLING METHOD 7

Oregon Method 7

State of Oregon Department of Environmental Quality Source Sampling Method 7

Sampling Condensable Particulate Emissions from Stationary Sources

1.0 Principle and Applicability

1.1 **Principle:** Particulate matter including condensable gases is withdrawn isokinetically from a flowing gas stream. The particulate matter is determined gravimetrically after extraction with an organic solvent and evaporation.

1.2 **Applicability:** This method is applicable to stationary sources whose primary emissions are condensable gases. It should be considered a modification of Source Sampling Method 5, and applied only when directed to do so by DEQ.

2.0 **Acceptability.** Results of this method will be accepted as demonstration of compliance (or non-compliance) provided that the methods included or referenced in this procedure are strictly adhered to and a report is prepared according to Section 2.11 of DEQ's Source Sampling Manual, Volume I. Deviations from the procedures described herein will be permitted only if permission from DEQ is obtained in writing in advance of the tests.

3.0 **Equipment and Supplies:** Same as Oregon Source Sampling Method 5 Sections 3.1 through 3.5 with the following addendum:

3.1 **Sampling train (Figure 7-1):** Same as Oregon Source Sampling Method 5 Section 3.1 with the following exceptions:

3.1.1 The heated filter and/or cyclone are optional, but should be used if a significant quantity of filterable particulate matter is present.

3.1.2 An unheated glass fiber filter is placed at the inlet to the silica gel impinger (generally Impinger 4).

4.0 **Reagents and Standards:** Same as Oregon Source Sampling Method 5 Section 4.1 through 4.3.

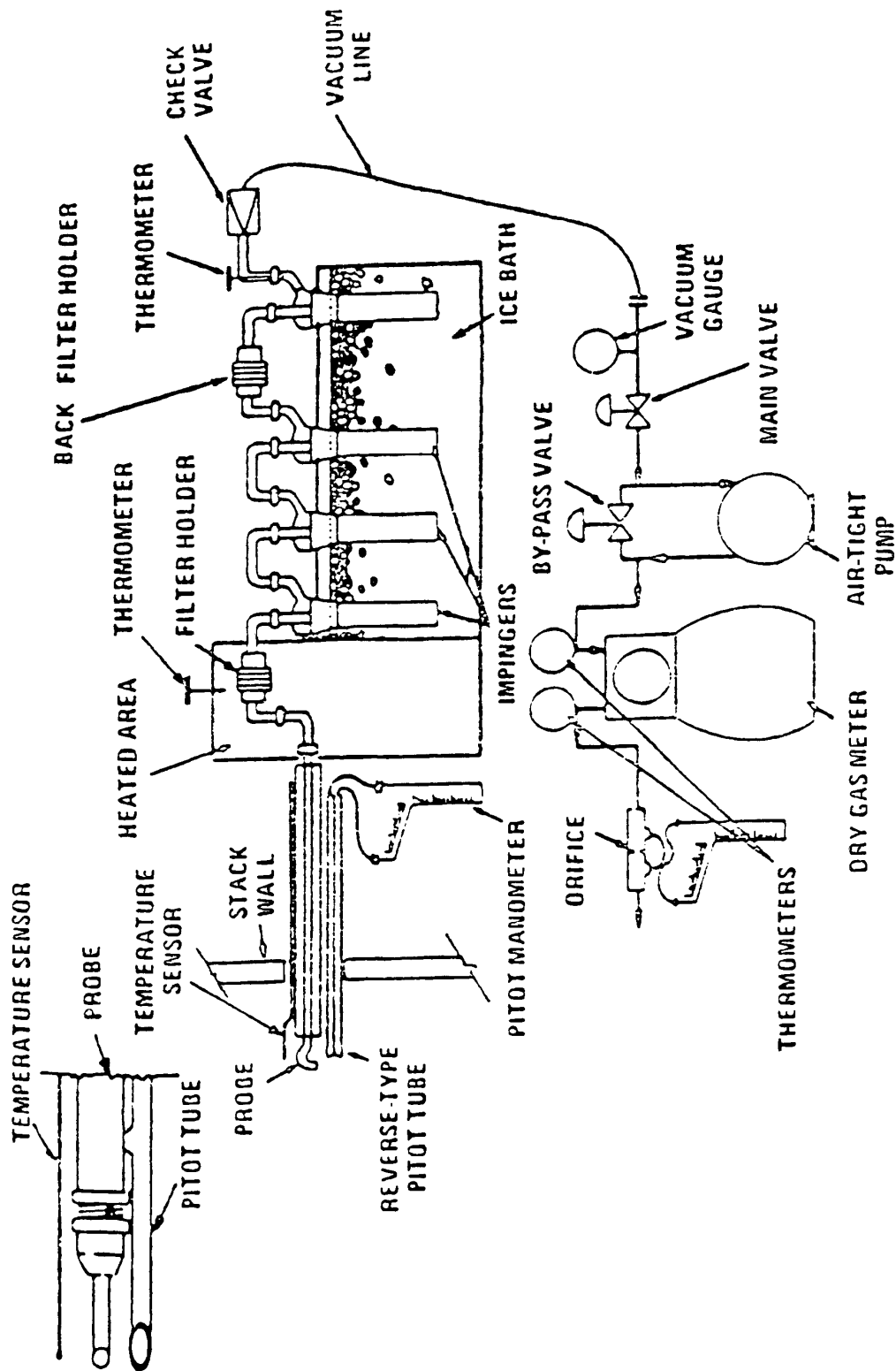
5.0 **Sample Collection, Preservation, Storage, and Transport:** Same as Oregon Source Sampling Method 5 Sections 5.1 through 5.8 with the following addenda:

5.1 **Preparation of Sampling Train:** Same as Oregon Source Sampling Method 5 Section 5.3 with the following addition:

- 5.1.1 Insert numbered and pre-weighed filters into each of the front (heated if used) and back (non-heated) filter holders.
- 5.2 **Sample Recovery:** Same as Oregon Source Sampling Method 5 Section 5.7 with the following addition:
 - 5.2.1 Container 6: Transfer the back filter to container No. 6.
- 6.0 **Quality Control:** Same as Oregon Source Sampling Method 5 Sections 6.1 and 6.2.
- 7.0 **Calibration and Standardization:** Same as Oregon Source Sampling Method 5 Sections 7.1 through 7.8.
- 8.0 **Analytical Procedures:** Same as Oregon Source Sampling Method 5 Sections 8.1 through 8.2 with the following addendums:
 - 8.1 Documentation: Analytical documentation shall be consistent with the data entry forms presented in Figure 7-2 of Oregon Source Sampling Method 7, and Figures 5-2b through 5-2c of Oregon Source Sampling Method 5
 - 8.2 Analysis: Same as Oregon Source Sampling Method 5 Section 8.2 with the following addition:
 - 8.2.1 **Container No. 6:** Desiccate the back filter in Container No. 6 for 24 hours at 70°F or less. Weigh the filter to a constant weight.

Note: In some cases, desiccation may cause slow vaporization of the condensable material. Therefore, if the weights continue to decrease over time and the sample is obviously dry, use the average of the first three weights to determine the particulate matter catch.
- 9.0 **Calculations:** Same as Oregon Source Sampling Method 5 Sections 9.1 through 9.14 with the following addendum:
 - 9.1 Total Particulate Weight: Determine the total particulate matter catch from the sum of the weights obtained from Containers 1 (if front filter is used), 2, 4, 5, & 6 (including the organic solvent extract of the water from Container No. 4), less the acetone, methylene chloride (or hexane), and distilled water blanks (see Figure 7-2).
- 10.0 **Alternative Procedures, Bibliography, Sampling Train Schematic, Example Data Sheets, Etc.:** Same as Oregon Source Sampling Method 5 Section 10.0 with the following addenda:
 - 10.1 An unheated glass fiber filter is placed at the inlet to the silica gel impinger (generally Impinger 4).
 - 10.2 Use ODEQ Method 7 Figure 7-2 in place of ODEQ Method 5 Figure 5-2a.

FIGURE 7-1. OREGON METHOD 7 SAMPLING APPARATUS



**Figure 7-2
 OREGON METHOD 7 DATA ANALYSIS FORM**

Facility _____ Run Number _____
 Sample Location _____ Test Date _____
 Sample Recovered by _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
FRONT HALF:						
<u>Front Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
BACK HALF:						
<u>Back Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
<u>Water</u>						
Beaker ID: _____						
Tare Wt.: _____						
Water Vol.: _____						
Water ID: _____						
Date/time into desiccator: _____						
<u>MeCl or Hexane</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						

*filter 0.5000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

SUB-APPENDIX C-8

OREGON DEQ SOURCE SAMPLING METHOD 8

Oregon Method 8

State of Oregon Department of Environmental Quality Source Sampling Method 8

Sampling Filterable Particulate Emissions from Stationary Sources (High Volume Method)

1. Principle and Applicability

1.1 **Principle:** Particulate matter is withdrawn isokinetically from a flowing gas stream and deposited on a glass fiber filter. The particulate matter is determined gravimetrically after removal of uncombined water.

1.2 **Applicability:** This method is applicable to stationary sources whose exhaust points do not meet minimum EPA Method 1 flow disturbance requirements and whose primary emissions are solid (filterable) particulate. Its primary application is intended to be for wood product handling cyclones and baghouse exhaust systems. Caution must be taken when applying this method to sources with elevated exhaust temperatures and/or moistures as they may diminish the integrity of the sampling filter and damage the sampling apparatus.

2.0 **Acceptability:** Results from this method will be accepted as a demonstration of compliance (or non-compliance) provided that the methods included or referenced in this procedure are strictly adhered to and a report containing at least the minimum amount of information regarding the source is included as described in Section 2.11 of Oregon DEQ's Source Sampling Manual, Volume I. Deviations from the procedures described herein will be permitted only if permission from DEQ is obtained in writing in advance of the tests.

3.0 Sampling Apparatus (Figure 8-1)

3.1 **Nozzle** - smooth metal construction with sharp leading edge. The nozzle shall be connected to the probe by means of a joint designed to minimize particulate matter deposition.

3.2 **Probe** - smooth metal construction. The probe shall be attached to the nozzle and filter holder with air-tight joints designed to minimize particulate matter deposition. The probe should be as short as possible.

3.3 **Filter Holder** - air-tight with support screen for the filter.

3.4 **Metering system** - a calibrated orifice followed by a thermometer or thermocouple and flow control device. The metering system shall be connected to the filter holder by means of an air-tight joint.

- 3.5 **Pitot Tube** – Standard pitot same as EPA Method 2, Sec. 6.7.1, or S-type same as EPA Method -2, Sec. 6.1, or equivalent.
 - 3.6 **Blower** - high capacity (typically 60 cfm free air). The blower may be connected to the metering system by a flexible hose if desired.
 - 3.7 **Probe-Nozzle Brush** - flexible, nylon bristle brush at least as long as the probe and nozzle.
 - 3.8 **Differential Pressure Gauges** - liquid manometer, Magnehelic², or equivalent.
 - 3.9 **Barometer** - mercury, aneroid, or other type capable of measuring atmospheric pressure to within 0.1”Hg. If the barometric pressure is obtained from a nearby weather bureau station, the true station pressure (not corrected for elevation) must be obtained and an adjustment for elevation differences between the station and sampling site must be applied.
 - 3.10 **Temperature Gauges** - Same as EPA Method 2 Section 6.3.
 - 3.11 **Timer** - integrating type, accurate and readable to the nearest 6 seconds (tenth of a minute).
 - 3.12 **Wash Bottles**: Same as EPA Method 5 Section 6.2.2 .
 - 3.13 **Filter Storage Container** - clean manila envelopes and tagboards, or suitable equivalent.
 - 3.14 **Sample Storage Containers** - glass with leak-tight cap that is resistant to attack by the solvent used, and allows complete recovery of particulate matter. Polyethylene bottles are also acceptable.
- 4.0 **Reagents and Standards**
- 4.1 **Filters** - glass fiber filters, free of pinhole leaks or other imperfections and exhibiting at least 99.95% efficiency on 0.3 micron DOP smoke particles. Desiccate individually numbered filters for 24-hours and weigh to the nearest 0.5 mg before use.
 - 4.2 **Rinse Solvent** - acetone, reagent-grade, $\leq 0.001\%$ (0.008 mg/ml) residue. For aluminum probes and nozzles, methanol may be substituted for acetone. The same purity is required.

² Mention of trade names or specific products does not constitute endorsement by DEQ.

5.0 Sample Train Preparation

- 5.1 All parts of the sampling train shall be cleaned and properly calibrated as directed in Section 10.
- 5.2 Place a filter in the filter holder with the coarse side facing the flow, being careful not to damage it. Be certain that the filter is positioned so that no air can be drawn around the filter.
- 5.3 Assemble the sample train with the appropriate nozzle and length of probe. Perform a leak check by plugging the nozzle, turning on the blower, and observing the deflection of the flow orifice pressure gauge. The acceptable leakage rate shall not exceed 5% of the expected sample flow rate.

6.0 Sample Collection, Preservation, Storage, and Transport

- 6.1 Use a pitot tube to roughly map the velocity distribution across the face of the exhaust opening or duct. Areas of zero or negative flow should also be indicated if present. At each point at which the velocity is measured, measure the flow in the direction giving maximum deflection of the pitot pressure gauge. Record the data on a form similar to Figure 8-6.
- 6.2 Select six or more points of outgoing (positive) flow from the points measured in Section 6.1 to sample. The points shall be representative of the flow pattern, and shall include the point of maximum velocity. If six points of positive flow cannot be obtained, use the maximum number possible. Do not choose any points closer than 2 inches to the exhaust duct wall.

Alternatively, sample point locations may be determined utilizing criteria specified within EPA Method 1 if the minimum distances from upstream and downstream flow disturbances are met (Figure 1-1 of EPA Method 1).

- 6.3 Measure the exhaust temperature.
- 6.4 Determine the nozzle size required for isokinetic sampling. An estimate of the orifice temperature is required. For low temperature exhausts, the orifice temperature is usually very close to the exhaust temperature. For higher temperature exhausts, a trial run may be necessary to determine the expected orifice temperature.
- 6.5 Calculate the required orifice pressure drop for each chosen sampling point to obtain an isokinetic sample rate. With the probe out of the exhaust stream, turn on the blower and adjust the sample flow rate to that calculated for the first sampling point in Section 6.2. Locate the probe nozzle at the first sampling point, and immediately start the timer. Move the probe around until the velocity pressure matches that for which the sampling flow rate was pre-set. The probe nozzle must be pointing directly into the flow.

- 6.6 Continually monitor the velocity during the sampling period and move the probe around as required to keep it in an area where the velocity matches the original velocity used to calculate the pre-set sampling rate. Record the sampling time, the orifice temperature, and orifice pressure drop on a data sheet similar to Figure 8-7. Record data every 5 minutes or once per sampling point, whichever is more frequent. Sample for a length of time so that the total sampling time for all points is at least 15 minutes and a minimum of 100 mg of particulate matter is collected.
- 6.7 Repeat steps 6.5 and 6.6 for each sampling point. The blower need not be turned off between points if readjustments to the new sampling rate can be made rapidly (less than 15 seconds).
- 6.8 Care should be taken so that the nozzle does not touch the walls of the exhaust stack because particulate matter may be dislodged and enter the sample train. If there is reason to believe this has happened, discontinue the sample, clean the train, and restart the test.
- 6.9 If excessive loading of the filter should occur such that isokinetic conditions cannot be maintained, replace the filter and continue the test.
- 6.10 At the conclusion of the sampling period, remove the probe from the exhaust and turn off the blower (do not reverse this order because the filter may be broken and sample lost). Plug the nozzle to prevent sample loss, and transport to the sample recovery area.
- 6.11 Conduct a post-test leak check (as per Section 5.3).
- 6.12 Measure the moisture content, molecular weight, and the pressure (absolute) of the exhaust gas. In most cases, the moisture may be measured by the wet bulb/dry bulb technique as described in Oregon Source Sampling Method 4. The molecular weight shall be measured by EPA Method 3 or 3a. If the exhaust gas being sampled is ambient air, the dry molecular weight can be assumed to equal 29 lbs/lb mol (29 g/g mol). If feasible, these supplemental measurements should be conducted during each PM sample run. Otherwise, these supplemental measurements should be conducted immediately prior to and immediately following each PM sample run. The process operating parameters realized during these supplemental measurements must be consistent with the parameters encountered during the PM sampling collection.

7.0 **Sample Recovery**

- 7.1 Remove the nozzle plug, turn on the blower, insert the probe brush into the nozzle, and brush the particulate from the nozzle and probe onto the filter. Do not insert the brush so far in that it will come into contact with the filter. Turn off the blower and recover the PM adhered to the brush. This brushing process must be performed after every PM sample run.

- 7.2 Open the filter holder and carefully remove the filter. Inspect the filter for holes or tears. A leak around the filter is likely if particulate deposits are found at the edge of the filter. If any of these problems are found, the observations should be recorded on the field data sheet and the sample should be voided (repeat the run). Fold the filter once lengthwise with the dirty side in, and place in a folded manila tagboard (or equivalent), folded edge down. Fasten the outside edge of the tagboard (or equivalent) with a paper clip, and place in the manila envelope (or equivalent). Be aware that some filter material will likely remain on the gasket and filter support. If possible, these filter remains should be removed with a spatula and placed within the folded filter.
- 7.3 Rinse the inside front of the filter holder, probe, and nozzle with a measured amount of acetone or methanol while brushing. Repeat the rinsing/brushing until all particulate and filter remains is removed as evidenced by a lack of visible residue on the inside surfaces after evaporation of the acetone or methanol. Be sure to also recover the PM matter adhered to the recovery brushes. Retain the acetone or methanol rinse and a blank sample of the acetone or methanol in labeled containers for laboratory analysis. This rinsing process must be performed after every PM sample run.

8.0 Analytical Procedures

- 8.1 Desiccate the filter for 24-hours at room temperature (70°F or less), and weigh to a constant weight to the nearest 0.5mg.

NOTE: Make certain that any particulate that may have dislodged from the filter into the tagboard or envelope (or their equivalent) is returned to the filter before weighing. Alternatively, the filter and corresponding filter receptacle (envelope) may be tared simultaneously and analyzed collectively. In this case, the filter receptacle must be opened prior to being placed in the desiccator to instigate sample drying.

Since the relatively large filter and particulate catch may be hygroscopic, weigh immediately upon removal from the desiccator.

- 8.2 Filter blanks shall be run in the field before and after the complete source testing activity. A minimum of 2 filter blanks shall be collected for each source test. This is accomplished by inserting a pre-weighed filter into the filter holder, performing a leak check, removing the filter, and treating it as a sample filter in accordance with Section 7.2.
- 8.3 Quantitatively transfer the solvent rinse and blank solvent to tared beakers or evaporating dishes, evaporate at room temperature (70°F or less) and pressure, desiccate, and weigh to a constant weight to the nearest 0.5 mg.

- 8.4 Record the data on forms similar to Figures 8-2, 8-3, 8-4, and 8-5.

9.0 Exhaust Gas Flow Rate Measurement

- 9.1 If the PM sampling location does not satisfy the flow disturbance requirements of EPA Method 1, then an alternate sampling location shall be selected for a velocity traverse. The velocity traverse location shall meet EPA Method 1 requirements and should accurately represent the flow rate to the atmosphere at the particulate sampling point (i.e., no air flows should be added to or removed from the system between the velocity and the particulate sampling points).
- 9.2 The dry molecular weight of the gas stream shall be determined as per EPA Method 3 or 3a. If the exhaust gas being sampled is ambient air, the dry molecular weight can be assumed to equal 29 lbs/lb mol (29 g/g mol).
- 9.3 In most cases, the moisture may be measured by the wet bulb/dry bulb technique as described in Oregon Source Sampling Method 4. If Oregon Source Sampling Method 4 is not applicable, then exhaust moisture must be measured as per EPA Method 4.
- 9.4 The flow rate shall be measured as per EPA Method 2 at the location specified by Section 9.1 of this DEQ method.
- 9.5 If possible, the flow rate (including velocity, molecular weight, & moisture) should be measured during each PM sample run. Alternatively, these supplemental measurements should be conducted immediately prior to and immediately following each PM sample run. The process operating parameters realized during these supplemental measurements must be consistent with the parameters encountered during the PM sampling collection.

10.0 Calibration

- 10.1 The orifice flow meter shall be calibrated at least once within twelve months of the sampling date using a primary standard or a device which has been calibrated against a primary standard. The calibration data and calibration curves for the orifice and intermediate standard shall be included in the source test report, along with documentation of the primary standard.
- 10.2 All S-type pitot tubes, differential pressure gauges, and thermometers or thermocouples, shall be calibrated at least once within six months of the sampling date. The calibration data and/or calibration curves shall be included in the source test report.
- 10.3 The calibration records shall include the date, place, and method of calibration.
- 10.4 Differential pressure gauges (if not liquid manometers) shall be calibrated against a liquid manometer.
- 10.5 The following calibration and standardization procedures must be performed on the analytical balance:

- 10.5.1 The balance must be audited utilizing 0.500 g, 1.0000 g, 10.0000 g, 50.0000 g, and 100.0000 g Class-S standard weights. Alternatively, five (5) Class-S standard weights may be substituted that accurately represent the anticipated measurement range. The balance results must agree within ± 1 mg of the Class-S weights. At a minimum, the balance calibration must be performed subsequent to disturbing the analytical balance and annually thereafter.
- 10.5.2 Prior to weighing filters before and after sampling, adjust the analytical balance to zero and check the accuracy with a 5 g Class-S weight. A Class-S standard weight within 1 g of the filter weight may be used as an alternate. The balance results must agree within ± 0.5 mg and the temperature in the weighing environment must be $\leq 70^\circ\text{F}$.
- 10.5.3 Prior to weighing beakers before and after sampling, adjust the analytical balance to zero and check the accuracy with a 100 g Class-S standard weight. A Class-S standard weight within 1 g of the beaker weight may be used as an alternate. The balance results must agree within ± 0.5 mg and the temperature in the weighing environment must be $\leq 70^\circ\text{F}$.

11.0 Calculations

- 11.1 Total particulate emissions from the system shall be calculated by multiplying the measured particulate concentration by the flow rate through the exhaust system. An index to the parameters utilized in these calculations are as follows:

B_{ws} = Moisture content of sample stream as per EPA 4 or ODEQ 4, vol./vol.

C_g = Calculated PM concentration, gr/dscf.

C_p = Pitot tube coefficient for Method 8 apparatus, typically 0.99

D_n = Sample nozzle diameter, inches.

\sqrt{dp} = Average square root of velocity pressures measured at sample points, (H_2O)^{1/2}.

E = PM emission rate, lb/hr

I = Isokinetic sampling rate percentage, %

M_c = Molecular weight of gas stream used to calibrate orifice, typically 29.0 ##/mol.

m_n = Mass of PM recovered from sampling apparatus, mg

M_s = Molecular weight of sample gas stream on a wet basis, ## mol.

P_b = Barometric pressure during the course of sampling, "Hg.

P_s = Absolute exhaust pressure at sampling location, "Hg.

$Q_{s, std}$ = Standard exhaust gas flow rate, dscfm

SR_{std} = Standard sample rate (wet) as indicated by calibration curve, scfm

SR_{std}' = Corrected standard sample rate (wet) for temp., pressure, & molecular weight, scfm.

$SR_{std}'_i$ = Corrected standard sample rate (wet) at sample point "i", scfm.

T_{o_s} = Orifice temperature measured at sample point, °R.

T_s = Average exhaust temperature at sampling location, °R

V_{std}' = Standard sample volume (dry) of entire test replicate, dscf.

\emptyset = Sampling time of entire test replicate, min.

ϕ_i = Sampling time at sample point “i”, min.

11.2 Particulate Concentration: The following calculations shall be conducted for each test run:

11.2.1 Total Sample Weight: Calculate the total sample weight from laboratory results by adding the net weight gain of the filter sample(s), adjusted for a blank value, to the net weight of particulate matter collected in the acetone (or methanol) rinse, corrected for an acetone (or methanol) blank. Record the results on a laboratory form similar to Figure 8-5.

11.2.2 Sampling Rate: Sample flow rates for each point shall be determined from the orifice calibration curve. Typically, the orifice calibration curve is a plot of orifice pressure drop versus sample flow rates at standard temperature and pressure. Some calibration curves account for varying orifice temperatures, but rarely do they adjust for orifice pressure and gaseous molecular weight.

Consequently, the calibration curve must be corrected to accurately reflect the relationship between the orifice differential pressure and the standard sampling flow rate. The correction to the standard sampling flow rate for a constant orifice differential is specified by Equation 8.11-1.

$$SRstd' = 4.2 \times SRstd \times \sqrt{\frac{Pb_s}{To_s}} \times \sqrt{\frac{Mc}{Ms}} \quad (Eq. 8.11-1)$$

Note: Equation 8.11-1 only applies to the calibration curve that represents an orifice temperature of 68° F and an orifice pressure of 29.92”Hg. Set Mc equal to Ms (Mc:Ms ratio of 1) if sample gas is mainly comprised of air with Bws less than 0.05 vol./vol.

11.2.3 Total Sample Gas Volume: Calculate the sample gas volume by multiplying each sample point duration in minutes, times the average sample rate (wet standard cubic feet per minute – wscfm) as determined using the orifice calibration curve and the corrected sample rate from Equation 8.11-1. Add the volume of all sample points and adjust for exhaust gas moisture to get the total dry standard sample gas volume for the entire test run as shown by Equation 8.11-2.

$$Vstd' = \left[\sum_{i=1}^n SRstd'_i \times \phi_i \right] \times [1 - Bws] \quad (Eq. 8.11-2)$$

11.2.4 Calculate the particulate concentration in gr/dscf by the following equation:

$$C_g = 0.0154 \times \frac{m_n}{V_{std'}} \quad (Eq. 8.11-3)$$

11.3 Total Exhaust Gas Flow Rate: Use EPA Method 2 calculations to determine the total exhaust gas flow rate using the data obtained from Section 9 of this DEQ method. For some cyclones, the total flow may be adjusted to account for air purposely vented out the bottom of the cyclone.

11.4 Total Emissions: Calculate the total particulate emission rate (lb/hr) by the following equation:

$$E = 0.00857 \times C_g \times Q_{s_{std}} \quad (Eq. 8.11-4)$$

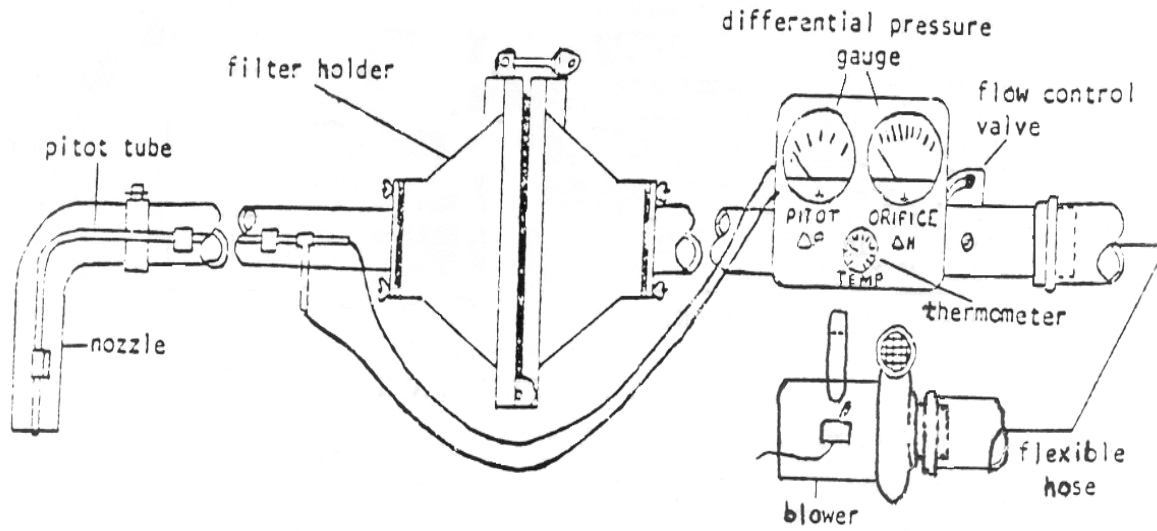
11.5 Percent Isokinetic Sampling Rate: Calculate the isokinetic sampling rate, defined as the ratio of the average velocity of the sample gas entering the sample nozzle to the average sample point velocity. In order to achieve acceptable results, the value of this parameter must be between 80% and 120%. Test results falling outside this range shall be discarded, and the test repeated.

$$I = 0.2017 \times \frac{V_{std'}}{\phi \times (1 - Bws) \times Dn^2 \times Cp \times \sqrt{dp}} \times \sqrt{\frac{(Ts + 460) \times Ms}{Ps}} \quad (Eq. 8.11-5)$$

12.0 Test Reports

The test report shall include as a minimum the information requested in Section 2.11 of this manual.

Figure 8-1



**Figure 8-2
 METHOD 8 DATA ANALYSIS FORM**

Facility _____ Run Number _____
 Sample Location _____ Test Date _____
 Sample Recovered by _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
<u>Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						

*filter 5.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

Figure 8-3
METHOD 8 BLANK ANALYSIS DATA FORM

Samples Prepared by _____ Date _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
<u>Pre Test Blank Filter</u> Filter ID: _____ Tare Wt.: _____						
<u>Post Test Blank Filter</u> Filter ID: _____ Tare Wt.: _____						
<u>Blank Acetone</u> Beaker ID: _____ Tare Wt.: _____ Solv. Vol.: _____ Solv. ID: _____						

*filter 5.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

Figure 8-4
METHOD 8 TARE WEIGHT RECORD

Indicate: filters or evaporation containers (beakers)

Media ID	Date _____	Date _____	Date _____	Date _____	Date _____
	Time _____	Time _____	Time _____	Time _____	Time _____
	Temp _____ °F	Temp _____ °F	Temp _____ °F	Temp _____ °F	Temp _____ °F
	RH _____ %	RH _____ %	RH _____ %	RH _____ %	RH _____ %
	Audit _____ gm	Audit _____ gm	Audit _____ gm	Audit _____ gm	Audit _____ gm
	By _____	By _____	By _____	By _____	By _____
	Weight (g)	Weight (g)	Weight (g)	Weight (g)	Weight (g)

Figure 8-5

METHOD 8 ANALYSIS SUMMARY

Facility _____ Run Number _____
 Sample Location _____ Test Date _____
 Sample Recovered by _____

ANALYSIS	RUN _____	RUN _____	RUN _____	RUN _____	RUN _____
SAMPLE FILTER					
Filter ID					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
PRE TEST BLANK FILTER					
Filter ID					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
POST TEST BLANK FILTER					
Filter ID					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
ACETONE RINSE					
Acetone ID					
Acetone Volume, mls					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
ACETONE BLANK					
Acetone ID					
Acetone Blk Vol., mls					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
Net Weight, mg/ml					
TOTAL PM RECOVERY*					
PM Recovered, mg					

*Total PM = (Filter) – (Average (pre-test blank & post-test blank)) + (Acetone Rinse) – (Acetone Blank Corrected for Rinse Volume). Note: The blank corrections for the filter and/or rinse samples are '0', if the blank filter or rinse samples yield negative weight gains.

**Figure 8-6
 VELOCITY PRE-SURVEY**

Plant Name & Location _____
 Date _____ Time _____ By (name) _____
 Source Location or ID _____

Low Pressure System High Pressure System

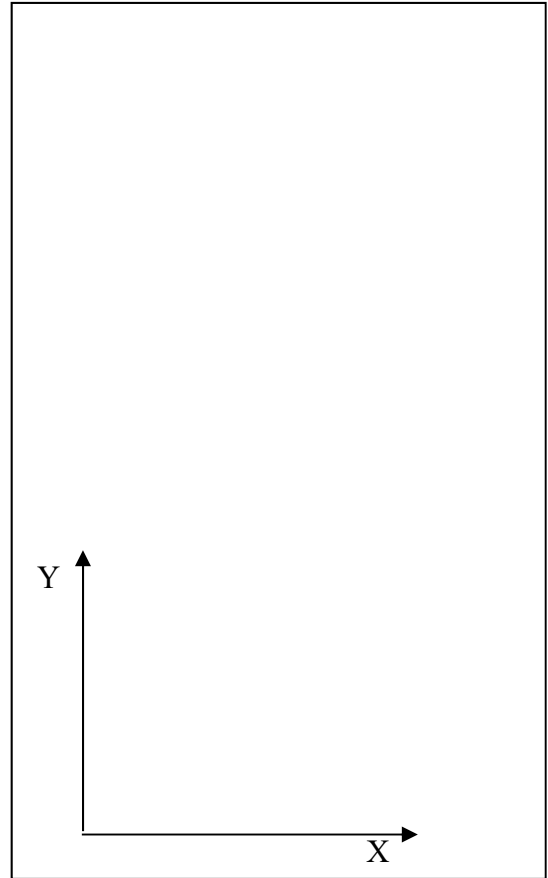
Type of Exhaust: Straight Vertical China Hat

Goose-Neck Other (specify) _____

Temperature: Dry Bulb _____ °F Wet Bulb _____ °F

Velocity Survey: Record velocity head at enough points to roughly map the velocity distribution across the exhaust cross-section. Select six points for sample collection and show in diagram.

Point	X inches	Y inches	ΔP "H ₂ O	Check if selected ()
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
Average				



**Figure 8-7
 Sampling Data and Field Analysis**

Plant Name/Location _____ Source Identification _____ Run # _____
 Date _____ Time _____ By (name) _____ Process Operation During Test: _____
 Temperature: Dry bulb _____ Wet bulb _____ %Moisture _____ Ambient _____
 Gas composition: %O₂ _____ %CO₂ _____ Pitot factor (C_p) _____
 Static Press (P_g) _____ "H₂O
 Nozzle Dia. _____ Nozzle area (A_n) _____ Barometric Pressure(P_b) _____ in. H_g

Pt.	Location		Velocity Pressure		Orifice ΔH		Orifice Temperature °F	Sample Time minutes	Sample Rate Indicated by Calibration Curve scfm	Sample Rate Corrected for Sampling Conditions scfm	Sample Volume dscf
	X	Y	ΔP	√ΔP	Pre-set "H ₂ O	Actual "H ₂ O					
1											
2											
3											
4											
5											
6											
Avg. or Total			--		--	--			--		

Sample Filter ID:	
Acetone ID:	
Acetone Volume, mls.	
Pre Test Blank Filter ID:	
Post Test Blank Filter , ID:	

APPENDIX D

GENERAL CALIBRATION REQUIREMENTS

FOR OREGON SOURCE SAMPLING METHODS

Table D-1: CALIBRATION REQUIREMENTS FOR OREGON DEQ SOURCE SAMPLING METHODS

Measurement Equipment	Reference	Calibration Points	Frequency	Acceptance Criteria	Applicable ODEQ Method			
					M4	M5	M7	M8
TEMPERATURE MEASURING DEVICES								
Stack/Exhaust	ASTM mercury thermometer, NIST traceable, or thermocouple/potentiometer	32°F & 212°F or Sec. 10.3 of EPA M2	every 6 months or EPA M2	±1.5% absolute	X	X	X	X
Oven/Filter	ASTM mercury thermometer, or NIST traceable	32°F & 212°F	every 6 months	±1.5% absolute		X	X	
Impinger Exit	ASTM mercury thermometer, or NIST traceable	32°F & 212°F	every 6 months	±1.5% absolute		X	X	
Dry Gas Meter	ASTM mercury thermometer, or NIST traceable	32°F & 212°F	every 6 months	±1.5% absolute		X	X	
Orifice Meter	ASTM mercury thermometer, or NIST traceable	32°F & 212°F	every 6 months	±1.5% absolute				X
Note: The entire measurement system including readout shall be calibrated. All thermocouples should be checked before each source test. This could be accomplished by noting on the field data sheets that all of the thermocouples and/or thermometers register the same temperature at ambient conditions.								
SAMPLE NOZZLE								
Sample Nozzle (initial & thereafter)	micrometer	3 diameters	12 months & — after repair	high minus low ≤0.004"		X	X	X
Sample Nozzle (pre-test)	visual inspection	tapered edge of opening	prior to each field use	no nicks, dents, or corrosion		X	X	X
PITOT TUBES								
S-type pitot tube (preferred procedure)	standard pitot tube (Cp=0.99)	800; 1,500; 3,000; & 4,500 fpm	every 6 months	mean deviation ≤0.01 A & B deviation ≤0.01		X	X	X
S-type pitot tube (D _i , P _A , P _B , x, Z, & W in limits)	specifications illustrated in Method 2, Figures, 2-2, 2-3, 2-4, 2-7, & 2-8	face alignments & dynamic interferences	pre & post each field use	EPA Method 2		X	X	X
Standard pitot tube	specifications of EPA Method 2, -Section 6.7 and Figure 2-5	static pressure holes location & size	prior to initial use	≥ 6 D to tip, ≥8 D to bend, -0.1D hole diam.		X	X	X

Note: Where inconsistencies exist, quality assurance requirements specified by method supersede those presented within Tables D-1 & D-2.

Table D-2: CALIBRATION REQUIREMENTS FOR OREGON DEQ SOURCE SAMPLING METHODS

Measurement Equipment	Reference	Calibration Points	Frequency	Acceptance Criteria	Applicable ODEQ Method			
					M4	M5	M7	M8
SAMPLE VOLUME -METERING EQUIPMENT								
Dry Gas Meter (pre test)	standard meter	3 orifice pressures (1.0", 2.0", & 3.0"H ₂ O)	every 6 months	$Y \pm 0.02$ from average $\Delta H @ \pm 0.2$ from average		X	X	
Dry Gas Meter (post test)	standard meter	3 replicates at avg. ΔH and max. vacuum -during test	following each source test	$Y_{post} \pm 5\%$ of Y_{pre}		X	X	
Standard Gas Meter (dry gas meter)	spyrometer or wet test meter	5 orifice pressures over range	annual	$Y_{max} - Y_{min} \leq 0.030$ $0.95 \leq Y \leq 1.05$		X	X	
Standard Gas Meter (wet test meter)	spyrometer	3 flow rates (0.25, 0.5, & 0.75 cfm)	annual	deviation $\leq 1\%$		X	X	
High-Volume Orifice (pre test)	standard orifice or meter (or approved equivalent)	7 settings over full range of orifice	every 12 months	demonstrate linearity on a logarithmic plot				X
Critical Orifices (as a calibration standard)	standard meter	duplicate runs for each orifice	every 6 months	$K \pm 0.5\%$ from average		X	X	
MISCELLANEOUS EQUIPMENT								
Magnehelic ³	liquid manometer	3 points over range	after each field use	$\pm 5\%$		X	X	X
Barometer (aneroid type)	mercury barometer	one point	annual	± 0.1 "Hg	X	X	X	X

Note: Where inconsistencies exist, quality assurance requirements specified by method supersede those presented within Table D-1 & D-2.

³ Mention of trade names or specific products does not constitute endorsement by DEQ.

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Source Sampling Manual

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Source Sampling Manual

Executive Summary

DEQ's Source Sampling Manual provides the procedures and test methods for conducting source sampling (i.e., stack testing) at facilities regulated by DEQ. The manual includes procedures for notifying DEQ of testing projects; preparing and obtaining approval of source test plans prior to conducting the testing; and preparing source test reports after the testing is completed. The manual identifies established sampling methods that are approved for source sampling projects, as well as procedures for obtaining approval for modifications or alternatives to the methods. Most of the sampling methods are federal methods that have been incorporated by reference. However, there are several test methods that are unique to DEQ. The Source Sampling Manual was first written in 1976 with revisions in 1979, 1981, 1992, 2015 and 2018. The Source Sampling Manual is included in Oregon's State Implementation Plan.

1.0 INTRODUCTION

1.1. PURPOSE AND SCOPE

This manual has been prepared by the Oregon Department of Environmental Quality (DEQ) for the purpose of delineating practices for the measurement and sampling of exhaust gas streams originating from point sources in accordance with Oregon Administrative Rules. Within this document, the references to *permit* signify either an Air Contaminant Discharge Permit (ACDP) or an Oregon Title V Operating Permit, both issued by the State of Oregon.

This manual applies to DEQ personnel, testing contractors, and permittees. Collectively, with permit requirements and promulgated sampling guidance documents, it outlines source sampling techniques approved by DEQ for use in conducting stationary source emissions testing. Unless otherwise specified in an Oregon Administrative Rule, permit, or DEQ letter, these general requirements must be followed when conducting source testing in Oregon. If there is a conflict with a permit or rule and this manual, the permit or rule will take precedence.

This 2018 revision of the Source Sampling Manual, Volume I, supersedes all previous versions of this manual.

1.2. APPLICABILITY

The procedures specified in this manual are standard requirements for measuring point source emissions under normal circumstances. Methods or techniques not cited in this manual may be approved on a case-by-case basis.

The measurement of point source emissions (i.e. stack testing) is conducted to determine the quantity, concentration, or destruction/removal of a specific pollutant or pollutants being emitted into the atmosphere by a regulated or non-regulated source.

This manual references test methods published by DEQ, EPA, and other agencies or organizations.

2.0 SOURCE SAMPLING GENERAL REQUIREMENTS

2.1. TESTING DEADLINES FOR CONDUCTING SOURCE SAMPLING

2.1.a. Identifying Regulation(s)

The deadlines for conducting source sampling projects may be established by any or all of the following:

- Air Contaminant Discharge Permit;
- Oregon Title V Operating Permit;
- Chapter 340 of Oregon Administrative Rules;

- Title 40 of Code of Federal Regulations; or
- Enforcement document (e.g., Mutual Agreement Order).

2.1.b. Time Extensions

For sampling projects conducted to meet federal & state requirements, regulatory provisions to extend testing deadlines are limited and take into account the circumstances contributing to the delay. Failure to test a source by the required deadline may violate federal or state rule and may result in enforcement actions.

2.2. DEPARTMENT NOTIFICATION

DEQ must be notified of all source sampling projects that are required by DEQ, including federal requirements that have been delegated to DEQ by the Environmental Protection Agency (EPA). Unless specified by rule or by permit condition, DEQ must receive notification at least 30 days in advance of the source test date. Notification may be submitted electronically or by hardcopy, and accompanied by a source test plan.

In addition, DEQ must be notified of all source sampling projects that are not required by DEQ if test results are relied upon in permitting a source, used as evidence in an enforcement case, or used to demonstrate compliance with non-delegated federal requirements.

2.3. SOURCE TEST PLAN

A source test plan must be approved by DEQ in advance of all source sampling projects that are required by DEQ, including federal requirements delegated to DEQ by EPA. If not otherwise specified by rule or permit condition, DEQ must be provided at least 30 days to review and approve source test plans. For routine testing programs, the permit or rule often specifies 15 days notice. Conversely, particularly complex source testing programs may require 45 days or more for protocol approval. The source test plan may be prepared by the source owner, operator, or consultant representing the owner or operator. The source test plan will be reviewed by the DEQ or by an agent representing DEQ.

A source test plan must include, as a minimum, the information stipulated by Table A-1 in Appendix A. The source test plan should *not* include a copy of the published sampling method unless specifically requested by the regulating authority. In addition, sample system diagrams should *not* be included within the source test plan unless the proposed schematic deviates from published methodology.

2.4. MODIFICATIONS/ALTERNATIVES TO METHODS OR PROCEDURES

2.4.a. Testing Projects Required by DEQ

All modifications and/or alternatives to testing methods or procedures that are performed to satisfy DEQ testing requirements must receive approval from DEQ prior to their use in the field. When possible, these requests are to be addressed within the Source Test Plan.

If the need for testing modifications or alterations to the approved Source Test Plan is discovered during field activities, approval must first be obtained from the observing Department representative. If a DEQ representative is not on site during field activities, approval from any DEQ Source Test Coordinator or other DEQ representative may be obtained. Changes not acknowledged by the DEQ could be basis for invalidating an entire test run and potentially the entire testing program. Documentation of any deviations must be incorporated in the source test report and include an evaluation of the impact of the deviation on the test data.

2.4.b. Testing Projects Required by Federal Regulations

For all testing projects performed to satisfy federal testing requirements (e.g. NSPS, NESHAP), approval for modifications and alterations of federal testing requirements must follow the procedures outlined in the Emission Measurement Center Guideline Document GD-022R3. As per this guideline, minor changes to test methods and procedures may be approved by DEQ personnel. All other changes must be approved by EPA.

Minor change to a test method is a modification to a federally enforceable test method that (a) does not decrease the stringency of the emission limitation or standard; (b) has no national significance (e.g., does not affect implementation of the applicable regulation for other affected sources, does not set a national precedent, and individually does not result in a revision to the test method); and (c) is site-specific, made to reflect or accommodate the operational characteristics, physical constraints, or safety concerns of an affected source. Examples of minor changes to a test procedure are:

- Modified sampling traverse or location to avoid interference from an obstruction in the stack,
- Increasing the sampling time or volume,
- Use of additional impingers for a high moisture situation,
- Accepting particulate emission results for a test run that was conducted with a lower than specified temperature,
- Substitution of a material in the sampling train that has been demonstrated to be more inert for the sample matrix, and
- Changes in recovery and analytical techniques such as a change in QA/QC requirements needed to adjust for analysis of a certain sample matrix.

(Per memo from John S. Seitz, Director OAQPS, *Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies*, Attachment 1, July 10, 1998)

2.5. SAMPLE REPLICATES

Unless otherwise specified by permit, State rule, federal regulation, or Department letter, each source test must consist of at least three (3) test runs and the emission results reported for each run individually and as the arithmetic average of all valid test runs. If for reasons beyond the control of the permittee (e.g., forced shutdown, extreme meteorological conditions, failure of an irreplaceable portion of the sample train) a test run is invalidated and cannot be replaced by a valid test run, DEQ may consider accepting two (2) test runs for demonstrating compliance with the emission limit or standard. However, all test runs, including those deemed invalid, are to be included in the test report.

2.6. SAMPLE POSTPONEMENTS & STOPPAGES

It is acceptable to postpone a scheduled test or suspend a test in progress if the discontinuation is due to equipment failure beyond the facility's control, construction delays beyond the facility's control, severe meteorological conditions, and situations that would jeopardize the safety of the testing contractors and/or operators. If the test is underway, the permittee should make every effort to complete the test run. All recoverable test information (process & sample data) must be available for DEQ review.

It is unacceptable to postpone or suspend a test run in progress if it is discontinued because the source is not able to comply with an emission limit, verify an existing emission factor, or comply with a control equipment performance standard. The permittee must provide DEQ written documentation explaining the reasons for the postponement or stoppage, and any data collected prior to the stoppage. DEQ will review the documentation and all available stack test data to determine if a violation occurred.

2.7. TEST DURATION & SAMPLE VOLUMES

2.7.a. General Duration & Volume Requirements

Unless otherwise specified by permit, state rule, federal regulation, or Department letter, each source test must be a minimum of one (1) hour long. For criteria pollutants (PM, PM₁₀, PM_{2.5}, SO_x, NO_x, CO, & VOCs) measured utilizing wet-chemistry methods, the sample volume must be sufficient to ensure a minimum In-Stack Detection Limit (ISDL) of one-half (1/2) the emission standard. Refer to Section 2.8 of this manual for the definition and calculation of ISDL.

Unless otherwise specified by rule, permit condition, or source test plan approval letter, all toxic air contaminants and hazardous air pollutants (HAPs) sampling programs must ensure adequate sample volumes so that the mass recovered is at least five (5) times the limit of detection for the analytical method chosen. Alternatively, the ISDL must be less than or equal to one-fifth (1/5) the emission standard.

For purposes of this section, "emission standard" refers to emission limits (other than Plant Site Emission Limits), emission factor(s), and/or destruction and removal efficiencies.

2.7.b. DEQ Methods Specific Duration & Volume Requirements

For DEQ Methods 5 & 7, the minimum sample volume must be the greater of 31.8 dry standard cubic feet (dscf) or sufficient to ensure a minimum In-Stack Detection Limit (ISDL) of one-half (1/2) the emission standard. In addition, the minimum sample duration must be 60 minutes.

For DEQ Method 8 (high volume sampler), the minimum sample volume must be the greater of 150 dry standard cubic feet (dscf) or sufficient to ensure a minimum In-Stack Detection Limit of one-half (1/2) the emission standard. In addition, the minimum sample duration must be 15 minutes.

2.8. IN-STOCK DETECTION LIMIT

2.8.a. General In-Stack Detection Limit (ISDL)

In general practice, the In-Stack Detection Limit (ISDL) is defined as follows:

$$ISDL = \frac{A \times B}{C}$$

Where:

ISDL	=	In-Stack detection limit
A	=	Analytical detection limit for analyte (e.g., pollutant) in a sample matrix (e.g., solution, filter, resin)
B	=	Quantity of sample matrix (e.g. milliliters of solution)
C	=	Volume of stack gas sampled

Example:

For an HCl sample with the following characteristics:

A	=	1 ug (HCl) per ml of solution;
B	=	300 mls of sample solution; and
C	=	1 dscm of exhaust gas (C) drawn through the sample solution.

The ISDL in ug/dscm would be calculated as follows:

$$\begin{aligned} ISDL &= (A \times B)/C \\ ISDL &= (1 \text{ ug/ml} \times 300 \text{ ml})/1 \text{ dscm} \\ ISDL &= \underline{300 \text{ ug/dscm}} \end{aligned}$$

2.8.b. ISDL for Particulate Measurement Methods

When calculating the ISDL for particulate sampling methods, the analytical detection limits (A) are:

- 7 mg for ODEQ Methods 5 & 7 (total particulate),
- 3 mg for EPA Methods 5, 5A, 5B, 5D, 5E, 5F, & 17 (filterable particulate),
- 4 mg for EPA Method 202 (condensable particulate), and
- 100 mg for ODEQ Method 8 (high volume sampler-filterable particulate).

Additionally, when calculating the ISDL for the above particulate sampling methods, the quantity of sample matrix (character "B" in equation) equals "1 sample train".

2.8.c. ISDL for Instrumental Monitoring Reference Methods

The ISDL for continuous emission monitoring (CEM) reference methods (i.e., 3A, 6C, 16C, 7E, 10, 20, & 25A), is equal to the sensitivity of the instrumentation, which is two percent (2%) of the span value (as per the CEMS Methods).

2.8.d. ISDL Expressed on a Mass Rate or Process Rate Basis

If the emission standard is expressed on a mass rate basis, a representative flow and/or process rate is to be applied in conjunction with the ISDL (on a concentration basis) to obtain a value expressed in comparable units.

2.9. REPRESENTATIVE TESTING CONDITIONS

For demonstrating compliance with an emission standard, the stack test must successfully demonstrate that a facility is capable of complying with the applicable standard under all normal operating conditions. Therefore, an owner or operator should conduct the source test while operating under typical worst-case conditions that generate the highest emissions. During the compliance demonstration, new or modified equipment should operate at levels that equal or exceed ninety-percent (90%) of the design capacity. For existing equipment, emission units should operate at levels that equal or exceed ninety-percent (90%) of normal maximum operating rates. Furthermore, the process material(s) and fuel(s) that generate the highest emissions for the pollutant(s) being tested should be used during the testing. Operating requirements for performance tests are often specified by State or federal rule, or by permit condition.

When verifying or determining an emission factor, the stack test must generate an emission factor that represents normal emissions for the operating condition tested. Multiple testing projects may be required for sources that experience variations in process, have frequent start-ups and shut-downs, use multiple fuel combinations, utilize numerous process materials, or manufacture diverse products.

Whether sampling to demonstrate compliance, to establish an emission factor, or to support an toxic air contaminant risk assessment, it is imperative to describe in detail the proposed process conditions within the Source Test Plan. Refer to Section 2.3 and Appendix A of this manual for Source Test Plan requirements.

2.10. SIGNIFICANT FIGURES & ROUNDING PROCEDURES

2.10.a. Significant Figures

All federal emission standards have at least two (2) significant figures but no more than three (3) (Memorandum from William G. Lawton and John S. Seitz to New Source Performance Standards/National Emission Standards for Hazardous Pollutants Compliance Contacts, subject "Performance Test Calculation Guidelines", June 6, 1990). For example, 0.04 gr/dscf is considered to be 0.040 gr/dscf and 90 mg/dscm is considered to be 90. mg/dscm.

Generally, DEQ emission standards have at least two (2) significant figures. However, the number of significant figures for DEQ standards are defined by the standards themselves. For example, 40 lbs/hr is considered to be 40. lbs/hr and 0.1 gr/dscf does not include additional significant figures.

It is imperative to maintain an appropriate number of significant figures within the intermediate calculations to minimize the discrepancy of results due to rounding inconsistencies. In general, at least five (5) significant figures should be retained throughout the intermediate calculations.

2.10.b. Rounding Procedures

The procedure for rounding of a figure or a result may mean the difference between demonstrating compliance or demonstrating a violation. Based on the routine specified by the American Society for Testing and Materials (ASTM, Standard for Metric Practice E 380) the following procedure must be used:

If the first digit to be discarded is less than five (5), the last digit retained should not be changed. When the first digit discarded is greater than five (5), or if it is a five (5) followed by at least one digit other than zero (0), the last figure retained should be increased by one unit. When the first digit discarded is exactly five, followed only by zeros (0s), the last digit retained should be rounded upward if it is an odd number, but no adjustment made if it is an even number.

For example, if the emission standard is 0.040 gr/dscf, then 0.040341 would be rounded to 0.040, 0.040615 would be rounded to 0.041, 0.040500 would be rounded to 0.040, and 0.041500 would be rounded to 0.042 (note that five significant figures were retained prior to rounding).

2.11. REPORTING & RECORDKEEPING

2.11.a. Report Content & Format

At a minimum, the content of the source sampling report must be consistent with the requirements outlined in Table A-2 in Appendix A. DEQ recognizes that the presentation and format of the reports will vary between sampling projects and testing contractors. However, the report must comprehensively include all essential information and maintain sufficient detail to satisfactorily communicate the test objectives and results.

To conserve storage space and natural resources, all test reports should be published utilizing both-sides of each page. In addition, each page of the report body and of the appendices is to be numbered for ease of reference. Refer to Section 2.11.b. for information on the Source Test Audit Report.

2.11.b. Source Test Audit Report (STAR)

A Source Testing Audit Report (STAR) is required for all testing required by DEQ. Like test reports, the submittal of the STAR is the responsibility of the owner or operator. DEQ may not accept test reports that do not include the STAR or if the submitted STAR is incomplete or inaccurate. Refer to the document, “*Guidelines for Completing Source Testing Audit Report*” for more details regarding the STAR. Contact a DEQ Source Test Coordinator to receive instructions on how to obtain the most current STAR forms.

2.11.c. Reporting Results that are below the In-Stack Detection Limits

Emission tests occasionally yield results that are below the in-stack detection limit (ISDL) for a given pollutant. These data frequently provide important information, depending on the purpose of the test and if the tester extracted an adequate sample volume (see Section 2.7). Therefore, unless otherwise stated by method, rule, or permit, the following reporting procedures are to be followed when results from replicate tests are below the in-stack detection limit. Substitution at less than the

ISDL may be used in Cleaner Air Oregon risk assessments conducted under OAR 340 division 245 if approved by DEQ.

- Each test replicate that is below the ISDL should be reported as less than (<) the detection limit value (e.g., <0.14). If the test replicate is included in a multi-run test series, the ISDL value is used when calculating the numerical average.
- Label the average result as less than (<) if the numerical average of a test series includes at least one test replicate below the ISDL.

Several groups of toxic air contaminants are generally reported as the sum of the individual compounds (or elements) within that group. For example, the individual dioxin/furan compounds (or ‘congeners’) specified in the test method are summed using toxicity factors and reported as a single value (i.e., 2,3,7,8-TCDD Equivalents). The corresponding emission limits and/or emission factors are also expressed as 2,3,7,8-TCDD Equivalents. If any of the individual congeners are reported as ‘below the detection limit’ for a given test result, the contribution of that congener to the 2,3,7,8-TCDD Equivalent value shall be calculated as 0.5 x the detection limit. The 2,3,7,8-TCDD Equivalent value is a ‘composite result’ of the individual dioxin/furan compounds in a given sample. Although this TCDD Equivalent value may contain non-detectable quantities, the value is reported as a quantity (i.e., not a ‘< DL’ value).

Other groups of compounds that present similar reporting complexities are polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), Total Organic Hazardous Air Pollutants (OHAPs), and Total Selected Metals (TSM). A specific regulation, method, or permit condition may dictate other calculation procedures to be followed in combining non-detectable with measured quantities within a composite result; these shall take precedent over the above-described approach.

2.11.d. Report Submittal

Unless otherwise specified by rule or permit, one (1) bound copy of the source test report must be submitted to the regional Source Test Coordinator within 30 days following the field work. Requests for extensions will be evaluated by DEQ on a case- by-case basis. An electronic version of the report can also be submitted in addition to the bound copy.

2.11.e. Recordkeeping

All documentation of sampling equipment calibrations and analytical results should be maintained for a minimum of five years.

In general, the unanalyzed portions (aliquots) of the source test samples must be preserved up to the maximum holding times as specified by method. Sample filters gravimetrically analyzed for particulate matter are to be archived for a minimum of 6 months. However, sample archiving specifications pertaining to laboratory glassware is left to the discretion of the analyzing laboratory and the testing contractor.

3.0 SAMPLING METHODS

3.1. ESTABLISHED SAMPLING METHODS

Established sampling methods for various pollutants are listed within Appendix B of this manual. These methods have historically been accepted by DEQ and originate from various governmental agencies and organizations. This list is not all-inclusive and may not reflect current method updates. The use of a listed method is not automatically approved by DEQ. Instead, written DEQ approval is required prior to all testing projects that are executed to satisfy state or federal testing requirements. Refer to Sections 2.2 & 2.3 of this manual for notification and source test plan requirements.

Generally, DEQ sampling methods (ODEQ Methods) or EPA methods (promulgated, alternative, & conditional) are preferable for conducting a testing program. In some cases, utilizing methods published by other public agencies and organizations are often valid and more desirable, but must be evaluated cautiously to ensure that the test requirements established by rule or permit are satisfied.

3.2. DEQ SOURCE SAMPLING METHODS

DEQ test methods are presented in Appendix C of this manual. These methods do not encompass all the provisions and procedures critical to their successful use. Persons performing these methods must have a comprehensive understanding of the physical sciences, have ample experience utilizing the testing equipment, and have a thorough knowledge of the sources to which they are applied.

DEQ test methods should only be applied to sampling situations that are consistent with their applicability. A careful and thorough evaluation of the applicability of each method to a specific testing condition is strongly recommended. Modifications or alterations to DEQ test methods must receive approval from DEQ prior to their utilization within the testing program. Refer to Section 2.4 of this manual for requirements pertaining to modifications to methods or procedures.

There are multiple references to EPA test methods within the Oregon Source Sampling Manual and test methods. The EPA methods are incorporated into this manual by reference as of the date they were published in the CFR, as shown below. Sampling provisions and procedures published within the most up-to-date revisions to the CFR may be incorporated into the testing program if approved by the administrator.

EPA Methods incorporated by reference:

Methods 1 through 30B: 40 CFR, Part 60, Appendix A, July 2012
Methods 201 through 207: 40 CFR Part 52, Appendix M, July 2012
Methods 301 through 323: 40 CFR Part 63, Appendix A, July 2012
EPA Publication SW-846, Third Edition

3.3. Quality Assurance Requirements

Quality assurance , including minimum calibration requirements are typically specified within each test method. DEQ test methods often refer to EPA test methods for quality assurance procedures The calibration requirements for Oregon DEQ Methods 4, 5, 7, & 8 are summarized within Appendix D. Where inconsistencies exist, quality assurance requirements specified by method or by regulation supersede those presented within Appendix D.

APPENDIX A

SOURCE TEST PLAN & TEST REPORT REQUIREMENTS

MINIMUM SOURCE TEST PLAN REQUIREMENTS

DEQ does not require that source test plans adhere to a specific format, but the information listed in Table A-1 must be included (as applicable). In addition, the following statements must be included in the test plan:

- Sampling replicate(s) will not be accepted if separated by a time duration of twenty-four (24) hours or more, unless prior authorization is granted by DEQ.
- All compliance source tests must be performed while the emission unit(s) are operating at normal maximum operating rates. Unless defined by permit condition or applicable rule, normal maximum operating rate is defined as the 90th percentile of the average hourly operating rates during a 12 month period immediately preceding the source test. Rates not in agreement with those stipulated in the Air Contaminant Discharge Permit can result in rejection of the test data. Imposed process limitations could also result from operating at atypical rates during the compliance demonstration.
- The DEQ must be notified of any changes in the source test plan and/or the specified methods prior to testing. Significant changes not acknowledged by the DEQ could be the basis for invalidating a test run and potentially the entire testing program. Documentation of any deviations must include an evaluation of the impact of the deviation on the test data.
- Method-specific quality assurance/quality control (QA/QC) procedures must be performed to ensure that the data is valid for determining source compliance. Documentation of the procedures and results shall be presented in the source test report for review. Omission of this critical information will result in rejection of the data, requiring a retest.
- Only regular operating staff may adjust the combustion system or production process and emission control parameters during the source performance tests and within two (2) hours prior to the tests. Any operating adjustments made during the source performance tests, which are a result of consultation during the tests with source testing personnel, equipment vendors or consultants, may render the source performance test invalid.
- Source test reports must be submitted to DEQ within thirty (30) days of the test dates, unless another deadline has been stipulated, either by permit condition, or by DEQ written approval.

Table A-1

SOURCE TEST PLAN REQUIREMENTS

Item #	Description	Explanatory Notes
1	Facility Identification	<ul style="list-style-type: none"> - Facility Name; - Facility Address; - Permit Number (and source number if under General Permit); - Emission Unit(s) included within proposed testing project
2	Facility Personnel	<u>Name, address, phone number(s) and e-mail for:</u> <ul style="list-style-type: none"> - Project Manager - On-site Contact (if different than Project Manager)
3	Testing Contractor Personnel	<u>Name, physical address, phone number(s) and e-mail for:</u> <ul style="list-style-type: none"> - Project Manager - Site Personnel (Team Leader, Technicians) - Laboratory Support
4	Project Purpose	<ul style="list-style-type: none"> - Specify purpose of project (compliance, emission factor verification, applicability study, etc.) - Specify permit condition or rule initiating project - Specify applicable compliance limits and emission factors
5	Schedule	<ul style="list-style-type: none"> - Specify testing dates for each unit tested - Specify starting times (approximate) for each test day
6	Source Description	<u>Description of the emission unit(s), including the following:</u> <ul style="list-style-type: none"> - Narrative of the emission source (system type, manufacturer, date installed, capacity, configuration, fuel type, etc.) - Narrative of the pollution control device (system type, manufacturer, date installed, configuration, etc.) - Narrative of the sample locations (where in system, distances to disturbances, duct configuration, etc.)
7	Pollutant(s) Measured	<u>Specify the following for each pollutant measured:</u> <ul style="list-style-type: none"> - Pollutant (CO, PM, Formaldehyde, etc.) - Reporting unit for each pollutant (ppmdv, lbs/hr, lbs/ton, etc.)
8	Test Methods	<u>Include the following for each test method proposed:</u> <ul style="list-style-type: none"> - Method reference number (e.g., EPA 1, ODEQ 7); - Copy of method (only if requested by DEQ); - Quantifiable or detectable limits for each pollutant
9	Sampling Replicates	<ul style="list-style-type: none"> - Specify the number of sample replicates for each method on each emission unit; - Specify the duration of each sample replicate for each method.
10	Production and Process Information	<ul style="list-style-type: none"> - List the parameters to be recorded - Specify the frequency of measurements and recordings - Specify how each parameter is measured (manual, instrument, etc.)

11	Pollution Control Device Information	<ul style="list-style-type: none"> - List the parameters to be recorded - Specify the frequency of measurements and recordings - Specify how each parameter is measured (manual, instrument, etc.)
		-
12	Fuel Sampling and Analysis	<ul style="list-style-type: none"> - Specify how sample(s) will be collected (include references to established procedures such as ASTM, if applicable) - Specify frequency of collection - Specify the type of analysis, the analytical procedure, and the analytical laboratory
13	Other Test Method Considerations	<p><u>Include in the test plan a brief discussion of:</u></p> <ul style="list-style-type: none"> - Applicability of proposed test methods - Any and all proposed method modifications/deviations, including modifications/deviations to QA/QC activities - Any foreseeable problems with sample recovery - Any known errors in the proposed method(s) - Simultaneous testing (multiple parameters or methods) - Multiple exhaust points of the source (if applicable) - Possible method interferences - Cyclonic flow measurements (if applicable) - Stratification measurements
14	Other Process Considerations	<p><u>Include in the test plan a brief discussion of:</u></p> <ul style="list-style-type: none"> - Target process rate(s) and how it compares to day-to-day operations and the unit's rated capacity - Product (e.g., type, size, specie, etc.) - Potential process variability (i.e., continuous, cyclical, etc.) - Whether the proposed test conditions represent worst-case conditions with respect to emissions

MINIMUM SOURCE TEST REPORT REQUIREMENTS

The DEQ does not require that test reports adhere to a specific format, but the information listed in Table A-2 (below) needs to be included (as applicable). Reports shall be organized in a clear and logical fashion to promote correctness and accuracy.

Table A-2

SOURCE TEST REPORT REQUIREMENTS

Item#	Description	Explanatory Notes
1	Facility Identification	<ul style="list-style-type: none"> - Facility Name - Facility Address - Permit Number (and source number if under General Permit) - Emission Unit(s) included within the testing project
2	Facility Personnel	<u>Name, address, phone number(s) and e-mail for:</u> <ul style="list-style-type: none"> - Project Manager - On-site Contact (if different than Project Manager)
3	Testing Contractor Personnel	<u>Name, physical address, phone number(s) and e-mail for:</u> <ul style="list-style-type: none"> - Project Manager - Site Personnel (Team Leader, Technicians) - Laboratory Support
4	Project Purpose	<ul style="list-style-type: none"> - Specify purpose of project (compliance, emission factor verification, applicability study, etc.) - Specify permit condition or rule initiating project - Specify applicable compliance limits and emission factors
5	Schedule	<ul style="list-style-type: none"> - Specify testing dates for each unit tested - Specify starting and ending times for each test run
6	Source Description	<u>Description of the emission unit(s), including the following:</u> <ul style="list-style-type: none"> - Narrative of the emission source (system type, manufacturer, date installed, capacity, configuration, fuel type, etc.) - Stack height above the ground - Orientation of the exhaust (vertical, horizontal, etc.) - Narrative of the pollution control device (system type, manufacturer, date installed, configuration, etc.) - Narrative of the sample locations (where in system, distances to disturbances, duct configuration, etc.)
7	Process & Pollution Control Operating Rates & Settings	<u>Operating rates and parameters, including the following:</u> <ul style="list-style-type: none"> - Process rates for each run on each emission unit - Process characteristics for each test run (temperature, process time, size, species, pressures, settings, fuel characteristics, etc.) - Pollution control device parameters for each test run (temperature, pressure drop, water injection rate, voltage, settings, etc.)

		- Description of process changes and interruptions that occurred during testing.
8	Pollutant(s) Measured	<u>Discuss the following for each pollutant measured:</u> - Specie (CO, PM, Formaldehyde, Opacity, etc.) - Reporting unit for each specie (ppmdv, lbs/hr, lbs/ton, etc.)
9	Test Methods	<u>Include the following for each test method:</u> - Method reference number (e.g., EPA 1, ODEQ 7) - Discuss deviations from published methods and their impact on test results
10	Summary of Results	- One summary table for each emission unit (when possible) - List individual run results and average (when possible) - Include applicable emission standard, factor, or compliance limit
11	Supporting Sampling Information	- Spreadsheets & electronic data records - Field data sheets, notes, and forms - Equipment calibration documentation (field & laboratory equipment) - Example calculations - Sampling equipment description - Pre-test procedure documentation (stratification, cyclonic, etc.)
12	Laboratory Analysis	- Electronic data records - Data sheets, notes, and forms - Analytical detection limit for each constituent - Applicable analytical QA/QC information - Chain of custody
13	Supporting Process & Pollution Control Information	- Electronic generated output (if applicable) - Log sheets and forms - Operating capacity - 90% Percentile 12 Month Operating Analysis (existing sources)
14	Source Test Audit Report	- Complete for each test method and emission unit - Complete certification form
15	Test Correspondence	- Test plan - Test plan approval correspondence - Approval for method deviations - Applicable permit excerpts that pertain to testing requirements, emission limits, and emission factors

APPENDIX B

LISTING OF SOURCE SAMPLING METHODS

ALPHABETICALLY BY POLLUTANT OR STACK PARAMETER

ESTABLISHED SAMPLING METHODS

POLLUTANT OR STACK PARAMETER	TEST METHOD	COMMENTS
Ammonia	EPA CTM-027, BAAQMD ST-1B, EPA 320,	Method depends on isokinetic requirements
Carbon Dioxide (CO ₂)	EPA 3, EPA 3A, EPA 3B	
Carbon Monoxide	EPA 10	
Chloride (Total)	EPA 26A, EPA 26 SW846-0050	
Dioxins & Furans	EPA 23, SW846-23a	
Formaldehyde	NCASI 98.01, NCASI 99.02, NCASI A105.1, EPA 316, EPA 320, EPA 323	Method depends on source type, isokinetic and ISDL requirements.
Gaseous Organics	EPA 18	Not applicable for high molecular weight compounds or for compounds with very low vapor pressure at stack or instrument conditions.
Hydrogen Chloride, Hydrogen Halide and Halogens	EPA 26, EPA 26A, SW846-0050, EPA 321	Use EPA 26A when isokinetic sampling is required. EPA 321 utilizes FTIR and is specific to Portland Cement Kilns
Methanol	EPA 308, NCASI 98.01, NCASI 99.02 NCASI A105.1	Methods may also be applicable to phenol with approval
Moisture Content	EPA 4, ODEQ 4	
Molecular Weight	EPA 3, EPA 3A, EPA 3B	
Metals	EPA 29, SW846-0060	Includes: Antimony, Arsenic, Barium, Beryllium, Cadmium, Total Chromium, Cobalt, Copper, Lead, Manganese, Mercury, Nickel, Phosphorus, Selenium, Silver, Thallium, Zinc.
Nitrogen Oxides	EPA 7E, EPA 20	
Nonmethane Organic Compounds (NMOC)	EPA 25, EPA 25C, BAAQMD ST-7, SCAQMD 25.3, EPA CTM-042	EPA 25 subject to interference by H ₂ O and CO ₂ . ST-7 applicable for compounds that respond well to FID. 25.3 for low concentration sources. EPA 25C for LFG. CTM-042 for bakeries.
Opacity	EPA 9, EPA ALT Method 082	ALT 082 when pre-approved by DEQ
Oxygen	EPA 3, EPA 3A, EPA 3B	
Particulate Matter-Filterable	EPA 5, EPA 5A, EPA 5B, EPA 5D, EPA 5E, EPA 5F, EPA 5i, EPA 17, Modified DEQ 5, DEQ 8	ODEQ 8 acceptable under limited conditions EPA 5i for low level particulate
Particulate Matter - Total	ODEQ 5, ODEQ 7, EPA 5/202	
Particulate Matter - ≤10um	EPA 201A/202	

Particulate Matter-<2.5um	EPA 201A/202	
Phenol	NCASI 98.01, NCASI 99.02, EPA 18, NCASI A105.1	
Sulfur Dioxide	EPA 6, EPA 6C, EPA 8	EPA 8 also measures sulfuric acid mist
Total Enclosure	EPA 204	Use for determining capture efficiency.
Total Hydrocarbons	EPA 25A, EPA 18	Applicable to alkanes, alkenes, and aromatic hydrocarbons. EPA 25A has a fractional response to many other organic compounds.
Total Reduced Sulfur	EPA 16, EPA 16A, EPA 16C	
Velocity and Volumetric Flow Rate	EPA 2, EPA 2A, EPA 2C, EPA 2E, EPA 2F, EPA 2G, EPA 2H	EPA 2 if duct ≥ 12 " in diameter EPA 2A if duct < 12" in diameter
Volatile Organic Compounds by FTIR	EPA 320	Analyzes for specific defined VOCs
Volatile Organic Compounds-Uncharacterized	EPA 25, EPA 25A, EPA 25B	Total VOC's reported on an equivalent basis (i.e. "as propane")
Volatile Organic Compounds by GC	EPA 18, EPA CTM-028	Analyzes for specific defined VOCs. EPA 18 not applicable for high molecular weight compounds or for compounds with very low vapor pressure at stack or instrument conditions. CTM-028 direct interface.

APPENDIX C

OREGON DEQ SOURCE SAMPLING METHODS

- C-4: Oregon Method 4 (moisture)**
- C-5: Oregon Method 5 (PM)**
- C-7: Oregon Method 7 (PM)**
- C-8: Oregon Method 8 (PM, High Volume)**

SUB-APPENDIX C-4

OREGON DEQ SOURCE SAMPLING METHOD 4

Oregon Method 4

State of Oregon Department of Environmental Quality Source Sampling Method 4

Determination of Moisture Content of Stack Gases (Alternate Method)

1. **Principle.** Under certain conditions, the quantity of water vapor in the gas stream can be determined by measuring the wet-bulb and dry-bulb temperatures of the gaseous fluid.
2. **Applicability.** This method is applicable for the determination of the moisture content of the sample stream when EPA Method 4 is not suitable or when rigid moisture content measurements are not essential to the success of the testing program.
3. **Procedure.**
 - 3.1 Measure the dry bulb temperature in the conventional way using either a thermometer or thermocouple.
 - 3.2 Wrap the end of the temperature-measuring device in a cloth sock soaked with water. Insert the sock and temperature-measuring device into the flowing gas stream and allow the temperature to reach a steady state value. Caution: after the water on the sock has evaporated, the temperature will rise to the dry bulb temperature. (Refer to Figure 4-1). The wet bulb temperature must be taken while the sock is saturated with moisture.
 - 3.3 Apply the wet bulb readings to Table 4-1 to determine the water vapor pressure in the gas stream. Then use the dry bulb reading and equation 4.4-1 to determine the approximate water vapor content. In lieu of using Table 4-1, equation 4.4-2 may be utilized to determine the vapor pressure at saturation if the wet bulb temperature is less than 175°F.
 - 3.4 Alternately, if the barometric pressure is 29.92 ± 0.5 inches of mercury (in. Hg) apply the wet bulb and dry bulb readings to a standard psychrometric chart and determine the approximate water vapor content.
4. **Interferences and Calculations**
 - 4.1 Wet-bulb temperature readings may be affected by other gas stream components that ionize when dissolved in water (e.g., salts, acids, bases) or hydrocarbon compounds, particularly water-soluble solvents. The effect of these components on the wet-bulb temperature is usually negligible. However, should any of the above compounds exist at levels that cause inaccurate wet-bulb readings, the tester must utilize an alternative approach to determine moisture.
 - 4.2 The wet depression temperature is dependent on the total pressure (i.e., barometric pressure \pm static pressure) in the gas stream. Moisture concentrations that are obtained

from a psychometric chart are reliable only if the gas stream is at, or near, 1 atmosphere pressure (i.e., 29.92 in. Hg \pm 0.5 in. Hg). For other pressure conditions, the tester must use Equation 4.4-1 to calculate the gas stream moisture content.

4.3 Additionally, the following conditions can lead to difficulties:

- 4.3.a. Very high dry bulb temperature (in excess of 500° F).
- 4.3.b. Very high or very low gas velocities.
- 4.3.c. High concentrations of particulate matter which may adhere to the wet sock.

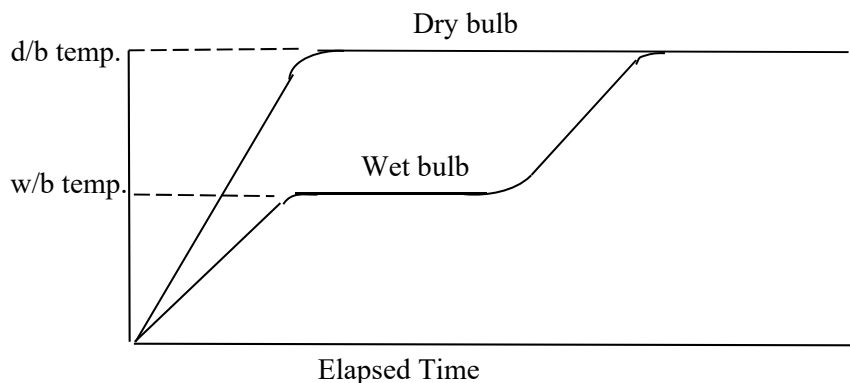


Figure 4-1

4.4 Moisture Equation:

$$H_2O = \frac{e'' - \frac{(P_s - e'')(t_d - t_w)}{2800 - (1.3t_w)}}{P_s} \times 100 \quad (\text{Eq. 4.4-1})$$

where:

- e'' = Vapor pressure of H₂O at t_w , in. Hg (See Table 4-1)
- P_s = Exhaust gas pressure (absolute), in. Hg
- t_d = Dry bulb temperature, °F
- t_w = Wet bulb temperature, °F

TABLE 4-1: VAPOR PRESSURE OF WATER AT SATURATION* (Inches of Mercury)

Wet Bulb Temperature (°F)	0	1	2	3	4	5	6	7	8	9
-20	0.0126	0.0119	0.0112	0.0106	0.0100	0.0095	0.0089	0.0084	0.0080	0.0075
-10	0.0222	0.0209	0.0190	0.0187	0.0176	0.0168	0.0158	0.0150	0.0142	0.0134
-0	0.0376	0.0359	0.0339	0.0324	0.0306	0.0289	0.0275	0.0259	0.0247	0.0233
0	0.0376	0.0398	0.0417	0.0441	0.0463	0.0489	0.0517	0.0541	0.0571	0.0598
10	0.0631	0.0660	0.0696	0.0728	0.0768	0.0810	0.0846	0.0892	0.0932	0.0982
20	0.1025	0.1080	0.1127	0.1186	0.1248	0.1302	0.1370	0.1429	0.1502	0.1567
30	0.1647	0.1716	0.1803	0.1878	0.1955	0.2035	0.2118	0.2203	0.2292	0.2383
40	0.2478	0.2576	0.2677	0.2782	0.2891	0.300	0.3120	0.3240	0.3364	0.3493
50	0.3626	0.3764	0.3906	0.4052	0.4203	0.4359	0.4520	0.4586	0.4858	0.5035
60	0.5218	0.5407	0.5601	0.5802	0.6009	0.6222	0.6442	0.6669	0.6903	0.7144
70	0.7392	0.7648	0.7912	0.8183	0.8462	0.8750	0.9046	0.9352	0.9666	0.9989
80	1.032	1.066	1.102	1.138	1.175	1.213	1.253	1.293	1.335	1.378
90	1.422	1.467	1.513	1.561	1.610	1.660	1.712	1.765	1.819	1.875
100	1.932	1.992	2.052	2.114	2.178	2.243	2.310	2.379	2.449	2.521
110	2.596	2.672	2.749	2.829	2.911	2.995	3.081	3.169	3.259	3.351
120	3.446	3.543	3.642	3.744	3.848	3.954	4.063	4.174	4.89	4.406
130	4.525	4.647	4.772	4.900	5.031	5.165	5.302	5.442	5.585	5.732
140	5.881	6.034	6.190	6.350	6.513	6.680	6.850	7.024	7.202	7.384
150	7.569	7.759	7.952	8.150	8.351	8.557	8.767	8.981	9.200	9.424
160	9.652	9.885	10.12	10.36	10.61	10.86	11.12	11.38	11.65	11.92
170	12.20	12.48	12.77	13.07	13.37	13.67	13.98	14.30	14.62	14.96
180	15.29	15.63	15.98	16.34	16.70	17.07	17.44	17.82	18.21	18.61
190	19.01	19.42	19.84	20.27	20.70	21.14	21.59	22.05	22.52	22.99
200	23.47	23.96	24.46	24.97	25.48	26.00	26.53	27.07	27.62	28.18
210	28.75	29.33	29.92	30.52	31.13	31.75	32.38	33.02	33.67	34.33
220	35.00	35.68	36.37	37.07	37.78	38.50	39.24	39.99	40.75	41.52
230	42.31	43.11	43.92	44.74	45.57	46.41	47.27	48.18	49.03	49.93
240	50.84	51.76	52.70	53.65	54.62	55.60	56.60	57.61	58.63	59.67

*Methods for Determination of Velocity, Volume, Dust, and Mist Content of Gases, Bulletin WP-50, Western Precipitation Corp., Los Angeles, CA

The following equation can be substituted for the above table for determining vapor pressures (e'') from measured wet bulb (t_w) temperatures:

$$e'' = 0.1805 \times e^{\left[\frac{(17.27 \times (t_w - 32))}{(t_w + 39.5)} \right]} \quad (\text{Eq. 4.4-2})$$

SUB-APPENDIX C-5

OREGON DEQ SOURCE SAMPLING METHOD 5

Oregon Method 5

State of Oregon Department of Environmental Quality Source Sampling Method 5

Sampling Particulate Emissions from Stationary Sources

1.0 Principle and Applicability

- 1.1 **Principle.** Particulate matter including condensable aerosols are withdrawn isokinetically from a flowing gas stream. Filterable particulate matter is determined gravimetrically after removal of combined water. Condensable particulate matter is determined gravimetrically after extraction with an organic solvent and evaporation.
- 1.2 **Applicability.** This method is applicable to the determination of particulate emissions from stationary sources except those sources for which specified sampling methods have been devised and are on file with DEQ.

- 2.0 **Acceptability.** Results of this method will be accepted as demonstration of compliance (or non-compliance) provided that the methods included or referenced in this procedure are strictly adhered to and a report is prepared according to Section 2.11 of DEQ's Source Sampling Manual, Volume I. Deviations from the procedures described herein will be permitted only if authorization from DEQ is obtained in writing in advance of the tests. EPA Method 5 combined with EPA Method 202 may be substituted for this method.

3.0 Equipment and Supplies

- 3.1 **Sampling Train (figure 5-1):** Same as EPA Method 5 Section 6.1. with the following exception: Use of a glass frit filter support is prohibited. The support must be fabricated such that it can be quantitatively rinsed with acetone during sample recovery (refer to Section 5.7.1)
- 3.2 **Barometer:** Same as EPA Method 5 Section 6.1.2.
- 3.3 **Gas Density Determination Equipment:** Same as EPA Method 5 Section 6.1.3.
- 3.4 **Sample Recovery:** Same as EPA Method 5 Section 6.2.
- 3.5 **Sample Analysis:** Same as EPA Method 5 Section 6.3 with the following addition:
- 3.5.1 Glass separatory funnel (500-1000 ml) with Teflon¹ stopcock and plug.

4.0 Reagents and Standards

- 4.1 **Sample Collection:** Same as EPA Method 5 Section 7.1 with the following condition:
- 4.1.1 Distilled water with a residue content of $\leq 0.001\%$ (0.01 mg/ml) must be used in the impingers. The distilled water reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml.
 - 4.1.2 Stopcock grease (Section 7.1.5 of EPA Method 5) can bias test results and its use should be avoided whenever possible.
- 4.2 **Sample Recovery:** Same as EPA Method 5 Section 7.2.
- 4.3 **Analysis:** Same as EPA Method 5 Section 7.3 with following addition:
- 4.3.1 Methylene Chloride reagent grade, with a residue content of $\leq 0.001\%$ (0.013 mg/ml). The methylene chloride reagent blank weight correction will not exceed 0.001%, or 0.013 mg/ml. Hexane may be substituted for methylene chloride. The same purity is required.
 - 4.3.2 Distilled water with a residue content of $\leq 0.001\%$ (0.01 mg/ml). The distilled water reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml.

5.0 Sample Collection, Preservation, Storage, and Transport

- 5.1 **Pretest Preparation:** Same as EPA Method 5 Section 8.1.
- 5.2 **Preliminary Determinations:** Same as EPA Method 5 Section 8.2.
- 5.3 **Preparation of Sampling Train:** Same as EPA Method 5 Section 8.3.
- 5.4 **Leak-Check Procedures:** Same as EPA Method 5 Section 8.4.
- 5.5 **Sampling Train Operation:** Same as EPA Method 5 Section 8.5.
- 5.6 **Calculation of % Isokinetics:** Same as EPA Method 5 Section 8.6.
- 5.7 **Sample Recovery:** Same as EPA Method 5 Section 8.7 (with the following additions:
- 5.7.1 In addition to the nozzle, probe, and filter-holder rinses, the filter frit support is to be rinsed with acetone and stored in Container No. 2.
 - 5.7.2 Container No. 4. The contents of impingers 1 through 3 along with a distilled water rinse of impingers and all interconnects between the heated filter holder to the silica gel impinger must be transferred to Container No. 4. To adequately recover the sample from the impingers and interconnects, each component is to be rinsed in triplicate and the total rinse volume should equal or exceed 75 mls of reagent (distilled water).
 - 5.7.3 Container 5. Rinse all sample exposed surfaces between the filter frit support and the inlet to the silica gel impinger with acetone and store in container No. 5. To adequately recover the sample from this portion of the sampling train, each component is to be rinsed in triplicate and the total rinse volume should equal or exceed 100 mls of reagent (acetone).

5.8 **Sample Transport:** Same as EPA Method 5 Section 8.8.

6.0 **Quality Control**

6.1 **Miscellaneous Quality Control Procedures:** Same as EPA Method 5 Section 9.1 with the following additions:

6.1.1 Analytical balance calibration and auditing procedures as per Section 7.8 of this method.

6.2 **Volume Metering System Checks:** Same as EPA Method 5 Section 9.2.

7.0 **Calibration and Standardization**

7.1 **Documentation:** The calibration data and/or calibration curves shall be included in the source test report.

7.2 **Nozzles:** Same as EPA Method 5 Section 10.1.

7.3 **Pitot Tube:** Same as EPA Method 5 Section 10.2 with the following addition:

7.3.1 If calibrated against a standard pitot, Type S pitot tubes shall be recalibrated at least once every six months.

7.3.2 If default C_p value used based on measured pitot features, measurements must be conducted pre and post test.

7.4 **Metering System:** Same as EPA Method 5 Section 10.3.

7.5 **Probe Heater Calibration:** Same as EPA Method 5 Section 10.4.

7.6 **Temperature Sensors:** Same as EPA Method 5 Section 10.5 with the following additions:

7.6.1 Thermometers that measure the filter-oven, impinger exit, and dry-gas meter temperatures are to be calibrated at 32° F and 212°F against an ASTM mercury thermometer or NIST traceable thermometer. At a minimum, the filter-oven, impinger exit, and dry-gas meter thermometers are to be calibrated before initial use and at least once every six months thereafter.

7.6.2 Alternatively, in-stack temperature thermometers are to be calibrated at 32° F and 212°F against an ASTM mercury thermometer or NIST traceable thermometer. At a minimum, the in-stack temperature thermometers are to be calibrated before initial use and at least once every six months thereafter.

7.7 **Barometer:** Same as EPA Method 5 Section 10.6.

7.8 **Analytical Balance:** The following calibration and standardization procedures must be performed on the analytical balance:

7.8.1 The balance must be audited utilizing 0.500 g, 1.0000 g, 10.0000 g, 50.0000 g, and 100.0000 g Class-S standard weights. Alternatively, five (5) Class-S standard weights may be substituted that accurately represent the anticipated measurement range. The balance results must agree within ± 1 mg of the Class-S weights. At a minimum, the balance calibration must be performed subsequent to disturbing the analytical balance and annually thereafter.

- 7.8.2 Prior to weighing filters before and after sampling, adjust the analytical balance to zero and check the accuracy with a 0.5 g Class-S weight. A Class-S standard weight within 1 g of the filter weight may be used as an alternate. The balance results must agree within ± 0.5 mg and the relative humidity in the weighing environment must be $\leq 50\%$.
- 7.8.3 Prior to weighing beakers before and after sampling, adjust the analytical balance to zero and check the accuracy with a 100 g Class-S standard weight. A Class-S standard weight within 1 g of the beaker weight may be used as an alternate. The balance results must agree within ± 0.5 mg and the relative humidity in the weighing environment must be $\leq 50\%$.

8.0 Analytical Procedures

8.1 **Documentation:** Analytical documentation shall be consistent with the data entry forms presented in Figures 5-2a through 5-2c.

8.2 **Analysis:** Same as EPA Method 5 Section 11.2 with following additions:

8.2.1 **Container No. 1:** The sample (filter) must be desiccated and weighed to a constant final weight, even if it is oven dried.

8.2.2 **Container No. 4:** Transfer the contents of Container No. 4 to a separator funnel (Teflon¹ stoppered). Rinse the container with distilled water and add to the separatory funnel. Add 50 ml of methylene chloride or hexane. Stopper the separatory funnel and vigorously shake for 1 minute. Take care to momentarily release the funnel pressure several times during the shaking process. Allow the sample to separate into two distinct layers and transfer the methylene chloride (lower layer) into a tared beaker or evaporating dish made of glass, Teflon¹, or other inert material. Repeat the extraction process twice more.

NOTE: Always leave a small amount of methylene chloride in the separatory funnel to ensure that water does not get into the extracted sample. If water is present in the extracted sample, it will be difficult to completely evaporate the sample to dryness for gravimetric analysis.

8.2.2.i Transfer the remaining water in the separator funnel to a tared beaker or evaporating dish and evaporate at 105°C. Desiccate for 24 hours and weigh to a constant weight.

8.2.2.ii Evaporate the combined impinger water extracts from Section 8.2.2 at laboratory temperature ($\leq 70^\circ\text{F}$) and pressure, desiccate for 24 hours and weigh to a constant weight.

8.2.3 **Container No. 5:** Transfer the contents of container No. 5 to a tared beaker or evaporating dish, evaporate at laboratory temperature and pressure, desiccate for 24 hours, and weigh to a constant weight.

¹ Mention of trade names or specific products does not constitute endorsement by DEQ.

8.2.4 **Solvent Blanks:** Evaporate a portion of the solvents in a manner similar to the sample evaporation to determine the solvent blanks.

9.0 Calculations

9.1 **Nomenclature:** Same as EPA Method 5 Section 12.1 with following additions:

C_m = Methylene chloride (or hexane) blank residue concentration, mg/g.

C_w = Distilled water blank residue concentration, mg/g.

m_m = Mass of residue of methylene chloride (or hexane) after evaporation, mg.

m_w = Mass of residue of distilled water after evaporation, mg.

V_{mb} = Volume of methylene chloride (or hexane) blank, ml.

V_{mc} = Volume of methylene chloride (or hexane) used for extracting the impinger water, ml.

V_{wb} = Volume of distilled water blank, ml.

V_{ws} = Volume of distilled water for charging the impingers and for recovery, ml.

W_m = Weight of residue in methylene chloride (or hexane), mg.

W_w = Weight of residue of distilled water, mg.

ρ_m = Density of methylene chloride (or hexane), g/ml (see label on bottle).

ρ_w = Density of distilled water, g/ml (1.0 g/ml).

9.2 **Dry Gas Volume:** Same as EPA Method 5 Section 12.3.

9.3 **Volume of Water Vapor Condensed:** Same as EPA Method 5 Section 12.4.

9.4 **Moisture Content:** Same as EPA Method 5 Section 12.5.

9.5 **Acetone Blank Concentration:** Same as EPA Method 5 Section 12.6.

9.6 **Acetone Blank Deduction:** Same as EPA Method 5 Section 12.7 with the following addition: The acetone reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml. An acetone blank deduction value (W_a) of 0.0 mg shall be used when the acetone blank concentration (C_a) is less than or equal to zero.

9.7 **Water Blank Concentration:**

$$C_w = \frac{m_w}{V_{wb} \times \rho_w} \quad (Eq. 5.9-1)$$

9.8 **Water Blank Deduction:**

$$W_w = C_w \times V_{ws} \times \rho_w \quad (\text{Eq. 5.9-2})$$

NOTE: The distilled water reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml. A water blank deduction value (W_w) of 0.0 mg shall be used when the water blank concentration (C_w) is less than or equal to zero.

9.9 **Methylene Chloride (or Hexane) Blank Concentration:**

$$C_m = \frac{m_m}{V_{mb} \times \rho_m} \quad (\text{Eq. 5.9-3})$$

9.10 **Methylene Chloride (or Hexane) Blank Deduction:**

$$W_m = C_m \times V_{mc} \times \rho_m \quad (\text{Eq. 5.9-4})$$

NOTE: The methylene chloride reagent blank weight correction will not exceed 0.001%, or 0.01 mg/ml. A methylene chloride (or hexane) blank deduction value (W_m) of 0.0 mg shall be used when the methylene chloride blank concentration (C_m) is less than or equal to zero.

9.11 **Total Particulate Weight:**

Determine the total particulate matter catch from the sum of the weights obtained from Containers 1, 2, 4, 5 (including the organic solvent extract of the water from Container No. 4), less the acetone, methylene chloride (or hexane), and distilled water blanks (see Figures 5-2a, 5-2b, and 5-2c).

9.12 **Particulate Concentration:** Same as EPA Method 5 Section 12.9.

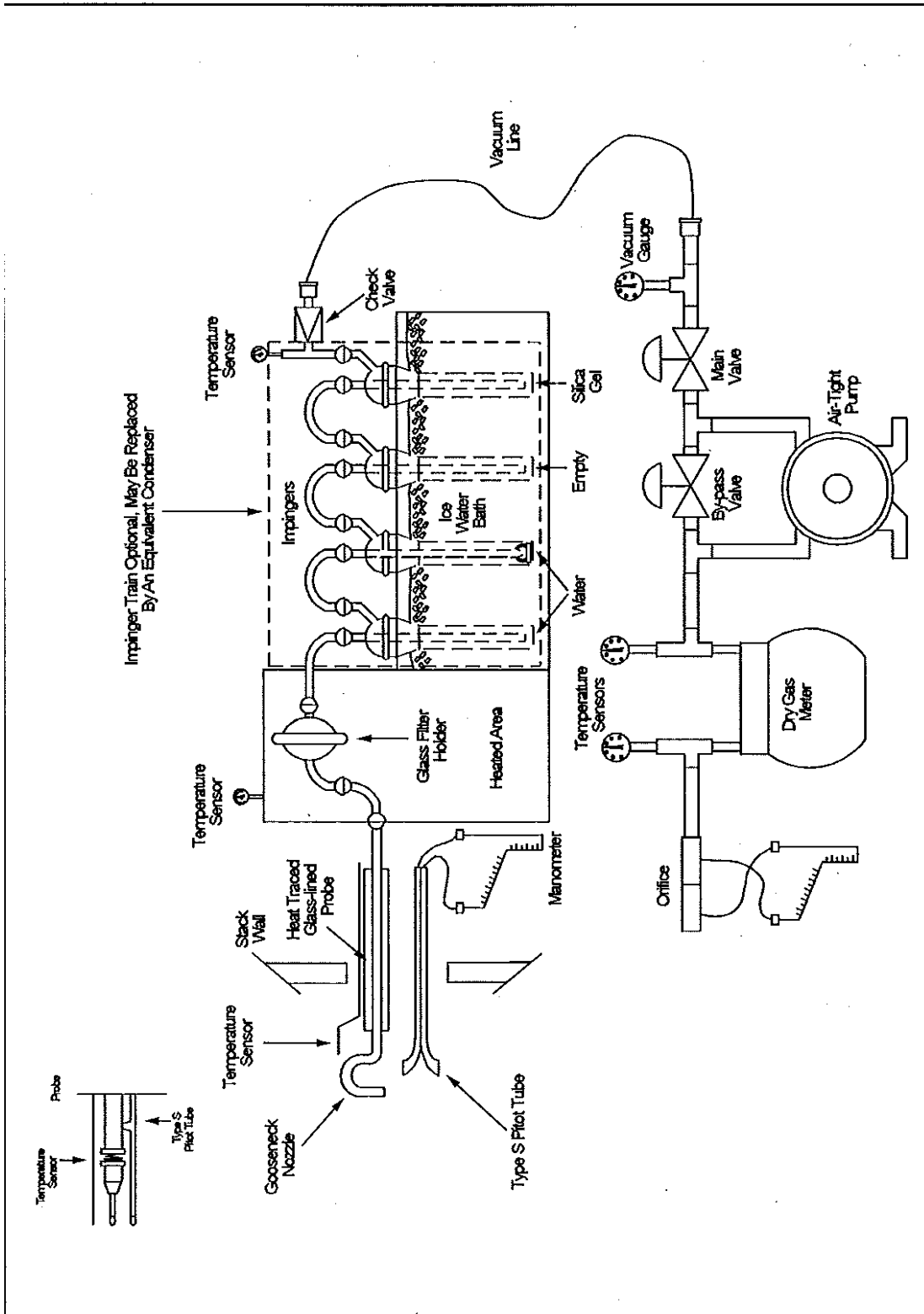
9.13 **Isokinetic Variation:** Same as EPA Method 5 Section 12.11.

9.14 **Stack Gas Velocity and Volumetric Flow Rate:** Same as EPA Method 5 Section 12.12.

10.0 **Alternative Procedures, Bibliography, Sampling Train Schematic, Example Data Sheets, Etc.:**

Same as EPA Method 5 Sections 16, 17 and Figures 5-1 through 5-12 excluding Figure 5-6 (use ODEQ Method 5 Figures 5-2a through 5-2b in place of EPA Method 5 Figure 5-6).

Figure 5-1: Particulate Sampling Train



**Figure 5-2a
 METHOD 5 DATA ANALYSIS FORM**

Plant _____ Run Number _____
 Sample Location _____ Test Date _____
 Sample Recovered by _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
FRONT HALF:						
<u>Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
BACK HALF:						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
<u>Water</u>						
Beaker ID: _____						
Tare Wt.: _____						
Water Vol.: _____						
Water ID: _____						
Date/time into desiccator: _____						
<u>MeCl or Hexane</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						

*filter 0.5000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

**Figure 5-2b
 METHOD 5 BLANK ANALYSIS DATA FORM**

Sample Prepared _____

Date _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
<u>Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
<u>Water</u>						
Beaker ID: _____						
Tare Wt.: _____						
Water Vol.: _____						
Water ID: _____						
Date/time into desiccator: _____						
<u>MeCl or Hexane</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. Wt: _____						
Date/time into desiccator: _____						

*filter 0.5000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

SUB-APPENDIX C-7

OREGON DEQ SOURCE SAMPLING METHOD 7

Oregon Method 7

State of Oregon Department of Environmental Quality Source Sampling Method 7

Sampling Condensable Particulate Emissions from Stationary Sources

1.0 Principle and Applicability

1.1 **Principle:** Particulate matter including condensable gases is withdrawn isokinetically from a flowing gas stream. The particulate matter is determined gravimetrically after extraction with an organic solvent and evaporation.

1.2 **Applicability:** This method is applicable to stationary sources whose primary emissions are condensable gases. It should be considered a modification of Source Sampling Method 5, and applied only when directed to do so by DEQ.

2.0 **Acceptability.** Results of this method will be accepted as demonstration of compliance (or non-compliance) provided that the methods included or referenced in this procedure are strictly adhered to and a report is prepared according to Section 2.11 of DEQ's Source Sampling Manual, Volume I. Deviations from the procedures described herein will be permitted only if permission from DEQ is obtained in writing in advance of the tests.

3.0 **Equipment and Supplies:** Same as Oregon Source Sampling Method 5 Sections 3.1 through 3.5 with the following addendum:

3.1 **Sampling train (Figure 7-1):** Same as Oregon Source Sampling Method 5 Section 3.1 with the following exceptions:

3.1.1 The heated filter and/or cyclone are optional, but should be used if a significant quantity of filterable particulate matter is present.

3.1.2 An unheated glass fiber filter is placed at the inlet to the silica gel impinger (generally Impinger 4).

4.0 **Reagents and Standards:** Same as Oregon Source Sampling Method 5 Section 4.1 through 4.3.

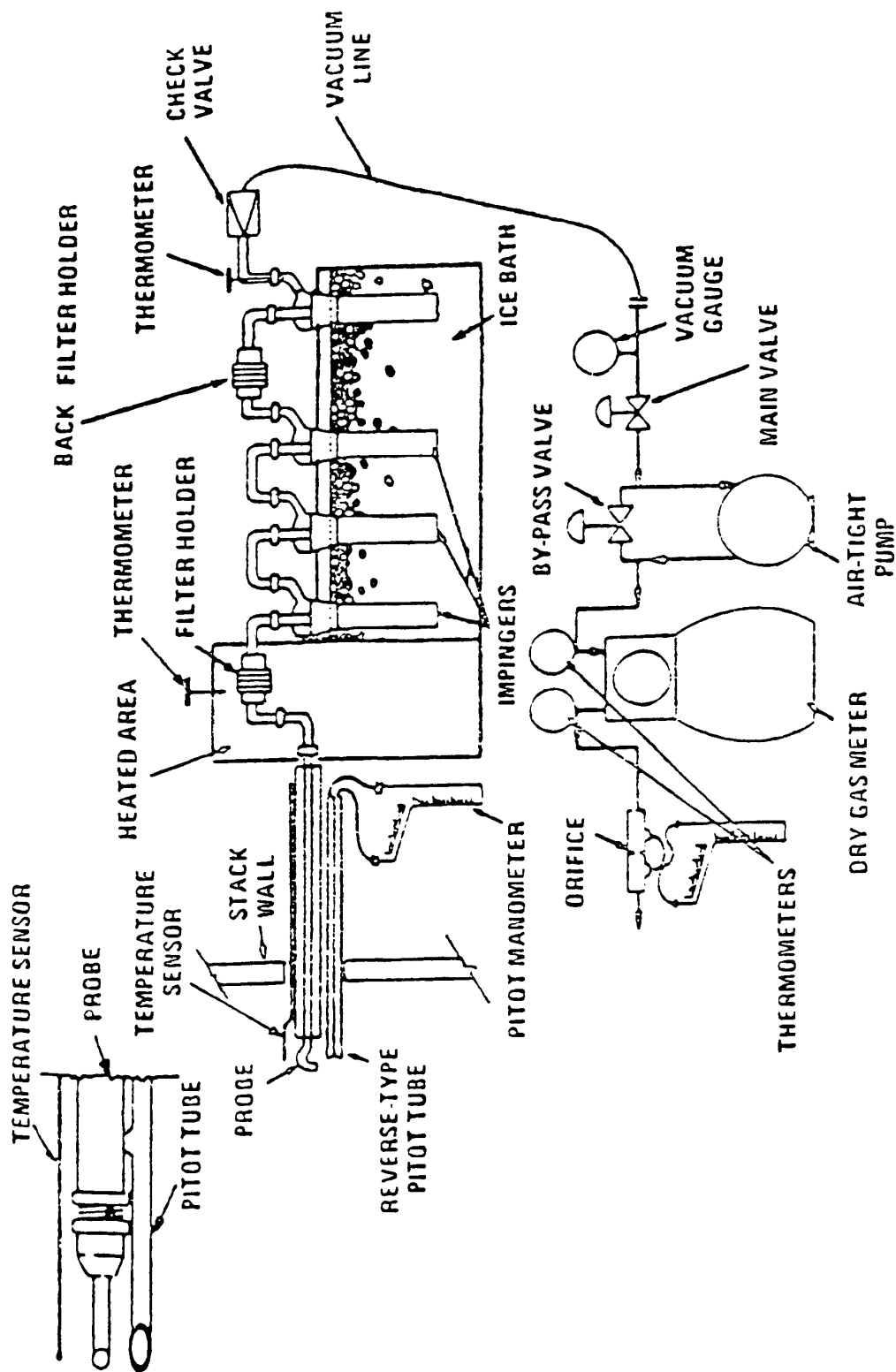
5.0 **Sample Collection, Preservation, Storage, and Transport:** Same as Oregon Source Sampling Method 5 Sections 5.1 through 5.8 with the following addenda:

5.1 **Preparation of Sampling Train:** Same as Oregon Source Sampling Method 5 Section 5.3 with the following addition:

- 5.1.1 Insert numbered and pre-weighed filters into each of the front (heated if used) and back (non-heated) filter holders.
- 5.2 **Sample Recovery:** Same as Oregon Source Sampling Method 5 Section 5.7 with the following addition:
 - 5.2.1 Container 6: Transfer the back filter to container No. 6.
- 6.0 **Quality Control:** Same as Oregon Source Sampling Method 5 Sections 6.1 and 6.2.
- 7.0 **Calibration and Standardization:** Same as Oregon Source Sampling Method 5 Sections 7.1 through 7.8.
- 8.0 **Analytical Procedures:** Same as Oregon Source Sampling Method 5 Sections 8.1 through 8.2 with the following addendums:
 - 8.1 Documentation: Analytical documentation shall be consistent with the data entry forms presented in Figure 7-2 of Oregon Source Sampling Method 7, and Figures 5-2b through 5-2c of Oregon Source Sampling Method 5
 - 8.2 Analysis: Same as Oregon Source Sampling Method 5 Section 8.2 with the following addition:
 - 8.2.1 **Container No. 6:** Desiccate the back filter in Container No. 6 for 24 hours at 70°F or less. Weigh the filter to a constant weight.

Note: In some cases, desiccation may cause slow vaporization of the condensable material. Therefore, if the weights continue to decrease over time and the sample is obviously dry, use the average of the first three weights to determine the particulate matter catch.
- 9.0 **Calculations:** Same as Oregon Source Sampling Method 5 Sections 9.1 through 9.14 with the following addendum:
 - 9.1 Total Particulate Weight: Determine the total particulate matter catch from the sum of the weights obtained from Containers 1 (if front filter is used), 2, 4, 5, & 6 (including the organic solvent extract of the water from Container No. 4), less the acetone, methylene chloride (or hexane), and distilled water blanks (see Figure 7-2).
- 10.0 **Alternative Procedures, Bibliography, Sampling Train Schematic, Example Data Sheets, Etc.:** Same as Oregon Source Sampling Method 5 Section 10.0 with the following addenda:
 - 10.1 An unheated glass fiber filter is placed at the inlet to the silica gel impinger (generally Impinger 4).
 - 10.2 Use ODEQ Method 7 Figure 7-2 in place of ODEQ Method 5 Figure 5-2a.

FIGURE 7-1. OREGON METHOD 7 SAMPLING APPARATUS



**Figure 7-2
 OREGON METHOD 7 DATA ANALYSIS FORM**

Facility _____ Run Number _____
 Sample Location _____ Test Date _____
 Sample Recovered by _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
FRONT HALF:						
<u>Front Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
BACK HALF:						
<u>Back Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						
<u>Water</u>						
Beaker ID: _____						
Tare Wt.: _____						
Water Vol.: _____						
Water ID: _____						
Date/time into desiccator: _____						
<u>MeCl or Hexane</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						

*filter 0.5000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

SUB-APPENDIX C-8

OREGON DEQ SOURCE SAMPLING METHOD 8

Oregon Method 8

State of Oregon Department of Environmental Quality Source Sampling Method 8

Sampling Filterable Particulate Emissions from Stationary Sources (High Volume Method)

1. Principle and Applicability

1.1 **Principle:** Particulate matter is withdrawn isokinetically from a flowing gas stream and deposited on a glass fiber filter. The particulate matter is determined gravimetrically after removal of uncombined water.

1.2 **Applicability:** This method is applicable to stationary sources whose exhaust points do not meet minimum EPA Method 1 flow disturbance requirements and whose primary emissions are solid (filterable) particulate. Its primary application is intended to be for wood product handling cyclones and baghouse exhaust systems. Caution must be taken when applying this method to sources with elevated exhaust temperatures and/or moistures as they may diminish the integrity of the sampling filter and damage the sampling apparatus.

2.0 **Acceptability:** Results from this method will be accepted as a demonstration of compliance (or non-compliance) provided that the methods included or referenced in this procedure are strictly adhered to and a report containing at least the minimum amount of information regarding the source is included as described in Section 2.11 of Oregon DEQ's Source Sampling Manual, Volume I. Deviations from the procedures described herein will be permitted only if permission from DEQ is obtained in writing in advance of the tests.

3.0 Sampling Apparatus (Figure 8-1)

3.1 **Nozzle** - smooth metal construction with sharp leading edge. The nozzle shall be connected to the probe by means of a joint designed to minimize particulate matter deposition.

3.2 **Probe** - smooth metal construction. The probe shall be attached to the nozzle and filter holder with air-tight joints designed to minimize particulate matter deposition. The probe should be as short as possible.

3.3 **Filter Holder** - air-tight with support screen for the filter.

3.4 **Metering system** - a calibrated orifice followed by a thermometer or thermocouple and flow control device. The metering system shall be connected to the filter holder by means of an air-tight joint.

- 3.5 **Pitot Tube** – Standard pitot same as EPA Method 2, Sec. 6.7.1, or S-type same as EPA Method 2, Sec. 6.1, or equivalent.
 - 3.6 **Blower** - high capacity (typically 60 cfm free air). The blower may be connected to the metering system by a flexible hose if desired.
 - 3.7 **Probe-Nozzle Brush** - flexible, nylon bristle brush at least as long as the probe and nozzle.
 - 3.8 **Differential Pressure Gauges** - liquid manometer, Magnehelic², or equivalent.
 - 3.9 **Barometer** - mercury, aneroid, or other type capable of measuring atmospheric pressure to within 0.1”Hg. If the barometric pressure is obtained from a nearby weather bureau station, the true station pressure (not corrected for elevation) must be obtained and an adjustment for elevation differences between the station and sampling site must be applied.
 - 3.10 **Temperature Gauges** - Same as EPA Method 2 Section 6.3.
 - 3.11 **Timer** - integrating type, accurate and readable to the nearest 6 seconds (tenth of a minute).
 - 3.12 **Wash Bottles**: Same as EPA Method 5 Section 6.2.2 .
 - 3.13 **Filter Storage Container** - clean manila envelopes and tagboards, or suitable equivalent.
 - 3.14 **Sample Storage Containers** - glass with leak-tight cap that is resistant to attack by the solvent used, and allows complete recovery of particulate matter. Polyethylene bottles are also acceptable.
- 4.0 **Reagents and Standards**
- 4.1 **Filters** - glass fiber filters, free of pinhole leaks or other imperfections and exhibiting at least 99.95% efficiency on 0.3 micron DOP smoke particles. Desiccate individually numbered filters for 24-hours and weigh to the nearest 0.5 mg before use.
 - 4.2 **Rinse Solvent** - acetone, reagent-grade, $\leq 0.001\%$ (0.008 mg/ml) residue. For aluminum probes and nozzles, methanol may be substituted for acetone. The same purity is required.

² Mention of trade names or specific products does not constitute endorsement by DEQ.

5.0 Sample Train Preparation

- 5.1 All parts of the sampling train shall be cleaned and properly calibrated as directed in Section 10.
- 5.2 Place a filter in the filter holder with the coarse side facing the flow, being careful not to damage it. Be certain that the filter is positioned so that no air can be drawn around the filter.
- 5.3 Assemble the sample train with the appropriate nozzle and length of probe. Perform a leak check by plugging the nozzle, turning on the blower, and observing the deflection of the flow orifice pressure gauge. The acceptable leakage rate shall not exceed 5% of the expected sample flow rate.

6.0 Sample Collection, Preservation, Storage, and Transport

- 6.1 Use a pitot tube to roughly map the velocity distribution across the face of the exhaust opening or duct. Areas of zero or negative flow should also be indicated if present. At each point at which the velocity is measured, measure the flow in the direction giving maximum deflection of the pitot pressure gauge. Record the data on a form similar to Figure 8-6.
- 6.2 Select six or more points of outgoing (positive) flow from the points measured in Section 6.1 to sample. The points shall be representative of the flow pattern, and shall include the point of maximum velocity. If six points of positive flow cannot be obtained, use the maximum number possible. Do not choose any points closer than 2 inches to the exhaust duct wall.

Alternatively, sample point locations may be determined utilizing criteria specified within EPA Method 1 if the minimum distances from upstream and downstream flow disturbances are met (Figure 1-1 of EPA Method 1).

- 6.3 Measure the exhaust temperature.
- 6.4 Determine the nozzle size required for isokinetic sampling. An estimate of the orifice temperature is required. For low temperature exhausts, the orifice temperature is usually very close to the exhaust temperature. For higher temperature exhausts, a trial run may be necessary to determine the expected orifice temperature.
- 6.5 Calculate the required orifice pressure drop for each chosen sampling point to obtain an isokinetic sample rate. With the probe out of the exhaust stream, turn on the blower and adjust the sample flow rate to that calculated for the first sampling point in Section 6.2. Locate the probe nozzle at the first sampling point, and immediately start the timer. Move the probe around until the velocity pressure matches that for which the sampling flow rate was pre-set. The probe nozzle must be pointing directly into the flow.

- 6.6 Continually monitor the velocity during the sampling period and move the probe around as required to keep it in an area where the velocity matches the original velocity used to calculate the pre-set sampling rate. Record the sampling time, the orifice temperature, and orifice pressure drop on a data sheet similar to Figure 8-7. Record data every 5 minutes or once per sampling point, whichever is more frequent. Sample for a length of time so that the total sampling time for all points is at least 15 minutes and a minimum of 100 mg of particulate matter is collected.
- 6.7 Repeat steps 6.5 and 6.6 for each sampling point. The blower need not be turned off between points if readjustments to the new sampling rate can be made rapidly (less than 15 seconds).
- 6.8 Care should be taken so that the nozzle does not touch the walls of the exhaust stack because particulate matter may be dislodged and enter the sample train. If there is reason to believe this has happened, discontinue the sample, clean the train, and restart the test.
- 6.9 If excessive loading of the filter should occur such that isokinetic conditions cannot be maintained, replace the filter and continue the test.
- 6.10 At the conclusion of the sampling period, remove the probe from the exhaust and turn off the blower (do not reverse this order because the filter may be broken and sample lost). Plug the nozzle to prevent sample loss, and transport to the sample recovery area.
- 6.11 Conduct a post-test leak check (as per Section 5.3).
- 6.12 Measure the moisture content, molecular weight, and the pressure (absolute) of the exhaust gas. In most cases, the moisture may be measured by the wet bulb/dry bulb technique as described in Oregon Source Sampling Method 4. The molecular weight shall be measured by EPA Method 3 or 3a. If the exhaust gas being sampled is ambient air, the dry molecular weight can be assumed to equal 29 lbs/lb mol (29 g/g mol). If feasible, these supplemental measurements should be conducted during each PM sample run. Otherwise, these supplemental measurements should be conducted immediately prior to and immediately following each PM sample run. The process operating parameters realized during these supplemental measurements must be consistent with the parameters encountered during the PM sampling collection.

7.0 **Sample Recovery**

- 7.1 Remove the nozzle plug, turn on the blower, insert the probe brush into the nozzle, and brush the particulate from the nozzle and probe onto the filter. Do not insert the brush so far in that it will come into contact with the filter. Turn off the blower and recover the PM adhered to the brush. This brushing process must be performed after every PM sample run.

- 7.2 Open the filter holder and carefully remove the filter. Inspect the filter for holes or tears. A leak around the filter is likely if particulate deposits are found at the edge of the filter. If any of these problems are found, the observations should be recorded on the field data sheet and the sample should be voided (repeat the run). Fold the filter once lengthwise with the dirty side in, and place in a folded manila tagboard (or equivalent), folded edge down. Fasten the outside edge of the tagboard (or equivalent) with a paper clip, and place in the manila envelope (or equivalent). Be aware that some filter material will likely remain on the gasket and filter support. If possible, these filter remains should be removed with a spatula and placed within the folded filter.
- 7.3 Rinse the inside front of the filter holder, probe, and nozzle with a measured amount of acetone or methanol while brushing. Repeat the rinsing/brushing until all particulate and filter remains is removed as evidenced by a lack of visible residue on the inside surfaces after evaporation of the acetone or methanol. Be sure to also recover the PM matter adhered to the recovery brushes. Retain the acetone or methanol rinse and a blank sample of the acetone or methanol in labeled containers for laboratory analysis. This rinsing process must be performed after every PM sample run.

8.0 Analytical Procedures

- 8.1 Desiccate the filter for 24-hours at room temperature (70°F or less), and weigh to a constant weight to the nearest 0.5mg.

NOTE: Make certain that any particulate that may have dislodged from the filter into the tagboard or envelope (or their equivalent) is returned to the filter before weighing. Alternatively, the filter and corresponding filter receptacle (envelope) may be tared simultaneously and analyzed collectively. In this case, the filter receptacle must be opened prior to being placed in the desiccator to instigate sample drying.

Since the relatively large filter and particulate catch may be hygroscopic, weigh immediately upon removal from the desiccator.

- 8.2 Filter blanks shall be run in the field before and after the complete source testing activity. A minimum of 2 filter blanks shall be collected for each source test. This is accomplished by inserting a pre-weighed filter into the filter holder, performing a leak check, removing the filter, and treating it as a sample filter in accordance with Section 7.2.
- 8.3 Quantitatively transfer the solvent rinse and blank solvent to tared beakers or evaporating dishes, evaporate at room temperature (70°F or less) and pressure, desiccate, and weigh to a constant weight to the nearest 0.5 mg.

- 8.4 Record the data on forms similar to Figures 8-2, 8-3, 8-4, and 8-5.

9.0 Exhaust Gas Flow Rate Measurement

- 9.1 If the PM sampling location does not satisfy the flow disturbance requirements of EPA Method 1, then an alternate sampling location shall be selected for a velocity traverse. The velocity traverse location shall meet EPA Method 1 requirements and should accurately represent the flow rate to the atmosphere at the particulate sampling point (i.e., no air flows should be added to or removed from the system between the velocity and the particulate sampling points).
- 9.2 The dry molecular weight of the gas stream shall be determined as per EPA Method 3 or 3a. If the exhaust gas being sampled is ambient air, the dry molecular weight can be assumed to equal 29 lbs/lb mol (29 g/g mol).
- 9.3 In most cases, the moisture may be measured by the wet bulb/dry bulb technique as described in Oregon Source Sampling Method 4. If Oregon Source Sampling Method 4 is not applicable, then exhaust moisture must be measured as per EPA Method 4.
- 9.4 The flow rate shall be measured as per EPA Method 2 at the location specified by Section 9.1 of this DEQ method.
- 9.5 If possible, the flow rate (including velocity, molecular weight, & moisture) should be measured during each PM sample run. Alternatively, these supplemental measurements should be conducted immediately prior to and immediately following each PM sample run. The process operating parameters realized during these supplemental measurements must be consistent with the parameters encountered during the PM sampling collection.

10.0 Calibration

- 10.1 The orifice flow meter shall be calibrated at least once within twelve months of the sampling date using a primary standard or a device which has been calibrated against a primary standard. The calibration data and calibration curves for the orifice and intermediate standard shall be included in the source test report, along with documentation of the primary standard.
- 10.2 All S-type pitot tubes, differential pressure gauges, and thermometers or thermocouples, shall be calibrated at least once within six months of the sampling date. The calibration data and/or calibration curves shall be included in the source test report.
- 10.3 The calibration records shall include the date, place, and method of calibration.
- 10.4 Differential pressure gauges (if not liquid manometers) shall be calibrated against a liquid manometer.
- 10.5 The following calibration and standardization procedures must be performed on the analytical balance:

- 10.5.1 The balance must be audited utilizing 0.500 g, 1.0000 g, 10.0000 g, 50.0000 g, and 100.0000 g Class-S standard weights. Alternatively, five (5) Class-S standard weights may be substituted that accurately represent the anticipated measurement range. The balance results must agree within ± 1 mg of the Class-S weights. At a minimum, the balance calibration must be performed subsequent to disturbing the analytical balance and annually thereafter.
- 10.5.2 Prior to weighing filters before and after sampling, adjust the analytical balance to zero and check the accuracy with a 5 g Class-S weight. A Class-S standard weight within 1 g of the filter weight may be used as an alternate. The balance results must agree within ± 0.5 mg and the temperature in the weighing environment must be $\leq 70^\circ\text{F}$.
- 10.5.3 Prior to weighing beakers before and after sampling, adjust the analytical balance to zero and check the accuracy with a 100 g Class-S standard weight. A Class-S standard weight within 1 g of the beaker weight may be used as an alternate. The balance results must agree within ± 0.5 mg and the temperature in the weighing environment must be $\leq 70^\circ\text{F}$.

11.0 Calculations

- 11.1 Total particulate emissions from the system shall be calculated by multiplying the measured particulate concentration by the flow rate through the exhaust system. An index to the parameters utilized in these calculations are as follows:

B_{ws} = Moisture content of sample stream as per EPA 4 or ODEQ 4, vol./vol.

C_g = Calculated PM concentration, gr/dscf.

C_p = Pitot tube coefficient for Method 8 apparatus, typically 0.99

D_n = Sample nozzle diameter, inches.

\sqrt{dp} = Average square root of velocity pressures measured at sample points, (H_2O)^{1/2}.

E = PM emission rate, lb/hr

I = Isokinetic sampling rate percentage, %

M_c = Molecular weight of gas stream used to calibrate orifice, typically 29.0 ##/mol.

m_n = Mass of PM recovered from sampling apparatus, mg

M_s = Molecular weight of sample gas stream on a wet basis, ## mol.

P_{b_s} = Barometric pressure during the course of sampling, "Hg.

P_s = Absolute exhaust pressure at sampling location, "Hg.

$Q_{s_{std}}$ = Standard exhaust gas flow rate, dscfm

SR_{std} = Standard sample rate (wet) as indicated by calibration curve, scfm

SR_{std}' = Corrected standard sample rate (wet) for temp., pressure, & molecular weight, scfm.

$SR_{std}'_i$ = Corrected standard sample rate (wet) at sample point "i", scfm.

T_{o_s} = Orifice temperature measured at sample point, °R.

T_s = Average exhaust temperature at sampling location, °R

V_{std}' = Standard sample volume (dry) of entire test replicate, dscf.

\emptyset = Sampling time of entire test replicate, min.

ϕ_i = Sampling time at sample point “i”, min.

11.2 Particulate Concentration: The following calculations shall be conducted for each test run:

11.2.1 Total Sample Weight: Calculate the total sample weight from laboratory results by adding the net weight gain of the filter sample(s), adjusted for a blank value, to the net weight of particulate matter collected in the acetone (or methanol) rinse, corrected for an acetone (or methanol) blank. Record the results on a laboratory form similar to Figure 8-5.

11.2.2 Sampling Rate: Sample flow rates for each point shall be determined from the orifice calibration curve. Typically, the orifice calibration curve is a plot of orifice pressure drop versus sample flow rates at standard temperature and pressure. Some calibration curves account for varying orifice temperatures, but rarely do they adjust for orifice pressure and gaseous molecular weight.

Consequently, the calibration curve must be corrected to accurately reflect the relationship between the orifice differential pressure and the standard sampling flow rate. The correction to the standard sampling flow rate for a constant orifice differential is specified by Equation 8.11-1.

$$SRstd' = 4.2 \times SRstd \times \sqrt{\frac{Pb_s}{To_s}} \times \sqrt{\frac{Mc}{Ms}} \quad (Eq. 8.11-1)$$

Note: Equation 8.11-1 only applies to the calibration curve that represents an orifice temperature of 68° F and an orifice pressure of 29.92”Hg. Set Mc equal to Ms (Mc:Ms ratio of 1) if sample gas is mainly comprised of air with Bws less than 0.05 vol./vol.

11.2.3 Total Sample Gas Volume: Calculate the sample gas volume by multiplying each sample point duration in minutes, times the average sample rate (wet standard cubic feet per minute – wscfm) as determined using the orifice calibration curve and the corrected sample rate from Equation 8.11-1. Add the volume of all sample points and adjust for exhaust gas moisture to get the total dry standard sample gas volume for the entire test run as shown by Equation 8.11-2.

$$Vstd' = \left[\sum_{i=1}^n SRstd'_i \times \phi_i \right] \times [1 - Bws] \quad (Eq. 8.11-2)$$

11.2.4 Calculate the particulate concentration in gr/dscf by the following equation:

$$C_g = 0.0154 \times \frac{m_n}{V_{std}'} \quad (Eq. 8.11-3)$$

11.3 Total Exhaust Gas Flow Rate: Use EPA Method 2 calculations to determine the total exhaust gas flow rate using the data obtained from Section 9 of this DEQ method. For some cyclones, the total flow may be adjusted to account for air purposely vented out the bottom of the cyclone.

11.4 Total Emissions: Calculate the total particulate emission rate (lb/hr) by the following equation:

$$E = 0.00857 \times C_g \times Q_{s_{std}} \quad (Eq. 8.11-4)$$

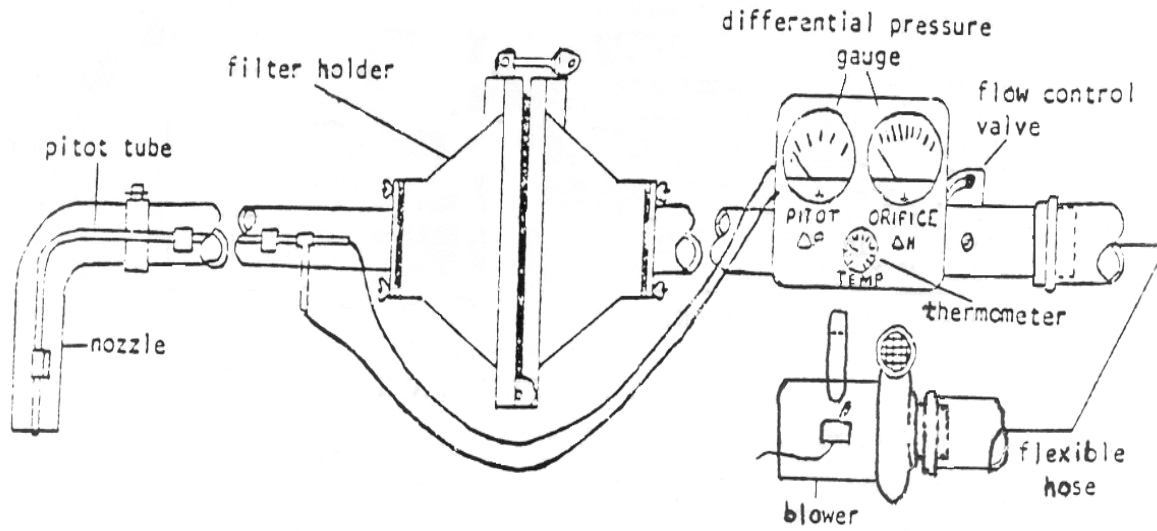
11.5 Percent Isokinetic Sampling Rate: Calculate the isokinetic sampling rate, defined as the ratio of the average velocity of the sample gas entering the sample nozzle to the average sample point velocity. In order to achieve acceptable results, the value of this parameter must be between 80% and 120%. Test results falling outside this range shall be discarded, and the test repeated.

$$I = 0.2017 \times \frac{V_{std}'}{\phi \times (1 - Bws) \times Dn^2 \times Cp \times \sqrt{dp}} \times \sqrt{\frac{(Ts + 460) \times Ms}{Ps}} \quad (Eq. 8.11-5)$$

12.0 Test Reports

The test report shall include as a minimum the information requested in Section 2.11 of this manual.

Figure 8-1



**Figure 8-2
 METHOD 8 DATA ANALYSIS FORM**

Facility _____ Run Number _____
 Sample Location _____ Test Date _____
 Sample Recovered by _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
<u>Filter</u>						
Filter ID: _____						
Tare Wt.: _____						
Date/time into desiccator: _____						
<u>Acetone</u>						
Beaker ID: _____						
Tare Wt.: _____						
Solv. Vol.: _____						
Solv. ID: _____						
Date/time into desiccator: _____						

*filter 5.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

Figure 8-3
METHOD 8 BLANK ANALYSIS DATA FORM

Samples Prepared by _____ Date _____

Reagent	Date/Time	Weight (g)	Audit* (g)	Lab Temp. °F	Lab RH %	Analyst
<u>Pre Test Blank Filter</u> Filter ID: _____ Tare Wt.: _____						
<u>Post Test Blank Filter</u> Filter ID: _____ Tare Wt.: _____						
<u>Blank Acetone</u> Beaker ID: _____ Tare Wt.: _____ Solv. Vol.: _____ Solv. ID: _____						

*filter 5.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight
 beaker 100.0000 g ± 0.5 mg tolerance – NIST traceable Class S weight

METHOD 8 ANALYSIS SUMMARY

Facility _____ Run Number _____
 Sample Location _____ Test Date _____
 Sample Recovered by _____

ANALYSIS	RUN _____	RUN _____	RUN _____	RUN _____	RUN _____
SAMPLE FILTER					
Filter ID					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
PRE TEST BLANK FILTER					
Filter ID					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
POST TEST BLANK FILTER					
Filter ID					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
ACETONE RINSE					
Acetone ID					
Acetone Volume, mls					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
ACETONE BLANK					
Acetone ID					
Acetone Blk Vol., mls					
Gross Weight, mg					
Tare Weight, mg					
Net Weight, mg					
Net Weight, mg/ml					
TOTAL PM RECOVERY*					
PM Recovered, mg					

*Total PM = (Filter) – (Average (pre-test blank & post-test blank)) + (Acetone Rinse) – (Acetone Blank Corrected for Rinse Volume). Note: The blank corrections for the filter and/or rinse samples are '0', if the blank filter or rinse samples yield negative weight gains.

**Figure 8-6
 VELOCITY PRE-SURVEY**

Plant Name & Location _____
 Date _____ Time _____ By (name) _____
 Source Location or ID _____

Low Pressure System High Pressure System

Type of Exhaust: Straight Vertical China Hat

Goose-Neck Other (specify) _____

Temperature: Dry Bulb _____ °F Wet Bulb _____ °F

Velocity Survey: Record velocity head at enough points to roughly map the velocity distribution across the exhaust cross-section. Select six points for sample collection and show in diagram.

Point	X inches	Y inches	ΔP " H ₂ O	Check if selected ()
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
Average				

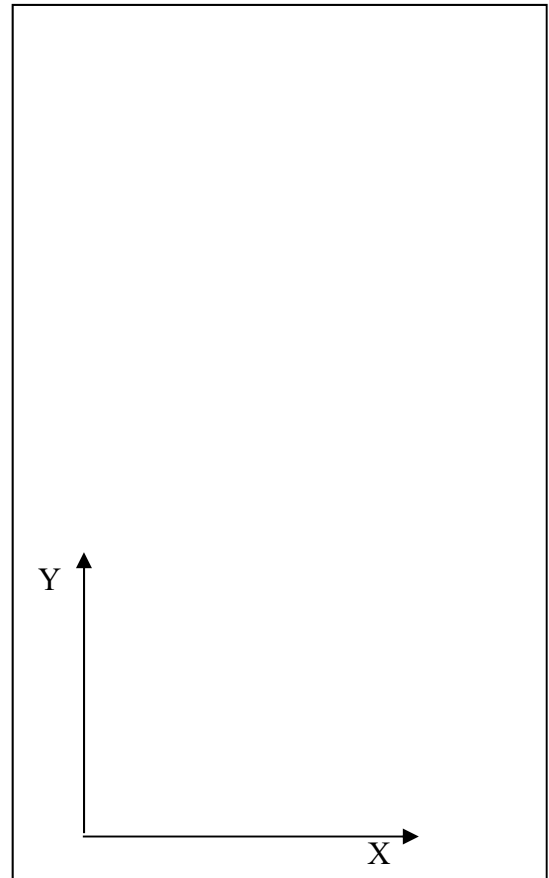


Figure 8-7

Sampling Data and Field Analysis

Plant Name/Location _____ Source Identification _____ Run # _____
 Date _____ Time _____ By (name) _____ Process Operation During Test: _____
 Temperature: Dry bulb _____ Wet bulb _____ %Moisture _____ Ambient _____
 Gas composition: %O₂ _____ %CO₂ _____ Pitot factor (C_p) _____
 Static Press (P_g) _____ "H₂O
 Nozzle Dia. _____ Nozzle area (A_n) _____ Barometric Pressure(P_b) _____ in. H_g

Pt.	Location		Velocity Pressure		Orifice ΔH		Orifice Temperature °F	Sample Time minutes	Sample Rate Indicated by Calibration Curve scfm	Sample Rate Corrected for Sampling Conditions scfm	Sample Volume dscf
	X	Y	ΔP	√ΔP	Pre-set "H ₂ O	Actual "H ₂ O					
1											
2											
3											
4											
5											
6											
Avg. or Total			--		--	--			--		

Sample Filter ID:	
Acetone ID:	
Acetone Volume, mls.	
Pre Test Blank Filter ID:	
Post Test Blank Filter , ID:	

APPENDIX D

GENERAL CALIBRATION REQUIREMENTS

FOR OREGON SOURCE SAMPLING METHODS

Table D-1: CALIBRATION REQUIREMENTS FOR OREGON DEQ SOURCE SAMPLING METHODS

Measurement Equipment	Reference	Calibration Points	Frequency	Acceptance Criteria	Applicable ODEQ Method			
					M4	M5	M7	M8
TEMPERATURE MEASURING DEVICES								
Stack/Exhaust	ASTM mercury thermometer, NIST traceable, or thermocouple/potentiometer	32°F & 212°F or Sec. 10.3 of EPA M2	every 6 months or EPA M2	±1.5% absolute	X	X	X	X
Oven/Filter	ASTM mercury thermometer, or NIST traceable	32°F & 212°F	every 6 months	±1.5% absolute		X	X	
Impinger Exit	ASTM mercury thermometer, or NIST traceable	32°F & 212°F	every 6 months	±1.5% absolute		X	X	
Dry Gas Meter	ASTM mercury thermometer, or NIST traceable	32°F & 212°F	every 6 months	±1.5% absolute		X	X	
Orifice Meter	ASTM mercury thermometer, or NIST traceable	32°F & 212°F	every 6 months	±1.5% absolute				X
Note: The entire measurement system including readout shall be calibrated. All thermocouples should be checked before each source test. This could be accomplished by noting on the field data sheets that all of the thermocouples and/or thermometers register the same temperature at ambient conditions.								
SAMPLE NOZZLE								
Sample Nozzle (initial & thereafter)	micrometer	3 diameters	12 months & after repair	high minus low ≤0.004"		X	X	X
Sample Nozzle (pre-test)	visual inspection	tapered edge of opening	prior to each field use	no nicks, dents, or corrosion		X	X	X
PITOT TUBES								
S-type pitot tube (preferred procedure)	standard pitot tube (Cp=0.99)	800; 1,500; 3,000; & 4,500 fpm	every 6 months	mean deviation ≤0.01 A & B deviation ≤0.01		X	X	X
S-type pitot tube (D _i , P _A , P _B , x, Z, & W in limits)	specifications illustrated in Method 2, Figures, 2-2, 2-3, 2-4, 2-7, & 2-8	face alignments & dynamic interferences	pre & post each field use	EPA Method 2		X	X	X
Standard pitot tube	specifications of EPA Method 2, Section 6.7 and Figure 2-5	static pressure holes location & size	prior to initial use	≥ 6 D to tip, ≥8 D to bend, 0.1D hole diam.		X	X	X

Note: Where inconsistencies exist, quality assurance requirements specified by method supersede those presented within Tables D-1 & D-2.

Table D-2: CALIBRATION REQUIREMENTS FOR OREGON DEQ SOURCE SAMPLING METHODS

Measurement Equipment	Reference	Calibration Points	Frequency	Acceptance Criteria	Applicable ODEQ Method			
					M4	M5	M7	M8
SAMPLE VOLUME METERING EQUIPMENT								
Dry Gas Meter (pre test)	standard meter	3 orifice pressures (1.0", 2.0", & 3.0"H ₂ O)	every 6 months	$Y \pm 0.02$ from average $\Delta H @ \pm 0.2$ from average		X	X	
Dry Gas Meter (post test)	standard meter	3 replicates at avg. ΔH and max. vacuum during test	following each source test	$Y_{\text{post}} \pm 5\%$ of Y_{pre}		X	X	
Standard Gas Meter (dry gas meter)	spirometer or wet test meter	5 orifice pressures over range	annual	$Y_{\text{max}} - Y_{\text{min}} \leq 0.030$ $0.95 \leq Y \leq 1.05$		X	X	
Standard Gas Meter (wet test meter)	spirometer	3 flow rates (0.25, 0.5, & 0.75 cfm)	annual	deviation $\leq 1\%$		X	X	
High-Volume Orifice (pre test)	standard orifice or meter (or approved equivalent)	7 settings over full range of orifice	every 12 months	demonstrate linearity on a logarithmic plot				X
Critical Orifices (as a calibration standard)	standard meter	duplicate runs for each orifice	every 6 months	$K \pm 0.5\%$ from average		X	X	
MISCELLANEOUS EQUIPMENT								
Magnehelic ³	liquid manometer	3 points over range	after each field use	$\pm 5\%$		X	X	X
Barometer (aneroid type)	mercury barometer	one point	annual	± 0.1 "Hg	X	X	X	X

Note: Where inconsistencies exist, quality assurance requirements specified by method supersede those presented within Table D-1 & D-2.

³ Mention of trade names or specific products does not constitute endorsement by DEQ.

Attachment F

Public Comments

DEQ solicited public comments on the draft Cleaner Air Oregon rules and fiscal during two public comment periods. Comment period #1 was from October 20, 2017, to January 22, 2018, and Comment Period #2 was from June 25 to August 6, 2018. The list below contains all comments received during those periods, including those submitted via an online form, by email, on paper, and in the form of oral statements at public hearings. DEQ reviewed each comment and grouped the ideas proposed by each commenter into one or more categories.

Note: some comments were received when the public comment period was closed and are not included below. Therefore, the comment numbering is not contiguous.

Comment #1

Comment Period #1

Name: Callie Catani

Organization: Strata Environmental State: Tennessee

Number of commenters: 1

Comment text: The proposed rules do not make it clear when all other businesses (besides the top 80 emitters) will be required to be called into the program and perform a risk assessment. This will make planning difficult for all other businesses besides the top 80 emitters.

Attachment:

Comment categories linked to this comment: 186

Comment #2

Comment Period #1

Name: Nicole Lawless

Organization: State: OR

Number of commenters: 1

Comment text: Please protect our air - do whatever it takes! Thank you!

Attachment:

Comment categories linked to this comment: 171

Comment #3

Comment Period #1

Name: Jim Hickam

Organization: State: Oregon

Number of commenters: 1

Comment text: Stop all field burning!!!!

Attachment:

Comment categories linked to this comment: 256

Comment #4

Comment Period #1

Name: Charles Langford

Organization: State: OR

Number of commenters: 1

Comment text: I approve of the proposed rule changes.

Attachment:

Comment categories linked to this comment: 171

Comment #5

Comment Period #1

Name: Nancy McCollum

Organization: State: OR

Number of commenters: 1

Comment text: Please--no more backyard or field burning! The wood stoves are bad enough, but at least they have smokestacks. I start coughing in September and don't stop until May, and I have inflammation and headache all that time also. Oregon has had enough smoke. Tourists don't like it either.

Attachment:

Comment categories linked to this comment: 256

Comment #6

Comment Period #1

Name: Melody Valdini

Organization: State: OR

Number of commenters: 1

Comment text: Please institute more protections on the air we breathe! It is shocking that I need to even request this- it its most basic form, the government exists to protect the health and lives of the citizens, not to prioritize the interests of industry.

So to be clear: I am requesting that the DEQ and our state government prioritize the lives of the citizens of Oregon over the industry interests, and thus please use your resources to regulate and monitor the toxins released into our air everyday. We must go above and beyond the minimal federal regulations and instead maximize the regulations that will keep the poison out of our air. Do right by our children and grandchildren- please clean our air!

Attachment:

Comment categories linked to this comment: 246, 257

Comment #7

Comment Period #1

Name: Dale Feik

Organization: Hillsboro Air and Water State: OR

Number of commenters: 1

Comment text: See attached document. Public comment submitted by email and uploaded by DEQ.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/6ea96b14-294a-43e4-a0da-5a52ae577c72>

Comment categories linked to this comment: 123, 171, 244, 246, 265

Comment #8

Comment Period #1

Name: a b

Organization: State: Alabama

Number of commenters: 1

Comment text: testing

Attachment:

Comment categories linked to this comment:

Comment #9

Comment Period #1

Name: Chris Carvalho

Organization: State: OR

Number of commenters: 1

Comment text: As a cancer survivor, I must ask for much stronger protections in the Cleaner Air Oregon plan. As currently written, it does little to bring down cancer risk. The original, stronger rules proposed in the 2017 legislative session were similar to those in 20 other states. Oregon should be a leader, not a follower, when it comes to protecting the health of our citizens. When businesses say they might leave the state if we adopted rules that already are in force in those twenty states, that is a bluff. Many would likely stay and adapt. For the few that would leave, I say good riddance. We can find other businesses that would love to come to Oregon and be responsible environmental citizens. By delaying the time for polluters to comply except for the 80 largest ones, the pollution around my home will not be improved for many years. My area has high levels of wood smoke, fine diesel particulate, and benzene. These come from sources that aren't from a particular business site. The hardship provision simply allows companies to claim they are in financial trouble, and can easily manipulate their books to "prove" it. If we are to have the "predictable, consistent" rules the plan claims, they must apply to all polluters

without exception. The plan must do away with the waiver provision that allows political influence to trump science and prevent the fair application of pollution limits to all businesses. If companies were allowed to increase cancer risk around their facilities by as much as 500 cases per million, Oregon could become a state where two thirds of our counties' cancer risks would be above the national average. That's not quality of life; it's quantity of death. Oregon should commission the services of Art Williams, the person who crafted Louisville, Kentucky's award-winning toxics regulation program. His comments about the shortcomings of Oregon's plan are spot-on. He successfully avoided the mistakes we are about to make. There is no excuse for the NIMBYism of putting a substandard program in place when there is an excellent proof of concept with a great track record. Oregon needs to put the onus of information gathering on pollutants onto businesses and not require DEQ to do the work. It's hard to get legislative funding in our current environment. We also need to adopt the Community Toxics Right-to-Know framework for our law. It is not enough to notify the public when a recommended action level is exceeded. We need to know what's being dumped into our air and water, regardless of the concentration. Action levels can be manipulated to hide pollution. Full disclosure protects against this. Citizens need to know what pollutants are present, and our government needs to stop giving corporations the cover to hide that information from us. Please do the right thing for Oregonians. Make our plan the national leader, and implement community toxics right-to-know. The health of all Oregonians rests in your hands. Our economy can handle the costs of a safe, healthy environment. Sincerely, Chris Carvalho

Attachment:

Comment categories linked to this comment: 46, 88, 123, 133, 188, 212, 258, 265

Comment #10

Comment Period #1

Name: test test

Organization: State: California

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I urge you to carefully consider the impact any decisions or actions regarding this issue will have.

Sincerely,

test test

123 Test St Berkeley, CA 94705

test@test.com

Attachment:

Comment categories linked to this comment:

Comment #11

Comment Period #1

Name: Willis

Organization: League of Women Voters Oregon State: Oregon

Number of commenters: 1

Comment text: I am writing to support clean air standards in Oregon. In particular, I support adequate standards for control of all sources of pollution
strict enforcement of established rules and regulations
a comprehensive, coordinated program for management of air as a natural resource, and
adequate financing for air pollution abatement programs

I see that in the Draft Rules Tables the allowable number of cancer deaths from toxic emission from existing factories has been increased from 10 people per million to 500 people per million. Also, the Hazard Index related to chronic non-cancer diseases for existing factories has increased from 1 to 30 for the new rules. These numbers are unacceptable: too high and not health-based.

Also, the timeline to bring all companies under the Cleaner Air Oregon is too long. Only 80 of Oregon's 2,500 companies will be included in the first five years. The Department of Environmental Quality has been sufficiently funded to hire necessary personnel to enact the new rules, or to finish a vital statewide emissions inventory.

Cleaner Air Oregon cannot happen without funding and political will. The rules need to be grounded in science, informed by data and health-based. Further, the work needs to be funded in order to meet those standards.

Thank you for protecting our quality of life, as well as our quality of air, in Oregon and beyond.

Attachment:

Comment categories linked to this comment: 158, 171, 188, 248, 265

Comment #12

Comment Period #1

Name: Fran Greenlee

Organization: State: OR

Number of commenters: 1

Comment text: I am 87 years old. As an Oregonian for 65 years, I have always admired the resolution of state government to protect our environment - to keep our air and water clean (as we have it in abundance) or resolve to fix it when it becomes contaminated.

Re: The Clean Air Standards as proposed:

We need strong health/science-based goals to keep Oregon citizen's healthy. . .we owe it to our children.

We can't put off for years implementing health standards. Standards should be strong and implemented immediately. How many people have to die before we regulate industries in the state which are contaminating basic health conditions? All living things require clean air and water.

The numbers for "allowable emissions" seems to be unconscionable when people can, and are, dying of cancer because of pollution.

I seems to me the rules need to be grounded in science, informed by data and health-based - and the work needs to be funded in order to meet these standards.

As Gov. Tom McCall would say, "Let's Keep Oregon, Oregon."

Thank you for your consideration,

Fran Greenlee

63215 O.B. Riley Rd.

Bend, Oregon 97703

Attachment:

Comment categories linked to this comment: 158, 188, 248, 257, 258

Comment #13

Comment Period #1

Name: Larry and Nancy Mauter

Organization: State: Oregon

Number of commenters: 2

Comment text: "You picked it up along the way."

That was the explanation my mother got when she was diagnosed with mesothelioma, that rare and deadly cancer caused by contact with asbestos (1332-21-4).

What a callous society we have become when environmental toxins are casually explained as the simple random consequence of living.

All of us are at risk of exposure not only to industrial toxins such as asbestos but we also "pick up along the way" daily doses of tail pipe exhaust and agricultural pollutants in the forms of pesticides. For some of us, the lead in our water is a critical issue. Total up those risks and then add in the increasing health threats associated with climate change, such as asthma, allergies, and the spread of infectious diseases.

Those of us who live in neighborhoods close to industries that discharge their toxic byproducts into our air are at even greater risk for illness and premature death. We must address this issue with comprehensive reforms to close the gaps in the current regulations.

We need to take into consideration the costs of air quality improvement that industry needs to shoulder, with the cost of medical care to treat cancer. According to a Duke University Medical Center study, out-of-pocket expenses (with health insurance) average \$712 a month (2012) for doctors appointments, lost wages, medicines and travel expenses. These costs are shouldered by the individuals and families. Industry may rebut that they can't afford it, well neither can the average citizen who needs medical care.

Environmental regulations work, and Oregon should be doing all it can to reduce air pollution and hold our state's industries to the highest standards for air quality. The benefits are clear: we benefit by controlling health care costs and we benefit by making sure all communities, regardless of their socio-economic status, are protected from hazards in the air we breathe.

Cleaner Air Oregon's mission is to protect the health and well-being of all Oregonians, and in that spirit, I offer the following comments on the proposed rules:

1) Regarding Rule Number 340-245-0030

ALL facilities need to be regulated for air pollution. Human bodies needs to breathe regardless of whether pollution spews out of a new plant or an old one. The suggestion that only new, modified, reconstructed need to comply with the toughest standards is ludicrous. The statement "existing sources will not be permitted above Existing Source Permit Action Levels of 500 in 1 million" needs to be modified.

2)Regarding Rule Number 340-245-0030

Cleaner Air Oregon must set pollution levels to achieve the lowest possible cancer risk, especially since these new rules won't be enforced for more than a decade. Cancer risk levels should be set to 10 per million for new facilities and 25 per million for older facilities. But should be lower in neighborhoods that are close to factories.

3)Regarding Rule Number 340-245-0320

Accuracy in pollutant reporting must be mandatory. Averaging a chemical's output into the atmosphere over the entire facility or over time only dilutes the statistic. The slogan "The solution to pollution is dilution" should not apply. Once a particle enters the body, that body is compromised. Human tissue absorbs toxins and can store them for long periods of time before wreaking havoc on the system.

Regulate for single emission units and discontinue averaging of hazardous air pollutants. The word "estimate" needs to be eliminated when referencing types of air toxins emitted.

4) Regarding Rule Number 340-245-0500

Legislators need to adequately fund the DEQ and the OHA to enforce these rules. Funding for this enforcement should come from those that need air quality permits. Establishing a policy means nothing if enforcement is absent.

With strong rules and consistent enforcement of clean air standards, Oregonians in the future may well be spared the useless explanation "you picked it up along the way" as our health and our environment improve together.

Attachment:

Comment categories linked to this comment: 24, 158, 245, 258, 265

Comment #14

Comment Period #1

Name: Suzanne Moulton

Organization: State: OR

Number of commenters: 1

Comment text: Would you want your kids to smoke two cigarettes a day? That is the equivalent of Portland air pollution DEQ is allowing from major industry in Portland.

Please enforce the legally mandated emission controls on oil refineries and transfer stations. Do not allow those major polluters to apply for permits to pollute. It's especially misleading to the public when we have voted on an emissions standard then DEQ allows for these permits without much reporting to the public outside of small memos berried in a website. There must be more outreach for public comment, like an announcement in major local newspapers or news media.

As you likely know, Oregon has the third largest population out of the fifty states that are at risk of excess cancer due to air pollution. My mom died from lung cancer here in Portland seven years ago today, and I now take care of my dad that suffers from severe emphysema that limits his mobility.

I teach lots of kids in the Portland area, and it trouble me to think that they might one day have to face care-taking their parents before their time and helplessly watch them deteriorate into an early grave, like I have.

Because We Can - We Must do better.

Thank you for the opportunity to provide input.

Attachment:

Comment categories linked to this comment: 78, 171

Comment #15

Comment Period #1

Name: Janice Milani

Organization: none State: Oregon

Number of commenters: 1

Comment text: I support all of the proposed new rules in Cleaner Air Oregon. We desperately need them. Thank you.

Attachment:

Comment categories linked to this comment: 171

Comment #16

Comment Period #1

Name: David Koen

Organization: State: Oregon

Number of commenters: 1

Comment text: My understanding is that the rules propose to accept pollution that would cause up to 500/million excess cancer deaths for neighbors of facilities. Unacceptable. The rules should focus on the health of Oregonians, not the profits of polluting corporations.

Attachment:

Comment categories linked to this comment: 246, 265

Comment #17

Comment Period #1

Name: Paul Lyons

Organization: None State: OR

Number of commenters: 1

Comment text: The State has never required Ash Grove Cement plant i in Eastern Oregon to stop emitting dangerous chemicals that are killing off wildlife in the Wallowa Whitman Forest of mercury poisoning after 40 years.

Attachment:

Comment categories linked to this comment: 97

Comment #18

Comment Period #1

Name: kathleen sharp

Organization: State: oregon

Number of commenters: 1

Comment text: The number and types of pollutants are known. The impact on the public health has been studied. We would save money by cleaning up Oregon's air in health care cost alone. for my own knowledge I don't need to know the more about the substances in the air around me that I breathe in my neighborhood. I know that we have high levels of diesel and benzenes, both of these are known to cause cancer.

The large polluters and the small polluters all need to be regulated. Please don't distract yourself by endless measuring. use your energy and money to provide relief. Require scrubbers on stacks, require businesses to pay to monitor their exhaust. The state will save money in the long run. Compare the price of cleaning the air to cancer treatment and you will find the savings.

Attachment:

Comment categories linked to this comment: 13, 39

Comment #19

Comment Period #1

Name: Melissa Rehder

Organization: State: Oregon

Number of commenters: 1

Comment text: It's time to put the people and their health first. Protect our air first and foremost.

Attachment:

Comment categories linked to this comment: 171, 246

Comment #20

Comment Period #1

Name: Beeara Edmonds

Organization: State: OR

Number of commenters: 1

Comment text: I am concerned about the proposed Cleaner Air Oregon Air Quality regulations that have been drafted up. While I understand that some of what's been drafted is good, there are several issues that are not stringent enough. Having lived in Corvallis for more than 12 years ago, just 1/2 mile from H & V glass fiber facility, I have noticed huge health challenges for my husband and several neighborhood friends, challenges that don't seem normal. Chronic sinusitis shouldn't have to be the case for ones who are making healthy lifestyle choices and I truly believe that air quality, something we have no control over, is a huge factor. As the population in this state continues to increase, there will be increases in pollutants via automobile usage. We can't afford to be lax in terms of corporate pollutants.

Going over the regulations, I see that there is not enough requirement for small particulates to be measured and controlled. In the case of our glass fiber facility, that means tiny particulates are getting in our air. I'm concerned and worried about this. I've also noticed that cancer risk has increased for some of the allowable particulates. This should not be acceptable. In fact we should be working to improve not slide on that risk. Human health is the greatest asset we have and we shouldn't be compromising it for corporate profits. Accuracy in reporting is of the utmost importance. There should not be any gray areas about this. It's also important that the funding to enforce these rules are available to DEQ and the OHA.

Please know I stand behind Clean Corvallis Air's recommendations. Marilyn, who heads this up, has done in-depth analysis and study of air quality. The requests they are making are reasonable and honoring of all. Please consider all of the particulars that are being mentioned by this group.

Attachment:

Comment categories linked to this comment: 23, 158, 246, 372

Comment #21

Comment Period #1

Name: Robin Bousquet

Organization: State: Oregon

Number of commenters: 1

Comment text: As a constituent of Washington County and a mom of 2 young kids, I am concerned about the proposed guidelines for the existing business excess Cancer risk action levels which seem to be almost 10X greater than those of new business. If in fact the excess cancer risk of a new business is set at 10 (per million), the existing source business should also should be held to that standard. To think that they won't be denied until the risk has reached 500 (per million) is unthinkable.

Also, I want to know what the risk is in my area and who the polluters are. I should be able to look up where I live and know what the pollution index is for my family and community. Please make these public and accessible. Thank you.

Attachment:

Comment categories linked to this comment: 61, 263, 265

Comment #22

Comment Period #1

Name: Jessica Applegate

Organization: Eastside Portland Air Coalition State: Oregon

Number of commenters: 1

Comment text: Citizens need to know what they are breathing.

What happened in Portland around the Bullseye neighborhood just exemplified what is happening all over the state. The Bullseye neighborhood should not be the only neighborhood protected from pollution. All of Oregon deserves the same protections.

Their is a false narrative around loss of jobs and the harm to the economy. The data disputes that argument.

A thriving economy and regulations that protect human health are not at odds. Both the EPA and the World Health Organization have shown that every dollar spent on pollution prevention and control renders at least a thirty dollar savings for the economy. Industry lobbyists will mistakenly argue that increased regulatory costs will put industries out of business or drive them from Oregon. This is a myth. The benefits to public health costs, business innovation, decreased pollution mitigation costs, etc. far exceed the costs of cleaning up the air.

Cleaner Air Oregon is an absolute necessity and will put Oregon at least on par with much of the rest of the country in terms of air toxics regulations. California, with one of the most thriving economies in the country has some of the strictest regulations. Regulation and economic hardship do not go hand in hand.

Please see full preliminary comment from EPAC in the attached document. More to come.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c28db5b7-9f19-43d4-ac84-e699bb701bf2>

Comment categories linked to this comment: 28, 29, 44, 45, 46, 89, 90, 123, 133, 136, 140, 158, 171, 176, 238, 248, 258, 272, 312, 318, 319, 374

Comment #23

Comment Period #1

Name: Shannon Souza

Organization: Sol Coast Companies State: Oregon

Number of commenters: 1

Comment text: We strongly support the proposed Cleaner Air Oregon Rule making. The rules are reasonable, science based and socially equitable. As a former environmental manager of a pulp and paper facility I understand that rules, such as this, are required to inform the operations, actions and communications of industrial facility management.

Attachment:

Comment categories linked to this comment: 171

Comment #24

Comment Period #1

Name: Shawn Looney

Organization: State: OR

Number of commenters: 1

Comment text: Please focus also on mobile sources of air toxins such as diesel emissions. Unfiltered diesel emissions are an enormous source of pollution in Oregon, particularly in Multnomah County

Attachment:

Comment categories linked to this comment: 45

Comment #25

Comment Period #1

Name: Nat Kennedy

Organization: State: OR

Number of commenters: 1

Comment text: I think it's great that Oregon is going to have a new air toxics rule. I think that this risk assessment style of the rule is too unwieldy, though. The costs of doing an emission inventory for small businesses is already going to be a burden, but when you toss in modelling and potential monitoring, you'll be putting small businesses out of business. Some other form of rule, like a straight line diminimus and emission limit would be easier and still meet clean air standards.

The costs you've established/assumed are not realistic for either the consultants, the modelling, or the control equipment. Doing a full cost analysis survey would give you a better idea of the impact you will have on businesses. Let them spend their money on a \$50,000 bag house instead of modelling.

A rule for air toxics is necessary, but Cleaner Air Oregon is a monster that is unwieldy. It doesn't have to be this difficult.

Attachment:

Comment categories linked to this comment: 24, 167, 168, 171

Comment #26

Comment Period #1

Name: Nona Gamel

Organization: State: OR

Number of commenters: 1

Comment text: The draft proposal is a good start. However, I am concerned because it does not include diesel particulates in the cumulative risk assessments. I live in Multnomah County, in the top 1% of counties for diesel particulate exposure according to the EPA. This exposure contributes to heart and lung disease and also to dementia. The consequences to the community of this, and other forms of air pollution, are much greater than the cost of reducing them. Everyone needs to contribute to cleaning up our air, and everyone will see benefits from doing so. In addition, the regulation should be applied to all companies immediately upon adoption. There should be zero tolerance for things that are known to be destroying our health and the health of our children and grandchildren.

Attachment:

Comment categories linked to this comment: 45, 176, 238

Comment #27

Comment Period #1

Name: Sara Asher

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I urge you to carefully consider the impact any decisions or actions regarding this issue will have.

The part of Oregon I live in has the highest instance of asthma related to diesel emissions.

Please take the health of citizens, including youth, the elderly and people with compromised health in mind while taking action.

Sara

Sincerely,

Sara Asher

7116 N Mobile Ave Portland, OR 97217-5746

katy.asher@gmail.com

Attachment:

Comment categories linked to this comment: 238, 248

Comment #28

Comment Period #1

Name: Marsha Hanchrow

Organization: State: OR

Number of commenters: 1

Comment text: While I applaud the goal of this legislation and support it far as it goes, I strongly believe it needs to go farther. We need to match the limitations that our neighboring states have put on diesel engines. The diesel trucks that are no longer allowed to run in California have been moved to Oregon. Washington also has tighter emissions limits than we do, so Oregon is collecting their old polluting school buses, too. Transportation is now the largest category of polluters, and I live in a heavily impacted part of the state.

I realize it's a little late to add a requirement that would affect so many, but we need to do it. We need to do it sooner rather than later.

Attachment:

Comment categories linked to this comment: 171, 238

Comment #29

Comment Period #1

Name: Peter Goodman

Organization: State: Oregon

Number of commenters: 1

Comment text: To whom it may concern-DEQ

I wish to speak to the rules and rulemaking process involved with the "Cleaner Air Oregon initiative proposed by the Governor and now in the rule making process. The rules as proposed are so weakened by industry lobbying and political lack of will to protect the public health and well being (the very reason for the initiative in the first place) that comments from me only helps legitimize a process that is totally compromised so as to give lip service to the motivations behind the initiative and actually gut its content bowing shamefully to industry "concerns". The public has been hoodwinked as has been the standard

operating procedure of DEQ for decades with the resulting predictable environmental disasters and public health catastrophes. The standards proposed in the new rules fall well below the standards of many other states and do not protect the public. Escape clauses that allow the Director to override those standards make the process totally vulnerable to political (industry) pressure. The public meetings and feedback opportunities are simply a cynical attempt to promote the false notion that the public has a voice in these decisions. That notion is false. The real "testimony" comes in the form of closed door, backroom deals and politician's obeisance to their masters. The whole process is a charade not democracy.

Peter Goodman 11/19/2017

Attachment:

Comment categories linked to this comment: 46, 83, 249

Comment #30

Comment Period #1

Name: Kathleen Mitchell

Organization: Ms. State: OR

Number of commenters: 1

Comment text: Being exposed to Portland's pollution has the same health impacts as if I were to smoke two cigarettes a day. As long as we have below 50 g/m³ of small particulate matter (PM_{2.5}) in our air, it is considered "good." But only 22 g/m³ has the same health impacts as smoking one cigarette a day. Unlike smoking, air pollution affects everyone- children, the elderly, asthma sufferers, and those with emphysema. The air quality in Portland, Oregon during many parts of this year are worse than the air quality in New York City or Los Angeles.

It's not just small particulates causing a danger to our health. Over 1,300 pounds of lead are dumped into Portland's air annually. 1,315 pounds according to the EPA. As the Portland Tribune reported earlier this year, "Breathing the air in parts of Portland can be a little like drinking the water in Flint, Mich."

The air quality here is so bad, it is capable of causing extra cancers. In six census tracts near the city center, this cancer rate is worse than 99 percent of the country. Oregon must reform its regulation of industrial air pollution with a strong Cleaner Air Oregon program sooner rather than later. Thank you for your attention to solving the problem of Portland's air pollution.

Attachment:

Comment categories linked to this comment: 248

Comment #31

Comment Period #1

Name: Anna Symonds

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Anna Symonds

3824 SE Francis St Portland, OR 97202-3215

annamae11@hotmail.com

Attachment:

Comment categories linked to this comment: 53, 61, 78, 86, 94, 140, 171, 235, 244, 246

Comment #32

Comment Period #1

Name: Diane Christiansen

Organization: State: OR

Number of commenters: 1

Comment text:

I am writing to let you know I think it is urgent for the Oregon Department of Environmental Quality to have regulations and enforce them to protect people and the environment from the 52 air toxics that have been identified. I understand from what I have read from the Eastside Portland Air Coalition that this is not currently being done. No one can say that these regulations are too severe. It is extremely important to have clean air and water!

Attachment:

Comment categories linked to this comment: 248

Comment #33

Comment Period #1

Name: David Goodyke

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live in the Overlook neighborhood, and I think our air quality is negatively impacted by our proximity to the Interstate and to the freight and commercial industries based on Swan Island. Oregonians and citizens or Portland support clean air, and we deserve much stronger protections for air quality. Residents of north Portland suffer from high rates of asthma, and I have watched many of my neighbors struggle with asthma, chronic respiratory illness and lung cancer. We must do everything we can to continue to improve air quality and make sure our regulations not only keep up with technology, but are actually ambitious enough to spur on technological innovations.

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

David Goodyke

4026 N Colonial Ave Portland, OR 97227-1010

dgoodyke@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #34

Comment Period #1

Name: Allan Rudwick

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Stop letting diesel polluters roam freely around our city. I have asthma and would like to live a long healthy life

Sincerely,

Allan Rudwick

228 NE Morris St Portland, OR 97212-3040

arudwick@gmail.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #35

Comment Period #1

Name: Celeste Lewis

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I attended the Senate hearing held last spring and was frustrated to see that only construction industry testimony was taken. As an architect who must spend my work days around diesel operated equipment, a mother who sent her child to school on smelly buses and now as a full time caregiver to my husband, recently diagnosed with a blood cancer related to his exposure to benzene, an additive in gasoline, I want stricter regulations of all trucks, buses and construction equipment.

It's far easier to begin to regulate these changes now, in a bullish economy than in an economy with uncertainty. Asking industries to clean up their equipment, while difficult financially, will also be good for their workforces and will lower the incidence of disease.

Please do something and work to regulate the air for the little guys in this state.

Sincerely,

Celeste Lewis

4486 SW Washouga Ave Portland, OR 97239-1393

clewisworks@gmail.com

Attachment:

Comment categories linked to this comment: 238, 246

Comment #36

Comment Period #1

Name: wendy ferguson

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I have lived in SE Portland for 20 years, and like many residents, was stunned to hear about the high levels of pollutants allowed in our beautiful city. I have since learned that it's a complex problem involving lax diesel regulations and the unusually close proximity of industrial sites to neighborhoods.

As a cancer survivor and mom to a school-age child, I believe strongly that we ALL deserve to breathe clean air.

What will it take for Oregon to catch up with our neighbors to the south and the north, and clean up our air once and for all? There's plenty of passion behind the drive, but over and over our state government bows to industry pressure and fails to allot the funds needed to fix the problem. We're living in the dark ages here, folks. It's time for a change, once and for all!

Sincerely,

wendy ferguson

4837 SE Raymond St Portland, OR 97206-4174

wdf2nd@aol.com

Attachment:

Comment categories linked to this comment: 158, 238, 244

Comment #37

Comment Period #1

Name: Jim Rupp

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

I personally live very close to Precision Castparts. I understand that there has been more communication between the corporation and the community, but I don't believe that there has been sufficient monitoring of their emissions. How can we feel safe if there are no guarantees that nickel and chromium from their industry are not in our air.

Sincerely,

Jim Rupp

4712 SE Rex Dr Portland, OR 97206-9154

simonrup@comcast.net

Attachment:

Comment categories linked to this comment: 11, 53

Comment #38

Comment Period #1

Name: Melissa Rehder

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Melissa Rehder

5630 SE Malden St Portland, OR 97206-9067

misslissr@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #39

Comment Period #1

Name: John Nettleton

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

John Nettleton

4311 SE 37th Ave Apt 21 Portland, OR 97202-3265

jpn5710@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #40

Comment Period #1

Name: John Nettleton

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

John Nettleton

4311 SE 37th Ave Apt 21 Portland, OR 97202-3265

jpn5710@yahoo.com

Attachment:

Comment categories linked to this comment:

Comment #41

Comment Period #1

Name: Tracy Burkholder

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I have been a resident of Portland for 25 years and my friends, family, and I have suffered under the government's decision to prioritize industry above individual citizens for too long. I have friends in communities in Portland that have multiple polluting facilities within a 1-mile radius.

Based on my understanding of the current draft rules, the agencies are proposing an area cap for heavily polluted areas, which would restrict new facilities and may require some pollution reduction from some existing facilities. This does not go far enough. In addition to preventing any new facilities, these rules must require pollution reductions from all existing facilities until heavily polluted areas are safe. Only such a requirement will ensure that all communities are safe and healthy for all Oregonians.

I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Tracy Burkholder

1416 SE 49th Ave Portland, OR 97215-2531

tracyb.pdx@gmail.com

Attachment:

Comment categories linked to this comment: 45, 53

Comment #42

Comment Period #1

Name: Walt Mintkeski

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am a Portland resident who is very concerned about the negative impacts of air pollution upon the health of my community. I live in SE Portland near the Union Pacific Brooklyn Railroad Yard and the Bull's Eye Glass Factory

For far too long, Oregon's regulations have been tilted toward protecting the interests of industry. However, Cleaner Air Oregon provides a unique chance to change this and lower those negative air quality impacts. I urge you to safeguard the health of community members over industry interests by prioritizing public health, strengthening consequences for violating regulations, and taking into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Sincerely,

Walt Mintkeski

6815 SE 31st Ave Portland, OR 97202-8633

mintkeski@juno.com

Attachment:

Comment categories linked to this comment: 53

Comment #43

Comment Period #1

Name: Victor Soule

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Victor Soule

2111 SE Silver Springs Rd Portland, OR 97222-8714

vicoule@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #44

Comment Period #1

Name: Carol Bosworth

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I live near the Willamette River, near Oregon City, and the exposure here to high levels of ozone, breathable train fumes, and stagnant air is a health hazard, preventing me from being outdoors many days each month. I must run an air purifier daily in our house.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Carol Bosworth

13505 SE River Rd Apt 245 Portland, OR 97222-8232

cbosworth@cmug.com

Attachment:

Comment categories linked to this comment: 53

Comment #45

Comment Period #1

Name: Deborah Buckley

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Deborah Buckley

5818 Nemason St Portland, OR 97218

sweetwaterhouseplants@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #46

Comment Period #1

Name: Sam Grover

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I've lived in Oregon for almost two decades. However, it wasn't until a few years ago that it came to my attention that our air is really bad. I don't wish to see us counted amongst the dirtiest air regions in the country, let alone in the world. This idea is radically opposed to the vision of Oregon and the PNW as beautiful natural area that we all take pride in and invite others to come and enjoy. Just take the example of wild fires that raised the scepter of bad air over the region recently. It kept people indoors and had them wearing masks. This affects our day to day life and economy. While those are isolated and seasonal incidents, I don't wish to see them as normal, which is what would happen if we don't clean up our air.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Sam Grover

3808 SE 56th Ave Portland, OR 97206-2926

samgrover@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #47

Comment Period #1

Name: Lenny Dee

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Lenny Dee

2580 NE 31st Ave Portland, OR 97212-3601

ldeepdx@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #48

Comment Period #1

Name: Nora Polk

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Nora Polk

6405 SE 62nd Ave Portland, OR 97206-6605

nora.mattek@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #49

Comment Period #1

Name: Dave King

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Hello, I live in St Johns which is in the worst 1% for air quality in the COUNTRY! And I have COPD (chronic obstructive pulmonary disorder). We often smell the crude oil aroma from the tank farms along the River. I also am choked by the diesel from heavy trucks and pickups pulling boats up Baltimore hill from the boat ramp.

I desperately need better air quality.

Sincerely,

Dave King

8728 N Edison St Portland, OR 97203-5316

landd_2@q.com

Attachment:

Comment categories linked to this comment: 238, 248

Comment #50

Comment Period #1

Name: dorinda kelley

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating

regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

dorinda kelley

314 NE 53rd Ave Portland, OR 97213-3016

dorindask@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #51

Comment Period #1

Name: Howard and Pamela Cutler and Echeverio

Organization: State: Oregon

Number of commenters: 2

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

We are Oregonians concerned about the negative impacts of air pollution upon the health of our community.

We believe Cleaner Air Oregon is a unique chance to lower pollution and create a more sustainable future for future generations. We urge you to safeguard the health of community members - especially those who are low-income and/or of color who have been excessively burdened until now.

Sincerely,

Howard and Pamela Cutler and Echeverio

3912 NE 36th Ave Portland, OR 97212-1838

howpamfam@hevanet.com

Attachment:

Comment categories linked to this comment: 140, 171

Comment #52

Comment Period #1

Name: Liz Trojan

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

We need to put our communities first. We need to protect our children from harmful pollutants. We need to be actively monitoring our air shed and keeping the public informed about health risks.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Liz Trojan

12320 SW 60th Ave Portland, OR 97219-7013

elizat8@pobox.com

Attachment:

Comment categories linked to this comment: 11, 53

Comment #53

Comment Period #1

Name: Madeline Pruett

Organization: PHA community advisory committee State: OR

Number of commenters: 1

Comment text: As a parent of two small children living near the Bullseye factory, near the rail yard, and near the cement plant, I fear site/business specific regulations will not take into account the cumulative health impact of an industrial zone on neighboring communities. It matters that factory air pollutants and diesel truck exhaust are emitted on adjoining properties to the infants in the daycare across the street. I share the concerns of the EPAC:

What needs to be added or changed

in the Cleaner Air Oregon proposal:

- Include mobile sources of air toxics such as

diesel particulate in cumulative risk

assessments. Unfiltered industrial trucks

are illegal in California but allowed in

Oregon. Multnomah is among the worst

1% of Counties for diesel particulate

exposure according to the EPA.

- Employ the Hazard Index (non-cancerous

health impacts) of 1 at all risk levels.

Where scientific uncertainty or a lack of

research applies, health protective

regulations must err on the side of caution.

- Eliminate the DEQ Alternate Noncancer Risk

Action Level (ANRAL) and Directors'

Consultation loopholes.

- Include risk-based concentration

averaging after 1-hour of exposure to a

toxic. In some cases a 24-hour risk action

trigger may be too late.

- Consult these organizations with considerations:
 - CalEPA - when setting health risk-based concentrations
 - EPA Integrated Risk Information System
 - being mindful of out-dated science
 - DEQ Air Toxics Science Advisory Committee - but with skepticism
 - Eliminate the Tiered Implementation language from the rules. CAO should apply to all companies upon adoption, require immediate action, and not be artificially restricted by agency funding and resources.
 - Offer a loan program for smaller companies who may be financially challenged by compliance.
 - Include a Citizen Enforcement Clause in the event that DEQ is unable or unwilling to enforce the rules.
 - Make the Emissions Inventory publicly available in a user-friendly data base.

@EastsidePDXAir

eastsideportlandair.org

Scientific research on industrial toxins is incomplete. Toxic chemicals are rarely shown to be "not as bad" as once thought. For industries to anticipate this trend, our regulatory agencies need sufficient public

comment to err on the side of caution.

Attachment:

Comment categories linked to this comment: 43, 46, 374

Comment #54

Comment Period #1

Name: alicia keys

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

alicia keys

SW EASTRIDGE # 88 Portland, OR 97225

raenadinerose@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #55

Comment Period #1

Name: Terrie Burdette

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I have lived in North Portland neighborhoods since 1995 and currently own a home in East St. Johns, purchased 5 years ago. I live on the same street as Columbia Steel and just north of Columbia Blvd. I'm an avid gardener and dog walker - so outside year round - and am concerned about the negative impacts of air pollution upon the health of my community. There are many days when I report burning metal odors, I still don't know what I'm smelling, and I'm also concerned about diesel truck activity on Columbia and how it will affect the health of myself and my neighbors. Not to mention the now almost daily stench of the water treatment plant.

Oregon can't ignore that since we chose to increase the population of our cities and protect the urban growth boundary - which I support - we must do more to protect citizen's health instead of only protecting the interests of industry,

Cleaner Air Oregon is a unique chance to use our pioneering spirit to protect and improve air quality in a city where the line between residential and industrial often blurs, neighborhood by neighborhood.

I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color. My neighborhood here in St. Johns is one of the most diverse neighborhoods left in the city and we deserve healthy conditions to thrive.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes scheduling public events in the evenings instead of weekday day times which can be difficult for working class people to attend. It also means providing accessible information, translation, and childcare services at community engagement opportunities and events. And providing well advertised online options for citizens to keep up to date with policies and to comment online.

Sincerely,

Terrie Burdette

6603 N Bank St Portland, OR 97203-1325

pdxterrie@gmail.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #56

Comment Period #1

Name: Natalie Bennon

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I have even moved to get my family further away from polluters. But not every Oregonian has that luxury.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Natalie Bennon

438 Ash St Lake Oswego, OR 97034-4908

nataliepdx@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #57

Comment Period #1

Name: Steve Aydelott

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Steve Aydelott

20770 Gallop Rd Bend, OR 97701-8274

staydelott@hotmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #58

Comment Period #1

Name: Ronald Harris

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution. Including Diesel engine pollution. We have been excepting dirty engines from California that has found they are a cancer causing source. We must change to clean burning diesel engines and soon to help save people who live by any freeway or road these engines use from exposure of this cancer inducing by produce.

Cancer is caused from pollutants, but not necessarily from a single source all of the time, more probably from multiple source when in a diluted form and with time the accumulation will cause chromosome damage and cancers. Indeed I myself just had a biopsy just yesterday because of a lump in my left breast and I am a male.

Pollution does not always cause cancer, but can cause a variety of other health risks such as emphysema, heart issues, and a general decline in health.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Ronald Harris

4873 SW 201st Ave Beaverton, OR 97078-2257

ron@frontier.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #59

Comment Period #1

Name: Joel Rosenblit

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Joel Rosenblit

2208 Joplin Ct S Salem, OR 97302-2217

rosenblitj@msn.com

Attachment:

Comment categories linked to this comment: 53

Comment #60

Comment Period #1

Name: Walter Christensen

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating

regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Walter Christensen

2655 Atticus Way Eugene, OR 97404-4404

waltchristensen@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #61

Comment Period #1

Name: Jennifer Anderson

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Jennifer Anderson

1467 Greentree Cir Lake Oswego, OR 97034-6963

kona04ja@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #62

Comment Period #1

Name: David Harrison

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

As a physician in Salem, I see daily the negative impacts of air pollution upon the health of my patients. It's time to address these impacts and place a higher priority on the health of Oregonians than on protecting the interests of industry. I urge you to prioritize public health and increase penalties for violating pollution regulations. All sources of pollution should be taken into consideration to address disproportionate impacts on low-income communities and communities of color. Thank you for your consideration.

Sincerely,

David Harrison

585 Washington St S Salem, OR 97302-5152

harrirad@yahoo.com

Attachment:

Comment categories linked to this comment: 45, 94, 246

Comment #63

Comment Period #1

Name: Joy Mamoyac

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Joy Mamoyac

2988 NW Angelica Dr Corvallis, OR 97330-3621

salmonberries@msn.com

Attachment:

Comment categories linked to this comment: 53

Comment #64

Comment Period #1

Name: Beppie Shapiro

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live with my grandchildren in Portland. For some time I've been aware of how polluted our air is, and it's a great concern for me. I'm sure you are aware of statistics on the burden on Portland's health (respiratory illnesses, cancers) of the high levels of air pollution we are exposed to. The loose standards for truck emissions are a big part of the problem. I live near a major through-street which has heavy truck traffic. The smell of diesel fuel and the dirty soot which settles on every surface is just the visible part of the problem.

Oregon's regulations protect the interests of industry, not the health of its residents. Cleaner Air Oregon is a timely chance to lower negative impacts and create a healthier future for my grandchildren. I urge you to prioritize public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and whenever possible childcare services at community engagement opportunities and events.

Sincerely,

Beppie Shapiro

3860 SE Woodward St Portland, OR 97202-1676

beppie@hawaii.edu

Attachment:

Comment categories linked to this comment: 53, 238

Comment #65

Comment Period #1

Name: omar elnaser

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am in shock that our air quality is worse than cities that are much larger than ours. Having air that doesn't sicken us is a feasible and reasonable goal. As an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

omar elnaser

3828 SW Plum St Portland, OR 97219-6032

oelhayek@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #66

Comment Period #1

Name: Ineke Deruyter

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Ineke Deruyter

9322 N Oswego Ave Portland, OR 97203-2339

ideruyter@hotmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #67

Comment Period #1

Name: Laura Patterson

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I'm concerned as a resident of Portland and a mother of young children that our air quality is at dangerously high levels because of lack of regulations on industries in the area. Please put human health before corporate profit.

Sincerely,

Laura Patterson

7802 N RUSSELL St Portland, OR 97203

laurapatterson78@gmail.com

Attachment:

Comment categories linked to this comment: 246

Comment #68

Comment Period #1

Name: Bruce Hellemn

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I have two different inhalers my Dr. has prescribed one is for quick relief that is short lived and the other for longer lasting relief but it takes longer to start working. I live near Going St. which is where trucks go to and from Swan Island 24/7. Also the I-5, I-405, US 30 and I-84 are all near where I live to I get the full impacts of diesel pollution 24/7. These old trucks with out dated diesel engines that have been moved here from California and other states that have strickter standards for diesel pollution spew noxious fumes constantly. It is time to regulate the pollution from these outdated engines now and that includes school buses.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Bruce Hellemn

3974 N Massachusetts Ave Portland, OR 97227-1034

bruceh001@msn.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #69

Comment Period #1

Name: Laren Ieland

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Everyone deserves clean safe air to breathe !!!

Sincerely,

Laren Ieland

6971 Yachats River Rd Yachats, OR 97498-9503

larenleland@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #70

Comment Period #1

Name: Ineke Deruyter

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

Re the diesel issue:

I am appalled that Oregon has knowingly imported school buses from other states, which had discontinued using those buses because of their toxic diesel emissions. Diesel is a carcinogen! Our children and all Oregonians need to be protected from those fumes as well!

During her last town hall meeting Speaker Kotek called Portland " the ground zero for air pollution".

When are our legislators and State agencies going to step up to the plate to protect the general public, themselves and their loved ones, from breathing toxic fumes which pollute our lungs and bodies, causing asthma, cancer, and a host of other illnesses.

It's way past time Oregon catches up with states such as Washington and California, who have been successful in curbing air pollution.

Make Public Health a priority. Clean Up Our Air!!

Sincerely,

Ineke Deruyter

9322 N Oswego Ave Portland, OR 97203-2339

ideruyter@hotmail.com

Attachment:

Comment categories linked to this comment: 238

Comment #71

Comment Period #1

Name: Melissa Rehder

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. Since having our child, who is now 7 years old, we have lived in 2 areas that had high toxicity unknown to us when we moved there - near Bullseye Glass and near Precision Castparts. It is completely unacceptable that families should have to worry about these polluters and their unknown pollutant outputs into the community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a

more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Melissa Rehder

5630 SE Malden St Portland, OR 97206-9067

misslissr@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #72

Comment Period #1

Name: Jane Terzis

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian, living in the Cathedral Park neighborhood in Portland. My husband and I often wake up to toxic air outside our house, particularly on weekends. We always notice terrible smelling air whenever we drive by APES near the Expo Center on Marine Drive. Diesel emissions from trucks choke our streets. There is no question that this poses a dangerous situation for everyone.

For far too long, Oregon's regulations have Protected industry at the expense of the wellbeing of residents. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

If an industry can't successfully run without hurting people, that business needs to shut down. Voluntary compliance does not work. Please safeguard the health of our children with mandatory compliance to new, vigorous monitoring and regulations.

Sincerely,

Jane Terzis

9907 N Edison St Portland, OR 97203-1452

jane.terzis@gmail.com

Attachment:

Comment categories linked to this comment: 11, 53

Comment #73

Comment Period #1

Name: John Nettleton

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

John Nettleton

4311 SE 37th Ave Apt 21 Portland, OR 97202-3265

jpn5710@yahoo.com

Attachment:

Comment categories linked to this comment:

Comment #74

Comment Period #1

Name: Ineke Deruyter

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

As someone who lives in N Portland and has attended meetings re air pollution in our area, I have been continuously appalled at DEQ's lack of concern for public health issues brought up during those meetings, as well as their extreme disregard for their own rules and regulations pertaining to industry polluters.

One example is that DEQ did not have a problem continuing to issue permits to operate to one of the polluters. This polluter, ELR, (formerly APES) operated for years after illegally having removed their limited safety equipment, which was designed to protect the public from breathing their carcinogenic exhaust. This with DEQ knowledge. Thereby putting the public at risk for numerous respiratory illnesses, including cancer.

I strongly suggest putting regulations in place to prevent this blatant cooperation between industry and regulatory agencies, to the detriment of public health.

Public Health over Industry wealth!

PS Breathing clean air is in everyone's best interest, including yours and your families!

Sincerely,

Ineke Deruyter

9322 N Oswego Ave Portland, OR 97203-2339

ideruyter@hotmail.com

Attachment:

Comment categories linked to this comment: 97, 217, 244, 246

Comment #75

Comment Period #1

Name: Jane Heisler

Organization: State: OR

Number of commenters: 1

Comment text: I agree with the common-sense proposal for cleaner air for Oregonians.

Attachment:

Comment categories linked to this comment: 171

Comment #76

Comment Period #1

Name: Kammy Korot

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community, including high arsenic levels found in moss in my neighborhood of Rose City Park in NE Portland.

For far too long, Oregon's regulations have been concerned with protecting the myopic interests of industry at the expense of the public and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over short-term industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color and to fully consider cumulative effect.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Kammy Korot

NE 61ST Ave Portland, OR 97213

kammymatt@aol.com

Attachment:

Comment categories linked to this comment: 53

Comment #77

Comment Period #1

Name: Dana Mozer

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am a Portland area Family Nurse Practitioner who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Dana Mozer

4067 N Haight Ave Portland, OR 97227-1332

asknursedana@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #78

Comment Period #1

Name: Patrick Patrick McElligott

Organization: I'm a 5th generation Oregon native citizen State: Oregon

Number of commenters: 1

Comment text: I believe that the City of Portland's deliberate gridlocking creates air pollution problems that affect all people in the Willamette Valley. This war on vehicles creates traffic jams that make much more pollution than if the vehicles were moving. Portland government also ignores that much of the traffic on the two Federal interstates that intersect Portland will not be on public transportation or a bicycle, as it is either commercial truck traffic or people on their way somewhere else, just padding through. I live between Dayton and Salem, all I have to do is go onto the top of the surrounding hills to see that pollution is thickest over the Portland Metro area. In addition, the congestion continues now far outside the Metro area because of these short sighted plans. We need real solutions, such as encouraging cleaner vehicles, while engaging in transportation planning that keeps vehicles moving and polluting less!

Attachment:

Comment categories linked to this comment: 238

Comment #79

Comment Period #1

Name: Colleen McClain

Organization: citizen of Portland State: Oregon

Number of commenters: 1

Comment text: We live in North Portland and welcome growth and business of all kinds; however, air pollution threatens not only our health but the health of the young children in our neighborhood. Clean

air is essential and non-negotiable. Thank you Governor Brown and all who are working to protect us, including all of the ethically responsible businesses.

Attachment:

Comment categories linked to this comment: 171, 245

Comment #80

Comment Period #1

Name: Bridget Bayer

Organization: State: Oregon

Number of commenters: 1

Comment text: I think that the "used motor oil" consumed at ORRCO and ELR (formerly APES) is illegally permitted because the way it is named. They heat it, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. (ie. low grade diesel, etc.)

All these different stratified grades of contaminated industrial fuel are being burned up with exhaust fumes going directly into the air shed under Oregon's "used oil" exemption. That exemption is the dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives.

The exception is supposed to be for used oil -not for processed, dirty fuel. But DEQ and lawmakers continue to be either hoodwinked or they are ignoring the consequences of subjecting citizens and the environment to the dangerous burning of millions of gallons of dirty fuels from a stationary source. This is a far greater air quality problem in Oregon than diesel emissions from trucks and this kind of fuel burning is not allowed in other states.

The distinction of 'fuel' or 'oil' is very important when it comes to air quality in Oregon.

Attachment:

Comment categories linked to this comment: 13, 97

Comment #81

Comment Period #1

Name: Phoebe Wayne

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

Two years ago, my two-year-old son Merlin and I joined our neighbors from inner southeast Portland to deliver vegetables grown in our backyards to the Oregon DEQ office, as part of the request that Bullseye Glass mitigate its excessive emissions of heavy metal pollution into our local atmosphere. Merlin carried a big turnip, and chanted "clean air now!" in his unusually articulate baby voice. This September, Merlin was diagnosed with acute lymphoblastic leukemia. He died less than two weeks later from a sudden, massive infection. Despite cautious, health-conscious parenting and excellent medical care, his immune system had been rendered completely ineffective from the leukemia (and chemotherapy as well).

I understand that the medical community has no certainty about what causes childhood leukemia. But as a grieving parent, I have to look at what is around me, what I could have done and what could be done in my community to prevent this tremendous loss. One of the things I see is the black layer of particulate pollution that gathers on the surfaces outside my home. I consider the diesel train engines and the trucks traveling on the nearby highways, the small-scale industry in my neighborhood that I love, and I feel very, very sorry. I would like the immune systems of Oregon's children to have a better chance to grow strong and healthy, in cleaner air than that which we breathe now. I strongly support "area cap" monitoring of traffic, construction, and train emissions in addition to the monitoring of industrial facilities.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Phoebe Wayne

2616 SE 16th Ave Portland, OR 97202-1114

phoebevwayne@gmail.com

Attachment:

Comment categories linked to this comment: 45, 53, 238, 246

Comment #82

Comment Period #1

Name: carolyn williams

Organization: Mt. Hood Community College State: Oregon

Number of commenters: 1

Comment text: I work at Mt. Hood Community College and am a resident of Portland. These rules do not go far enough in protecting the very air we breathe. Corporations should not be able to make profits off polluting our air and harming life, both human and otherwise. Oregon's reputation for being "green" and environmentally progressive is only an illusion as our government safeguards are so weak as to be laughable. The state needs to step up and do it's job!

Attachment:

Comment categories linked to this comment: 246, 248

Comment #83

Comment Period #1

Name: Kristina DiPaola

Organization: none State: OR

Number of commenters: 1

Comment text: As a mother living and working in Hillsboro, I strongly urge you to adopt the very strictest standards for air quality in Oregon. This action is inexcusably late and the health of our state is tantamount to its economic survival. Industry must not profit at the expense of people or the environment. Please act with all urgency to implement the very strictest provisions to protect health and environment over profits. Oregon should lead the nation in the very strongest air protections, as we will all surely benefit from the results. Please strengthen the proposed Cleaner Air Oregon proposal with these provisions:

Include mobile sources of air toxics such as diesel particulate in cumulative risk assessments

. Unfiltered industrial trucks are illegal in California but allowed in Oregon.

Multnomah is among the worst 1% of Counties for diesel particulate exposure according to the EPA.

-Employ the Hazard Index (non-cancerous health impacts) of 1 at all risk levels. Where scientific uncertainty or a lack of research applies, health protective regulations must err on the side of caution.

-Eliminate the DEQ Alternate Noncancer Risk Action Level

(ANRAL) and Directors' Consultation loopholes.

-Include risk-based concentration averaging after 1-hour of exposure to a toxic. In some cases a 24-hour risk action trigger may be too late.

-Consult these organizations with considerations:

-CalEPA -when setting health risk-based concentrations

-EPA Integrated Risk Information System - being mindful of out-dated science

DEQ Air Toxics Science Advisory Committee- but with skepticism

-Eliminate the Tiered Implementation language from the rules. CAO should apply to all companies upon adoption, require immediate action, and not be artificially restricted by agency funding and resources.

-Offer a loan program for smaller companies who may be financially challenged by compliance.

-Include a Citizen Enforcement Clause in the event that DEQ is unable or unwilling to enforce the rules.

-Make the Emissions Inventory publicly available in a user-friendly data base.

With thanks -

Kris DiPaola

Hillsboro

Attachment:

Comment categories linked to this comment: 246, 374

Comment #84

Comment Period #1

Name: Luke Mecham

Organization: Providence Portland Medical Center State: Oregon

Number of commenters: 1

Comment text: 1) The affordable and simple Level 1 analysis is not "allowed" for a facility that has fugitive emissions. Hospitals have fugitive emissions from our buildings from use of isopropyl alcohol and other toxic chemicals. They are toxic because disinfection is a critical function for hospitals. Product substitution is not an option for hospitals. Not allowing sites with fugitive emissions to use Level 1 automatically bumps hospitals into a more expensive Risk Assessment approach.

2) This rule proposes that facilities take production limits where they cannot demonstrate acceptable risk levels. This could mean that we are required to take a limit on the amount of fuel oil combusted in our boilers. Fuel oil limits are not a feasible option for us because the hospital needs the ability to operate during any curtailment of natural gas. The draft rule does not make any allowances for backup fuels used only on rare occasions. Under the draft rule we may have to install emission controls for oil firing to maintain the necessary flexibility to operate. This in turn would add cost to healthcare.

3) The rule is not clear about locations to assess the impact to the "public." Manufacturing facilities have the luxury of drawing a boundary around their fence-line and their toxic concentrations within their facility do not matter. A hospital has "public" access on-site within buildings, sitting on outdoor benches, and in parking lots. The boilers and emergency generators are typically located very close to these public access areas. The lack of dispersion distance means the calculated risk levels will be higher. We request that the rule clearly require risk assessment be performed at the property boundary of each facility. The public choosing to visit or use the services of a facility should accept the risk exposure encountered on site from the fuel combustion and chemical use required to operate the facility.

4) Our highest risk emissions - firing of diesel engines (emergency generators) and diesel oil boilers - are for the sole purpose of providing critical power and warmth when loss of our primary, clean fuel is not available. It is not safe to take operational limits on these emission units which exist for the purpose of saving lives. For this purpose we would request an exemption from the risk assessment requirements for loss of primary fuel or power.

5) We would request that hospitals be exempt from this rule entirely. The Risk Assessments and permitting could cost several hundred thousand dollars. It may not actually result in reductions in emissions or risk, and those costs will increase healthcare costs to the public without decreasing risk in appreciable fashion. Risk is inherent in some of the operations performed by hospitals, but the minimal potential health risks to the community surrounding a hospital site from fuel or chemical use on the site are far outweighed by the health benefits provided to a community by the healthcare services provided. It is not appropriate to apply such a rule to medical facilities. It could disproportionately penalize hospitals in urban areas with a tight campus "footprint" versus hospitals in more rural or suburban areas on larger properties.

Attachment:

Comment categories linked to this comment: 1, 18, 19, 30, 326

Comment #85

Comment Period #1

Name: Michael Prager

Organization: private citizen State: Oregon

Number of commenters: 1

Comment text: I cannot comment on the absolute risk levels, but I do believe that the proposed new rules will constitute a considerable step forward. Still, I am baffled that everything proposed seems to require industry to identify, monitor, and correct problems and potential problems, without government monitoring or enforcement. It makes no sense to have industry responsible for its own issues or potential issues. An arrangement more likely to make sense would also involve fees to potentially polluting industry that would be retained by DEQ and used for monitoring, analysis, and enforcement. The fees should be large enough to fund a program what will ensure good, clean air for all Oregonians. Fees should be supplemented by far more aggressive fines for noncompliance.

Attachment:

Comment categories linked to this comment: 92, 158, 171

Comment #86

Comment Period #1

Name: Virginia Wiltshire-Gordon

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Virginia Wiltshire-Gordon

4265 NE Halsey St Apt 403 Portland, OR 97213-1559

vrwg94@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #87

Comment Period #1

Name: Joana Kirchhoff

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Joana Kirchhoff

3414 NE 73rd Ave Portland, OR 97213-5826

joanakirchhoff@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #88

Comment Period #1

Name: Nyla Jebousek

Organization: Retired attorney State: Oregon

Number of commenters: 1

Comment text: I support the Cleaner Air Oregon reforms. I am tired of having to close my windows and doors (including garage door) because of the pungent toxic air in my yard coming from the asphalt plant in Newport. I am more than a mile away. The grade school is 3 blocks closer, and the highschool and middle school even closer. I can hear the grade school kids playing outside when I cannot be outside in my yard, or hang my sheets on the clothes line in my yard. I have complained repeatedly to DEQ and been told that asphalt season is almost over and they're upgrading their equipment next year. This agency industry capture is unacceptable. DEQ is supposed to be protecting us from toxic pollution. These new rules are a step in the right direction. Thank you.

Attachment:

Comment categories linked to this comment: 244, 248

Comment #89

Comment Period #1

Name: C H White

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

In my working class neighborhood, the railroad has been allowed to use our small street as a truck route for their intermodal operations which they moved to the Brooklyn rail yard several years ago. Most intermodal operations in cities are on the outskirts of town. Most of the traffic is from their contracted truckers moving containers on trailers from one end of their yard to the other surplus yard. They're using our publicly funded road as their own private route instead of fixing the issue on their own property. The air quality has deteriorated significantly since they began as have our property values and quality of life. We can no longer use our front porches and yards or keep our windows open in the summer. The soot from diesel particulates, tires, etc. covers our windowsills.

It's the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

C H White

4316 SE 26th Ave Portland, OR 97202-3915

c.homitsu@gmail.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #90

Comment Period #1

Name: Sabrina Eveland

Organization: State: Oregon

Number of commenters: 1

Comment text: I am a Hillsboro resident with a young daughter and she deserves the right to breathe clean air! We all do. The narrative we are getting from industry who are worried about business being harmed due to the new regulations under Cleaner Air Oregon (CAO), the Governor's mandate for statewide industrial emissions regulatory overhaul, is false. The World Health Organization surmised that for every dollar spent on pollution prevention and mitigation the savings were at least 30 dollars in

terms of saved health care costs and benefits!. It is crucial that we regulate the air pollution in these industries and put the health of the residents of our community as a first priority.

Attachment:

Comment categories linked to this comment: 123, 171, 246

Comment #91

Comment Period #1

Name: KEITH REGELIN

Organization: State: OR

Number of commenters: 1

Comment text: I am FOR these changes to make cleaner air in Oregon!

Attachment:

Comment categories linked to this comment: 171

Comment #92

Comment Period #1

Name: Adamczyk

Organization: State: OR

Number of commenters: 1

Comment text: I am a Hillsboro resident with two young sons and they deserve the right to breathe clean air! We all do. We deserve to know what we are breathing. Industry needs to pay for their pollution and be responsible for mitigating it. The Department of Environmental Quality (DEQ) needs to protect the public from being poisoned by businesses and industry taking advantage of lax regulations. Leaders in the DEQ and our Governor need to fight back against the Industry manipulated legislature and do their job, protecting the citizens of Oregon. The health of my sons, all children, and all people must come first!

Attachment:

Comment categories linked to this comment: 58, 158, 171, 246, 248

Comment #93

Comment Period #1

Name: Patricia Athitakis

Organization: State: Oregon

Number of commenters: 1

Comment text: I am a resident of Washington County in Hillsboro, OR and believe it is a fundamental right that we know what pollutants are being placed into the air and by what companies. Please consider implementing stronger protections for the air we breathe.

Attachment:

Comment categories linked to this comment: 78, 171

Comment #94

Comment Period #1

Name: Krista Gardner

Organization: State: Oregon

Number of commenters: 1

Comment text: I am a Hillsboro resident with 2 young sons and they deserve the right to breathe clean air! We all do. We deserve to know what we are breathing. Industry needs to pay for their pollution and be responsible for mitigating it. The Department of Environmental Quality (DEQ) needs to protect the public from being poisoned by businesses and industry taking advantage of lax regulations. Leaders in the DEQ and our Governor need to fight back against the Industry manipulated legislature and do their job, protecting the citizens of Oregon. The health of my boys, all children, and all people must come first!

Attachment:

Comment categories linked to this comment: 58, 158, 171, 235, 246, 248

Comment #95

Comment Period #1

Name: Harry Kershner

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Harry Kershner

9322 N Oswego Ave Portland, OR 97203-2339

hkershner35@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #96

Comment Period #1

Name: Harry Kershner

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I was appalled to hear that the bill cutting down on diesel exhaust is all but eliminated. I had hoped that the public health of Oregonians is more important than the wealth of industry.

My wife and I moved here 12 years ago, thinking like so many that OR is a healthy place with focus on greenery, alternative transport and front yard veggie gardens and chickens. Little did we know that air pollution is allowed here in much greater quantities than in most other states. Be it diesel exhaust from school buses bought after other states rejected them, or extremely lax and negligent oversight of industry practices with regards to filters and other devices that curb industry pollution, as discovered recently on Hayden island. It's unimaginable that this is allowed! Some if not most of these toxins are known carcinogens and a grave danger to our health.

From an article in the Portland Tribune, March 2016: Our air in certain Portland areas is so bad it ranks in the top .1 % nationally for it's potential to cause cancer.

If you and your loved ones live here this counts you in as well! Public Health over Industry Wealth!
Thank you.

Sincerely,

Harry Kershner

9322 N Oswego Ave Portland, OR 97203-2339

hkershner35@yahoo.com

Attachment:

Comment categories linked to this comment: 238, 246

Comment #97

Comment Period #1

Name: Kelly McConnell

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I want CLEAN air and water and I'm damned tired of begging for them. Anyone who does not want or believe that clean air and water are NOT optional is either too stupid to be allowed an opinion or they are a greedy, corrupt, moron who is willing to sell us all out as long as they get rich doing it.

For far too long, Oregon's regulations have been concerned with protecting the interests of THE MOST PROFITABLE industry to have ever existed and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Kelly McConnell

11375 SW Erste Pl Portland, OR 97223-3950

prvt@2ezgroup.com

Attachment:

Comment categories linked to this comment: 53

Comment #98

Comment Period #1

Name: Patricia Ferdig

Organization: State: Oregon

Number of commenters: 1

Comment text: I know how important clean air is to our community health. Without such a basic thing as guaranteed clean air, corporations and individuals can take away the clear days we currently enjoy via pollution.

I relocated my family to Washington county from across the country. I sought this place out for many reasons, one of which was the health of the area. My family deserves clean air. Please keep restrictions in place to make this a reality.

Attachment:

Comment categories linked to this comment: 171

Comment #99

Comment Period #1

Name: Melanie Garcia-Mijares

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community, as the effects are coming to a point of no denial.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change, for the sake of everyone. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Melanie Garcia-Mijares

18540 SW Boones Ferry Rd Apt B2 Tualatin, OR 97062-9431

melgarcia.sgi@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #100

Comment Period #1

Name: John Smith

Organization: Gunderson State: Oregon

Number of commenters: 1

Comment text: I attended last nights (11/29/17) forum on the proposed Clean Air regulation as part of the team representing Gunderson, INC. I just wanted to say that I support the proposed regulations and do not share the views of the people who spoke on part of the company last night.

Attachment:

Comment categories linked to this comment: 171

Comment #101

Comment Period #1

Name: Midori Heckman

Organization: State: OR

Number of commenters: 1

Comment text: Please help us keep our air clean for our children and future generations and preserve the Pacific Northwest.

Attachment:

Comment categories linked to this comment: 171

Comment #102

Comment Period #1

Name: heidi byrne

Organization: State: OR

Number of commenters: 1

Comment text: The DEQ needs to protect the citizens of Oregon and regulate industry pollution, polluters pay.

Attachment:

Comment categories linked to this comment: 158, 171

Comment #103

Comment Period #1

Name: Chrystal Barreto

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Chrystal Barreto

21915 SW Columbia Cir Tualatin, OR 97062-9040

Chrys.barreto26@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #104

Comment Period #1

Name: Marti Costache

Organization: State: OR

Number of commenters: 1

Comment text: I am a resident of Beaverton with a young daughter and she deserves the right to breathe clean air! We all do. We deserve to know what we are breathing. Industry needs to pay for their pollution and be responsible for mitigating it. The Department of Environmental Quality (DEQ) needs to protect the public from being poisoned by businesses and industry taking advantage of lax regulations. Leaders in the DEQ and our Governor need to fight back against the Industry manipulated legislature and do their job, protecting the citizens of Oregon. The health of my daughter, all children, and all people must come first!

Attachment:

Comment categories linked to this comment: 158, 171, 235, 246, 248

Comment #105

Comment Period #1

Name: Marilyn Robinson

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Marilyn Robinson

20415 NW Rock Creek Blvd Portland, OR 97229-3114

oscarfancypants@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #106

Comment Period #1

Name: Gilda LORENSEN

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is deeply concerned about the negative impacts of air pollution on the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Please work harder to keep to your main goal: CLEAN AIR!

Sincerely,

Gilda LORENSEN

2516 NE Tillamook St Portland, OR 97212-5003

gildalorensen@comcast.net

Attachment:

Comment categories linked to this comment: 53

Comment #107

Comment Period #1

Name: Sally Hollemon

Organization: State: Oregon

Number of commenters: 1

Comment text: I urge adoption of the new rules to protect people from hazardous chemicals in the air but believe the levels set are too high. Much more is known now about the levels of such chemicals that are safe than formerly, and that information should be used to determine whether or not a specific level is grounded in science and will protect health of people who live or work nearby. When a business's emissions are unhealthy, the business should be required to quickly rectify the problem. So, although I support the progress the proposed rules represent, more needs to be done to make Oregon's air healthy. Of course, sufficient funding to do research and enforcement is also required.

Attachment:

Comment categories linked to this comment: 158, 258, 319

Comment #108

Comment Period #1

Name: Gregory Sotir

Organization: CAAT State: OR

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/914839f4-3d48-4c2e-aadf-92b7b26e78b2>

Comment categories linked to this comment: 92, 137, 158, 171, 237, 244, 246

Comment #109

Comment Period #1

Name: vicki szukalla

Organization: State: OR

Number of commenters: 1

Comment text: Thank you for proposing more stringent air quality rules. I moved to North Portland four years ago and have been shocked by the frequent noxious smells in the air...sometimes so strong I have to close my windows. Please accelerate your efforts to ensure clean air in our state (beyond the top 80 emitters). Clean air is a basic human right.

Attachment:

Comment categories linked to this comment: 171, 188

Comment #110

Comment Period #1

Name: Richard Emmett

Organization: Tax Payer State: OR

Number of commenters: 1

Comment text: I am very concerned about diesel emissions from trucks and other diesel vehicles that currently drive through the center of Portland. I am asking that road signs be installed at the I5 and I205 intersection requesting that these vehicles use the I205 bypass.

Attachment:

Comment categories linked to this comment: 238

Comment #111

Comment Period #1

Name: Celeste Lewis

Organization: State: Oregon

Number of commenters: 1

Comment text: Attached is a copy of my public comments given at the 12/2/17 hearing in Portland.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/eaf27463-961a-4c60-93e7-0199652240bf>

Comment categories linked to this comment: 45, 61, 78, 158, 171, 176, 235, 263, 355

Comment #112

Comment Period #1

Name: Aaron Brown

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live a block away from an Interstate. It thoroughly depresses me to consider that should I ever choose to become a parent and have or adopt a child, I'd almost certainly need to strongly consider moving to a new location (assuming I even had the means to do so in the first place) to help my child avoid a lifetime of asthma and other respiratory and cardiac diseases. It's absolutely unacceptable that Portland Oregon has such abysmal air pollution that has direct impact on the health of our communities, particularly when these impacts are easily mitigated through stronger regulation and centering frontline communities in policymaking. I encourage you to please listen to the efforts of groups like Neighbors for Clean Air and their equity partners to protect vulnerable Oregonians.

Sincerely,

Aaron Brown

4047 N Michigan Ave Portland, OR 97227-1152

aaronmbrown503@gmail.com

Attachment:

Comment categories linked to this comment: 171, 248, 373

Comment #113

Comment Period #1

Name: John Wolcott

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I'm a resident of Portland, Oregon, in the Kenton neighborhood. For over 11 years, the APES facility has generated and stored toxic and noxious materials which pollute both the air and the soil in my neighborhood.

For the entirety of that time, Portland's DEQ has turned a blind eye to the pollution levels generated by that business, and has ignored the health and safety concerns of the surrounding area. The DEQ's consistent oversight has resulted in an increase in toxicity in my neighborhood, and perpetuated a systemic disregard for the enforcement of local industrial toxic emission standards.

To remediate these issues with the DEQ, and likely those of other relevant agencies, the Cleaner Air Oregon program has outlined a thorough set of requirements and steps.

It is my sincerest hope that governor Kate Brown, and the DEQ adopt and implement the Cleaner Air Oregon program to the letter, so that my neighborhood, and my city, can emerge from the excessively polluted place that it has been allowed to become.

Sincerely,

John Wolcott

2212 N Kilpatrick St Portland, OR 97217-6820

phatoliver@gmail.com

Attachment:

Comment categories linked to this comment: 97, 171, 244

Comment #114

Comment Period #1

Name: Kavita Heyn

Organization: State: OREGON

Number of commenters: 1

Comment text: The new rules should include adequate funding for DEQ to enforce and monitor otherwise the impact of these new rules is limited. Please consider adding a clear funding mechanism to these new rules.

Attachment:

Comment categories linked to this comment: 158

Comment #115

Comment Period #1

Name: Paulette Meyer

Organization: Portland OR resident State: OR

Number of commenters: 2

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.

2. Unfiltered industrial trucks are legal here but not in CA. This is absurd, as diesel filters are quite affordable for large trucking operations and SAVE LIVES..

"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

<http://journals.lww.com/joem/Pages/ArticleViewer.aspx...>

See <https://www.sciencedaily.com/rel.../2012/07/120719132945.htm> for more info.

3. Eliminate loopholes in your rules, giving wide discretion to "Director's Consultations" which opens the door to possible corruption, and the "Alternate Noncancer Risk Action Level (ANRAL)." Science shows that air pollution causes many more debilitating illnesses than just asthma and cancers.

4. Employ the Hazard Index (non-cancerous health impacts) of 1 at ALL risk levels. It has been well documented that our understanding of the toxicity of air-pollutants has been widely underestimated, and as new scientific findings continue to develop, we must err on side of caution.

5. Don't allow industry to claim they will suffer for protecting human health. We taxpayers pay millions annually for health concerns created or exacerbated by pollution, and industry is subsidized by our dollars. Meanwhile, Oregon industries continue to pay some of the lowest taxes in the nation.

6. Keep all citizens apprised with information about pollution in their area with more than a website or an email. Folks should receive PAPER NOTICES via mail or as door fliers. Not everyone has internet access.

7. Do deeper research with plant pathologists into the impacts of aerosolised particulates on plants. Urban gardeners need to know if they are growing safe food or not.

8. And MAKE SURE every community and every non-English speaking group has access to your info on polluters, and have opportunities to speak out on these concerns. DEQ should send relevant meeting fliers home with kids at all affected schools. All DEQ Community meetings should be at schools and community centers, NOT at the convention center or PCC where parking is difficult and not free.

Our health, economy, live-ability, tourist industry, and natural resources upon which we all depend are at serious risk from toxic air pollution. Please take a brave stand to clean up the air we all must breathe. We will support you.

Thank you, Dr. Richard Meyer and Dr. Paulette Meyer

Attachment:

Comment categories linked to this comment: 44, 46, 48, 64, 78, 171, 238, 246, 258, 263

Comment #116

Comment Period #1

Name: Katie Bretsch

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

The acceptable subsidy to any business from the public health is ZERO.

I am one of those with extra sensitivity to air pollution and my quality of life is easily impaired by existing air quality problems in Oregon.

I consider it corruption that industry gets to negotiate a level of harm they are allowed to inflict on our health and lives. Unacceptable! Elected officials who allow this are corrupt!

No good is done by subsidizing business with the illness and premature death of Oregon citizens. CLEAN OR CLOSED!

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Katie Bretsch

3336 SE Yamhill St Portland, OR 97214-4277

kbretsch@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #117

Comment Period #1

Name: Vivian Christensen

Organization: N/A State: Oregon

Number of commenters: 1

Comment text: My family resides in an environmental hot spot. We live in Southeast Portland in a neighborhood that sits between a group of large-scale industrial facilities to the south and Brooklyn Yard (a truck to train transfer facility) to the north. Residents in my neighborhood are exposed to toxins such as nickel, hexavalent chromium, styrene, and increasing amounts of diesel. In 2008, a study conducted by the University of Massachusetts, based on Toxic Release Inventory Data, found that my neighborhood school, Duniway Elementary, ranked in the 3rd highest percentile of exposure to toxins. Put another way, of approximately 128,000 schools in the United States that were examined, only 3,000 schools have worse air quality.

Since the study, little has changed. The state's regulatory framework has been guided by industry, with no caps on the toxins that can be emitted into neighboring communities. In the metals emissions update on September 8, 2016, the DEQ reported that at the Springwater Trail monitor - nickel concentrations were over 3.4 times benchmark and hexavalent chromium concentrations were over 4.1

times benchmark - this is after emissions controls were installed by Precision Castparts. In addition, residential neighborhoods near Brooklyn Yard have seen a significant increase of intrastate truck traffic. On a daily basis, my family is exposed to unregulated diesel exhaust from semi-trucks that travel less than a block from my house. Most of these trucks are no longer legal in California and Washington due to their heavy pollution.

I am writing to you because members of my community, and those living in similar communities heavily impacted by industrial emissions, need DEQ's help to ensure that Cleaner Air Oregon will do what the Governor promised - clean up Oregon's toxic air. The EPA considers one excess cancer per million people and acceptable risk. Putting a cap on 500 cancers per million people is NOT what most would call "health-based regulation." This is basically business as usual and does very little to help those who have shouldered the burden of Oregon's unregulated industrial legacy. Allowing many older industrial facilities to continue emitting toxins into surrounding neighborhoods while regulating new facilities does nothing to help communities that have suffered the devastating health effects of exposure to toxins for decades due to our state government's disregard for human health. These industry giveaways show a continued indifference towards the communities that need health-based regulatory reform the most.

In order for Cleaner Air Oregon to be truly meaningful, emissions from ALL facilities and diesel emissions from unregulated semi-trucks must be addressed.

I shouldn't have to worry that I, or someone I care about, may get sick from exposure to toxins, or if my son's asthma is a result of air pollution, but I do. In fact, I think about it a lot. I often wonder if living in Portland was a bad choice for my family, and if perhaps we should move elsewhere - somewhere where industry isn't free to release dangerous toxins into the air, water, and soil and regulations are designed and enforced for the health and safety of neighboring communities.

I am asking the DEQ to do the right thing and finally put the health of Oregonians living near pollution sources before industry profit. Oregon has the chance to become a leader in designing and implementing a truly rigorous health-based environmental regulatory framework. Families like mine are counting in it.

Sincerely,

Vivian Christensen

6130 SE Reed College Place

Portland, OR 97202

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/4505de48-31d7-4ec3-9ede-f13577b95bcf>

Comment categories linked to this comment: 171, 235, 238, 244, 246, 263, 265

Comment #118

Comment Period #1

Name: Brian Hamilton

Organization: State: OR

Number of commenters: 1

Comment text: While there are some good elements in the new rules, they show clear signs of lobbying from the polluters and are clearly inadequate to address the plethora of problems that lobbying and other shady deals within DEQ over the years have clearly caused in allowing our area's air to become as bad as it is now. The mere fact that PCC was told when and where the testing equipment was put in place and then told when it was being taken down, and the fact that it was taken down at all, shows that not everyone involved on that side of the issue has the public's health in mind. It's time for DEQ to do its job and start protecting the public instead of appeasing criminally polluting corporations. Much more strict guidelines need to be adopted in order to keep us all safe and I support all the recommendations the Eastside Portland Air Coalition outlined in their recent letter.

Attachment:

Comment categories linked to this comment: 97, 244, 246, 374

Comment #119

Comment Period #1

Name: Allan Widmeyer

Organization: Ret. State: OR

Number of commenters: 1

Comment text: I moved from CA and was surprised that Oregon's roads stink a lot more than CA's. This is because of your more lax air pollution programs. Why don't you clean it up. Oregon's air should at least be better than California's.

Attachment:

Comment categories linked to this comment: 171

Comment #120

Comment Period #1

Name: Philip Carella

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.

2. Unfiltered industrial trucks are legal here but not in CA. This is absurd, as diesel filters are quite affordable for large trucking operations and SAVE LIVES..

"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

<http://journals.lww.com/joem/Pages/ArticleViewer.aspx...>

See <https://www.sciencedaily.com/re.../2012/07/120719132945.htm> for more info.

3. Eliminate loopholes in your rules, giving wide discretion to "Director's Consultations" which opens the door to possible corruption, and the "Alternate Noncancer Risk Action Level (ANRAL)." Science shows that air pollution causes many more debilitating illnesses than just asthma and cancers.

4. Employ the Hazard Index (non-cancerous health impacts) of 1 at ALL risk levels. It has been well documented that our understanding of the toxicity of air-pollutants has been widely underestimated, and as new scientific findings continue to develop, we must err on side of caution.

5. Don't allow industry to claim they will suffer for protecting human health. We taxpayers pay millions annually for health concerns created or exacerbated by pollution, and industry is subsidized by our dollars. Meanwhile, Oregon industries continue to pay some of the lowest taxes in the nation.

6. Keep all citizens apprised with information about pollution in their area with more than a website or an email. Folks should receive PAPER NOTICES via mail or as door fliers. Not everyone has internet access.

7. Do deeper research with plant pathologists into the impacts of aerosolised particulates on plants. Urban gardeners need to know if they are growing safe food or not.

8. And MAKE SURE every community and every non-English speaking group has access to your info on polluters, and have opportunities to speak out on these concerns. DEQ should send relevant meeting

fliers home with kids at all affected schools. All DEQ Community meetings should be at schools and community centers, NOT at the convention center or PCC where parking is difficult and not free.

Our health, economy, live-ability, tourist industry, and natural resources upon which we all depend are at serious risk from toxic air pollution. Please take a brave stand to clean up the air we all must breathe. We will support you.

Thank you, Philip Carella

Attachment:

Comment categories linked to this comment: 48

Comment #121

Comment Period #1

Name: Nicole de Leeuw

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

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"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

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Our health, economy, live-ability, tourist industry, and natural resources upon which we all depend are at serious risk from toxic air pollution. Please take a brave stand to clean up the air we all must breathe. We will support you.

Thank you,

Nicole de Leeuw

Attachment:

Comment categories linked to this comment: 48

Comment #122

Comment Period #1

Name: Jan Zuckerman

Organization: Mrs. State: OR

Number of commenters: 1

Comment text: Thank you for your commitment to put the health of the people of Oregon before industry. We can and deserve to have both a healthy economy and healthy population. I have lived in

Portland for the last 42 years and have been teaching here for over 30 years. In the past 10 years I have seen a rise in the amount of children who come to school sick with respiratory illnesses. My daughter, an ED nurse at Legacy Emmanuel, has seen a rise in respiratory illnesses also. My sister and her husband can no longer visit Portland because the last two times, my brother-in-law ended up in the emergency room with severe asthma attacks that were life threatening. The myth that Portland is green was shattered when my sister said that she could no longer visit.

Because of this, I am EXTREMELY concerned that the DEQ's proposal to measure and cap air pollution will not be effective without including traffic and construction diesel emissions. My students living in SE Portland are getting sick from the unregulated construction that is happening all around them. I don't suffer from respiratory illness, but feel the impacts of construction in my neighborhood in NE Portland.

I am also deeply concerned that capping 500 cancers per million people per facility will not create incentives to improve or come up with any kind of innovative ways to cut back emissions. The combination of this kind cap and cumulative risk of unregulated construction and industry is disproportionately harming the most vulnerable populations in Portland. It truly is criminal. Cleaner Air Oregon should be CLEAN AIR OREGON. We should be ashamed of ourselves that we don't care enough about people and animals to keep our air clean. All industry, existing and new facilities must be held accountable to put people before profits. As the Department of Environmental Quality, I hope you will uphold the promise to put communities first and make Oregon truly "green", not just lining the pockets of industry with green money.

Thank you.

Attachment:

Comment categories linked to this comment: 45, 238, 246, 265

Comment #123

Comment Period #1

Name: Emily Lethenstrom

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. It is astounding to me that Oregonian is a laggard in clean air regulations compared to our neighboring states of California and Washington. Oregonians deserve better!

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community

members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Emily Lethenstrom

4226 SE Pine St Portland, OR 97215-1045

emojean@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #124

Comment Period #1

Name: Holly Cook

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.
2. Unfiltered industrial trucks are legal here but not in CA. This is absurd, as diesel filters are quite affordable for large trucking operations and SAVE LIVES..

"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

<http://journals.lww.com/joem/Pages/ArticleViewer.aspx...>

See <https://www.sciencedaily.com/rel.../2012/07/120719132945.htm> for more info.

3. Eliminate loopholes in your rules, giving wide discretion to "Director's Consultations" which opens the door to possible corruption, and the "Alternate Noncancer Risk Action Level (ANRAL)." Science shows that air pollution causes many more debilitating illnesses than just asthma and cancers.

4. Employ the Hazard Index (non-cancerous health impacts) of 1 at ALL risk levels. It has been well documented that our understanding of the toxicity of air-pollutants has been widely underestimated, and as new scientific findings continue to develop, we must err on side of caution.

5. Don't allow industry to claim they will suffer for protecting human health. We taxpayers pay millions annually for health concerns created or exacerbated by pollution, and industry is subsidized by our dollars. Meanwhile, Oregon industries continue to pay some of the lowest taxes in the nation.

6. Keep all citizens apprised with information about pollution in their area with more than a website or an email. Folks should receive PAPER NOTICES via mail or as door fliers. Not everyone has internet access.

7. Do deeper research with plant pathologists into the impacts of aerosolised particulates on plants. Urban gardeners need to know if they are growing safe food or not.

8. And MAKE SURE every community and every non-English speaking group has access to your info on polluters, and have opportunities to speak out on these concerns. DEQ should send relevant meeting fliers home with kids at all affected schools. All DEQ Community meetings should be at schools and community centers, NOT at the convention center or PCC where parking is difficult and not free.

Our health, economy, live-ability, tourist industry, and natural resources upon which we all depend are at serious risk from toxic air pollution. Please take a brave stand to clean up the air we all must breathe. We will support you.

Thank you,

Holly Cook

Attachment:

Comment categories linked to this comment: 48

Comment #125

Comment Period #1

Name: Laura Dunn

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear DEQ,

As a mother of a toddler, small business owner, and educator, I am begging you to make Oregon a safe place for families. As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you. But you MUST get tougher:

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Thank you,

Laura Dunn

Attachment:

Comment categories linked to this comment: 48

Comment #126

Comment Period #1

Name: Robyn Ellis

Organization: Mayhem Ltd State: OR

Number of commenters: 1

Comment text: Your new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.

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Attachment:

Comment categories linked to this comment: 48

Comment #127

Comment Period #1

Name: Meng Lu

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.

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Thank you,

Meng Lu

Attachment:

Comment categories linked to this comment: 48

Comment #128

Comment Period #1

Name: Kevin Kaufman

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

According to Upstream Research, my neighborhood ranks in the 93rd percentile for airborne cancer risk for the entire country. This is totally unacceptable. Oregon finally has the chance to enact meaningful environmental policy that protects human health over short-term corporate profit. I urge you to take the following considerations when drafting the final Cleaner Air Oregon regulations: 1) ALL facilities must be included in a strict, health-based, enforceable air quality standard. Allowing older industrial facilities to continue polluting at current levels leaves communities that have suffered the devastating health effects of exposure to toxins for decades with no additional protection. 2) New regulations must be enforced immediately. We simply can't wait any longer. 3) Unfiltered diesel must be included in the DEQ's new regulatory framework. As you are well aware, Multnomah County is among the worst in the COUNTRY for air quality. Without the inclusion of diesel, Cleaner Air Oregon will not live up to its promise of solving Oregon's air pollution crisis. 4) DEQ must employ the Hazard Index (non-cancerous health impacts) of 1 for ALL risk levels. Anything else is unacceptable. Parkinson's disease, ALS, Multiple Sclerosis, Alzheimer's Disease, heart disease, and asthma are just a few examples of chronic diseases that have strong associations to environmental exposures. Putting a cap on 500 cancers per million people is disingenuous and does nothing to protect the very people that have suffered for decades because of our state's disregard for human health.

The claim that stricter environmental regulations will result in job loss is a tired narrative that has been proven false. The federal Office of Management and Budget found that air pollution regulation benefits often exceed costs by a 10 to 1 ratio. Currently, Oregonians are shouldering the public health costs of air pollution at an estimated cost of over three billion dollars a year based on US EPA calculations for diesel emissions alone. California has some of the strictest regulations in the country, yet they have a booming economy. Does Oregon really want to be a dumping ground for industries that can no longer do business elsewhere? It's time for Oregon step up and become a leader in designing, implementing, and enforcing health-based environmental regulations.

Sincerely,

Kevin Kaufman

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/08729dc7-21f9-45db-b8c5-7d982b56402e>

Comment categories linked to this comment: 45, 46, 171, 176, 235, 238, 244, 246, 258, 263, 265

Comment #129

Comment Period #1

Name: Hillman

Organization: Self State: OREGON

Number of commenters: 1

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

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"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

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See <https://www.sciencedaily.com/rel.../2012/07/120719132945.htm> for more info.

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Thank you, Tracey Hillman

Attachment:

Comment categories linked to this comment: 48

Comment #130

Comment Period #1

Name: Winter Madison-Kennedy

Organization: State: MO

Number of commenters: 1

Comment text: OREGON TREATS AIR LIKE IT JUST BELONGS TO THEN.

"THE SOLUTION TO POLLUTION IS NOT DILUTION"

Stop the insane killing off the world sir and resources, NOW!

Attachment:

Comment categories linked to this comment: 171

Comment #131

Comment Period #1

Name: Teresa Roberts

Organization: Green Party State: Oregon

Number of commenters: 1

Comment text: Allegedly "Green: Portland OR is ranked among the worst for air quality by the EPA & Multnomah county worst for diesel particulates linked to Alzheimer's, obesity, heart defects, and cancers.

I agree with the Green Party that new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.

2. Unfiltered industrial trucks are legal here but not in CA. This is absurd, as diesel filters are quite affordable for large trucking operations and SAVE LIVES..

"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

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Attachment:

Comment categories linked to this comment: 48

Comment #132

Comment Period #1

Name: David Newman

Organization: State: Oregon

Number of commenters: 1

Comment text: Relying on pollution sources to self report has been shown to be a weak link in the current system. Bulls Eye Glass is the perfect example, not reporting accurate amounts/types of materials used or exhausted to the air. Another example is Intel, not voluntarily reporting accurate amounts/types of compounds released to the air. Monitoring known and expected pollution sources must be included in any new clean air rules. Also general monitoring is needed to detect air pollutants from non-point sources. I and an increasing number of people live close to the I-405 freeway in downtown Portland. I-405 is a known non-point source of air pollution for thousands of residents. The air for these residents is not monitored other than minimally for particulates. Cleaner Air for Oregon regulations must also include changing the fuel standards for diesel vehicles registered in Oregon.

Attachment:

Comment categories linked to this comment: 11, 92, 97, 133, 238

Comment #133

Comment Period #1

Name: Watters RPE,BCPP

Organization: Polarity Center of Salem State: Or

Number of commenters: 1

Comment text: We need all metals that pollute our air regulated and eliminated. Our health depends on it. Cadmium is carcinogenic. Why would anyone want to support allowing cadmium, Mercury, lead, aluminum and field burning smoke into our air supply. Make rules that profit these practices. And also do not allow these metals into our water supply. Stop field burning everywhere in Oregon also..NOW!

Attachment:

Comment categories linked to this comment: 171, 256

Comment #134

Comment Period #1

Name: Dave And Laurie King

Organization: State: Oregon

Number of commenters: 2

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

We live near the St. Johns Bridge and are impacted by the industries and railroad along the river. We often smell solvents, paint and other strong odors at night. We suspect illegal emissions. We also are impacted by diesel exhaust from trucks, the railroad and marine traffic. The worst is from the tank farms that emit the odor of crude oil. The health effects of each of these is really terrible but combined... I, Dave have COPD and this is deteriorating my health.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Dave And Laurie King

8728 N Edison St Portland, OR 97203-5316

landd_2@q.com

Attachment:

Comment categories linked to this comment: 53, 238, 251

Comment #135

Comment Period #1

Name: Lisa Gorlin

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.

2. Unfiltered industrial trucks are legal here but not in CA. This is absurd, as diesel filters are quite affordable for large trucking operations and SAVE LIVES..

"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

<http://journals.lww.com/joem/Pages/ArticleViewer.aspx...>

See <https://www.sciencedaily.com/rel.../2012/07/120719132945.htm> for more info.

3. Eliminate loopholes in your rules, giving wide discretion to "Director's Consultations" which opens the door to possible corruption, and the "Alternate Noncancer Risk Action Level (ANRAL)." Science shows that air pollution causes many more debilitating illnesses than just asthma and cancers.

4. Employ the Hazard Index (non-cancerous health impacts) of 1 at ALL risk levels. It has been well documented that our understanding of the toxicity of air-pollutants has been widely underestimated, and as new scientific findings continue to develop, we must err on side of caution.

5. Don't allow industry to claim they will suffer for protecting human health. We taxpayers pay millions annually for health concerns created or exacerbated by pollution, and industry is subsidized by our dollars. Meanwhile, Oregon industries continue to pay some of the lowest taxes in the nation.

6. Keep all citizens apprised with information about pollution in their area with more than a website or an email. Folks should receive PAPER NOTICES via mail or as door fliers. Not everyone has internet access.

7. Do deeper research with plant pathologists into the impacts of aerosolised particulates on plants. Urban gardeners need to know if they are growing safe food or not.

8. And MAKE SURE every community and every non-English speaking group has access to your info on polluters, and have opportunities to speak out on these concerns. DEQ should send relevant meeting fliers home with kids at all affected schools. All DEQ Community meetings should be at schools and community centers, NOT at the convention center or PCC where parking is difficult and not free.

Our health, economy, live-ability, tourist industry, and natural resources upon which we all depend are at serious risk from toxic air pollution. Please take a brave stand to clean up the air we all must breathe. We will support you.

Thank you,

Lisa

Attachment:

Comment categories linked to this comment: 48

Comment #136

Comment Period #1

Name: jina kim

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

Oregon falsely prides itself on it's green-ness and clean air/water. I first came to realize how filthy our air is by the national report of air quality, where it indicated metro Portland area ranks in the worst 1-5th percentile in the COUNTRY. We need to stop the loose regulations around dirty diesel here in OR as well as regulating strictly the industries that surround our city.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events. Put Oregon's families and kids first!

Sincerely,

jina kim

1 SW Bowerman Dr Beaverton, OR 97005-0979

jina@ty-land.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #137

Comment Period #1

Name: Carolyn Hennessey

Organization: Seneca Sawmill State: Oregon

Number of commenters: 1

Comment text: My name is Carolyn Hennessey and I work at Seneca Sawmill, a business that cares deeply about their employees and the surrounding community. After attending the public meeting in Eugene, it became obvious that the proposed rules have not been thought through and there needs to be more collaboration and input from the companies and communities that the regulations will impact. More data needs to be gathered BEFORE new rules are adopted. If you adopt the proposed rules, more

jobs will be lost and communities will be devastated. Peoples health will be impacted by loss of jobs, poor schools and fewer public services, not air quality.

Attachment:

Comment categories linked to this comment: 37, 122, 170, 245

Comment #138

Comment Period #1

Name: Krystal Abrams

Organization: Beyond Toxics State: Oregon

Number of commenters: 1

Comment text: Thank you for the great work you are doing with Cleaner Air Oregon. I wholeheartedly support adopting CAO's health-based regulations to protect people and our environment from toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers per1 million and a non-cancer risk level Hazard Index of no greater than 1.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/971044c6-f7a4-4b2c-b049-902a93bccff0>

Comment categories linked to this comment: 13, 45, 46, 51, 133, 136, 158, 250, 311, 312

Comment #139

Comment Period #1

Name: Brian Setzler

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I live in downtown Portland above the convergence of two major freeways

and am concerned about the air pollution I have to endure. I also ride a bike for transportation which increases my exposure and respiration rate making me even more vulnerable.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Brian Setzler

2309 SW 1st Ave Apt 1342 Portland, OR 97201-5040

brian.setzler.cpa@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #140

Comment Period #1

Name: Lori Bennett

Organization: Ms. State: OR

Number of commenters: 1

Comment text: Strengthen our rules towards cleaner air quality. Many things like diesel filter requirements could be enacted within 2018.

Attachment:

Comment categories linked to this comment: 171, 238

Comment #141

Comment Period #1

Name: Laura Heaton

Organization: State: OR

Number of commenters: 1

Comment text: I love Oregon. I was born in Springfield, live in Eugene and love this beautiful state. I care about our air quality and want to see a future of cleaner air for Oregon, however, the DEQ's proposed rules are too broad. They are not based on science, and the push seems to be political. It is an experiment that could result in the closures of many businesses and the end of many jobs. The costs, and detrimental effects these rules would have on our local economy, must be considered before moving forward. I ask that the DEQ re-evaluate the rules and work cooperatively with Oregon Companies to reach more informed decisions in this regard.

Attachment:

Comment categories linked to this comment: 33, 122, 170, 245

Comment #142

Comment Period #1

Name: Rick McNern

Organization: State: Oregon

Number of commenters: 1

Comment text: 1) End averaging of particulate sizes for determining pollution remedies. For example, one of the H + V fiberglass plants on Crystal Lake in Corvallis produces 1-3 micron sized particulates, which are more dangerous than larger sizes, and which will be unaffected by the proposed filter, which will only capture particulates over 3 microns. Averaging with the other plant (100 yards away) which produces 12 micron sized particulates does not change this.

2) Promote citizen monitoring of emissions to find plants under-reporting their emissions. The above mentioned fiberglass plants were fined two years ago for understating their pollution over the previous five year period. Yet the remedy for the permit now required does not fix the problem, and you are counting on them to report their own emissions.

3) Exempting plants with under 50 employees makes no sense in an age of automation.

4) It does not appear that much is being done to reduce diesel emissions. California provides many examples of systems to prevent the release of emissions at filling stations. How can an air pollution proposal completely ignore cars, trucks, motorized equipment, and the burning of gasses?

Attachment:

Comment categories linked to this comment: 13, 89, 97, 238

Comment #143

Comment Period #1

Name: Susan Gere

Organization: State: Oregon

Number of commenters: 1

Comment text: Just SAY NO to DIESEL. Why do we let a (heavily drive-through) industry poison our air and children? This is, literally, SICK. Our standards should match neighboring states at a MINIMUM. Aren't we the "green" place?

Attachment:

Comment categories linked to this comment: 88, 238

Comment #144

Comment Period #1

Name: Celine Mattersdorff

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Celine Mattersdorff

930 Bullock St Lake Oswego, OR 97034-4914

celine@abeautifulplace.com

Attachment:

Comment categories linked to this comment: 53

Comment #145

Comment Period #1

Name: Corinne Carroll Jackson

Organization: SE Area Artwalk & Sleeping Bee STUDIO State: OR

Number of commenters: 1

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.

2. Unfiltered industrial trucks are legal here but not in CA. This is absurd, as diesel filters are quite affordable for large trucking operations and SAVE LIVES..

"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

<http://journals.lww.com/joem/Pages/ArticleViewer.aspx...>

3. Eliminate loopholes in your rules, giving wide discretion to "Director's Consultations" which opens the door to possible corruption, and the "Alternate Noncancer Risk Action Level (ANRAL)." Science shows that air pollution causes many more debilitating illnesses than just asthma and cancers.

4. Employ the Hazard Index (non-cancerous health impacts) of 1 at ALL risk levels. It has been well documented that our understanding of the toxicity of air-pollutants has been widely underestimated, and as new scientific findings continue to develop, we must err on side of caution.

5. Don't allow industry to claim they will suffer for protecting human health. We taxpayers pay millions annually for health concerns created or exacerbated by pollution, and industry is subsidized by our dollars. Meanwhile, Oregon industries continue to pay some of the lowest taxes in the nation.

6. Keep all citizens apprised with information about pollution in their area with more than a website or an email. Folks should receive PAPER NOTICES via mail or as door fliers. Not everyone has internet access.

7. Do deeper research with plant pathologists into the impacts of aerosolised particulates on plants. Urban gardeners need to know if they are growing safe food or not.

8. And MAKE SURE every community and every non-English speaking group has access to your info on polluters, and have opportunities to speak out on these concerns. DEQ should send relevant meeting fliers home with kids at all affected schools. All DEQ Community meetings should be at schools and community centers, NOT at the convention center or PCC where parking is difficult and not free.

Our health, economy, live-ability, tourist industry, and natural resources upon which we all depend are at serious risk from toxic air pollution. Please take a brave stand to clean up the air we all must breathe. We will support you.

Thank you, Corinne C Jackson

Attachment:

Comment categories linked to this comment: 48

Comment #146

Comment Period #1

Name: Jeremy Johnson

Organization: State: Oregon

Number of commenters: 1

Comment text: Please keep our air as clean as possible!

Attachment:

Comment categories linked to this comment: 171

Comment #147

Comment Period #1

Name: Kirsten Solberg

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I've lived in 6 states, but never had asthma symptoms until moving to Portland in 1998. I had my first asthma ER visit a year later. I have been on expensive medications, missed work, had trouble taking care of my children and had bouts of chronic bronchitis and pneumonia due to Portland's toxic air. Here are some of the reasons we have high rates of asthma, and high rates of missed school and work due to our unacceptably toxic air in the Metro Portland region:

-While living in NE Portland for 17 years, I regularly cleaned black soot and particulates off my porch. It isn't as simple to clean those fine, dirty particulates out of my or my children's lungs.

-I've learned that Oregon is a dumping ground for dirty diesel trucks, since it is illegal for them to be registered in Washington and California. The fine particulates are toxic and very harmful for lungs, especially for citizens with lung problems like asthma or COPD, for children, and for economically disadvantages citizens, often minorities, who live near our interstates and major roads.

-We have excessive levels of benzene in our air because unlike Washington and California, we don't protect our public air by requiring oil refineries to remove benzene from the Alaskan crude before it is shipped here. We have benzene levels 75x the EPA recommended level downtown, contributing to increases in cancers, especially blood cancers.

-Many of our public schools have air quality worse than 99% of the schools in the USA.

-I would prefer to walk or bike to work or run errands, but because Portland's air quality is so poor and my lungs are vulnerable, I drive instead. The sad irony that I then contribute to Portland's poor air quality does not escape me. I want to bike and walk, but until Portland cleans up its air, it's out of the question.

-Oregon prefers to allow industries to pollute rather than protect the health of its citizens. It's unacceptable, backward, and it needs to stop. Anyone who is putting corporate profits over people at state agencies needs to be fired.

-My children and I start coughing every Fall when my neighbor starts heating their house with a dirty-burning wood stove and my coughing continued all through the winter. Dirty burning wood stoves need

to be banned. Many other cities, like Sacramento and Albuquerque have No-Burn days when air quality is poor, but not Portland.

-I recently moved out of Portland to the suburbs specifically for cleaner air for me and my children. Since my move, I've been able to reduce my high dose asthma inhaler and my asthma symptoms have improved. But now I have to drive many more miles every week and spew more exhaust into our air.

Portland has a reputation for being a "Green City", with walkable neighborhoods and light rail. Unfortunately, our air quality is not part of the "green" picture here, due to sources of pollution listed above. I can't stress enough how strongly I feel about Oregon finally protecting the health of its citizens rather than the profits for trucking corporations and industries. Rising asthma, cancer and premature birth rates are avoidable and are not healthy for our economy, our children or our workforce. Air pollution even lowers IQ's and contributes to behavioral problems, contributing further to challenges in our classrooms.

Sometimes the negative effects of air pollution are immediate, and sometimes the toxins lay dormant in our bodies for 10 to 30 years before a disease is diagnosed. We are paying a huge financial and health burden while Oregon's regulatory agencies are asleep at the wheel to benefit corporations. We expect better from Oregon, and prioritizing clean public air and citizen health is long overdue.

Thank you, Kirsten Solberg

Sincerely,

Kirsten Solberg

3080 Lazy River Dr West Linn, OR 97068-1125

Kirsten.Etc@gmail.com

Attachment:

Comment categories linked to this comment: 88, 121, 171, 238, 244, 246

Comment #148

Comment Period #1

Name: R J

Organization: Self State: Oregon

Number of commenters: 1

Comment text: How ironic it is that we in Portland are generally pro- environment and healthy living and we have some of the WORST air to breathe in rhe country.

This is our chance to improve.

Attachment:

Comment categories linked to this comment: 171

Comment #149

Comment Period #1

Name: Charles Goodrich

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear DEQ,

I am writing in support of strong clean air standards in Oregon and a comprehensive, coordinated program for clean-air management.

I urge you to adopt adequate standards for control of all sources of pollution that protect people, especially young people, elderly people and people with health issues such as asthma. I urge you to practice strict enforcement of established rules and regulations and to seek adequate financing for air pollution abatement programs. Our air is a natural resource, the most essential element for life.

I have a few specific issues with your Draft Rules.

1. Your timeline to bring all companies under the Cleaner Air Oregon is too long. Only 80 of Oregon's 2,500 companies will be included in the first five years. The Department of Environmental Quality has been sufficiently funded to hire necessary personnel to enact the new rules, or to finish a vital statewide emissions inventory.

2. The allowable number of cancer deaths from toxic emission from existing factories has been increased from 10 people per million to 500 people per million. Also, the Hazard Index related to chronic non-cancer diseases for existing factories has increased from 1 to 30 for the new rules. These numbers are too high. They are not health-based. Please amend toward the lower, more conservative numbers.

These rules must be grounded in science, informed by data. They need to be based on a view to optimum health of citizens. Thank you for working to protect our quality of life in Oregon.

Attachment:

Comment categories linked to this comment: 158, 171, 188, 235, 247, 258

Comment #150

Comment Period #1

Name: Lisa Bock

Organization: State: Oregon

Number of commenters: 1

Comment text: Thank you for working on policy change to improve Oregon's air quality, whoever this new policy falls short in limiting diesel emissions. This is an immediate problem that can be easily fixed! We are the only state on the West Coast that still allows dirty diesel trucks. It is embarrassing that businesses in Oregon buy the dirty diesel trucks that are no longer allowed in California. I live in NE Portland close to Highway 30 and the airport where dirty diesel trucks drive and thrive. Diesel emissions are small enough to penetrate deep into the lungs and enter the blood stream increasing your risk for cancer and heart and lung disease. And no longer can we count on our trees to be carbon neutral. This is not a political issue, it's a public health issue! Please be effective, smart, forward thinking and brave and make our state an excellent example of good clean air policy for the people of Oregon, the country and the world.

Attachment:

Comment categories linked to this comment: 88, 171, 238

Comment #151

Comment Period #1

Name: Emily Herbert

Organization: Community for Earth First Unitarian church Pdx State: OR

Number of commenters: 1

Comment text:

the waiver, called a director consultation, will inject politics into a program that should be based on science and public health. All these delays and ways for business to continue to pollute the common air should be eliminated. It is wrong to pollute the commons and pay no consequences.

Attachment:

Comment categories linked to this comment: 41, 46, 188, 214

Comment #152

Comment Period #1

Name: NAOMI BLOOM

Organization: State: OR

Number of commenters: 1

Comment text: Clean the damned air, Oregon. It's dirty out there.

Attachment:

Comment categories linked to this comment: 171

Comment #153

Comment Period #1

Name: Nancy Coscione

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear DEQ,

As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you. But you MUST get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards. Further, your rules need to be re-written to be comprehensible to all people, to avoid loopholes.
2. Unfiltered industrial trucks are legal here but not in CA. This is absurd, as diesel filters are quite affordable for large trucking operations and SAVE LIVES..

"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality, and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans. Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

<http://journals.lww.com/joem/Pages/ArticleViewer.aspx...>

3. Eliminate loopholes in your rules, giving wide discretion to "Director's Consultations" which opens the door to possible corruption, and the "Alternate Noncancer Risk Action Level (ANRAL)." Science shows that air pollution causes many more debilitating illnesses than just asthma and cancers.

4. Employ the Hazard Index (non-cancerous health impacts) of 1 at ALL risk levels. It has been well documented that our understanding of the toxicity of air-pollutants has been widely underestimated, and as new scientific findings continue to develop, we must err on side of caution.

5. Don't allow industry to claim they will suffer for protecting human health. We taxpayers pay millions annually for health concerns created or exacerbated by pollution, and industry is subsidized by our dollars. Meanwhile, Oregon industries continue to pay some of the lowest taxes in the nation.

6. Keep all citizens apprised with information about pollution in their area with more than a website or an email. Folks should receive PAPER NOTICES via mail or as door fliers. Not everyone has internet access.

7. Do deeper research with plant pathologists into the impacts of aerosolised particulates on plants. Urban gardeners need to know if they are growing safe food or not.

8. And MAKE SURE every community and every non-English speaking group has access to your info on polluters, and have opportunities to speak out on these concerns. DEQ should send relevant meeting fliers home with kids at all affected schools. All DEQ Community meetings should be at schools and community centers, NOT at the convention center or PCC where parking is difficult and not free.

Our health, economy, live-ability, tourist industry, and natural resources upon which we all depend are at serious risk from toxic air pollution. Please take a brave stand to clean up the air we all must breathe. We will support you.

Thank you, Nancy Coscione

Attachment:

Comment categories linked to this comment: 48

Comment #154

Comment Period #1

Name: Donna Murphy

Organization: Mrs. State: CA

Number of commenters: 1

Comment text: Oregon has pretended for so long that its a 'green state' that they continue to believe their own lies. I had to move from Portland for reasons of respiratory health. DEQ is a useless government department and does nothing for the state of Oregon.

Attachment:

Comment categories linked to this comment: 244

Comment #155

Comment Period #1

Name: Elta Damron Sperry

Organization: Beyond Toxics State: Oregon

Number of commenters: 1

Comment text: Reducing the levels of toxin in the air and general environment would go a long way towards healing our planet and our community. Pollution is not stationary, and spreads especially fast in the atmosphere. This act needs to include more that just the upper tiers of these industries.

Attachment:

Comment categories linked to this comment: 171, 235

Comment #156

Comment Period #1

Name: Julia Hannegan

Organization: State: Oregon

Number of commenters: 1

Comment text: i have read that the gas we sell in Oregon is not a clean for the enviornment as say California. Is there some part of the gas filtering process that is missing in the gas sold in Oregon that causes more pollution in our state? If so I think we should hold the gas Company's responsible to sell us the highest enviornmently clean gas as possable, regardless of the cost.

Attachment:

Comment categories linked to this comment: 238

Comment #157

Comment Period #1

Name: Allyndreth Stead

Organization: State: Oregon

Number of commenters: 1

Comment text: All sources of air pollution need to be minimized as much as possible. There is no place for any toxic emissions from any factory. If emissions cannot be brought down to 'clean air', then we must re-think our need for whichever industry is involved. I am positive that it is possible for every factory & business to have completely non-toxic emissions if we put enough thought into the process. Or, we can find a different answer for the products produced, either not using that sort of product at all, or finding a non-polluting substitute.

Attachment:

Comment categories linked to this comment: 171

Comment #158

Comment Period #1

Name: James Ofsink

Organization: State: OR

Number of commenters: 1

Comment text: I live in SE Portland and closely followed the controversy surrounded Bullseye and other local point-source polluters. My takeaway from attending numerous listening sessions, and hearing from both advocates and industry representatives is that first and foremost industry has a responsibility to not be poisoning our shared ecosystem (air, water, etc.). People deserve to know what we are breathing, and it requires a combination of mandatory disclosure by polluters and also strong independent assessment and auditing by regulators to safeguard the health of our air. We must put human health first in our determinations of what will be allowed to be emitted into the environment, and human health should be valued whether people live in urban areas or rural ones. We need one set of regulations and requirements that standardizes circumstances for the entire state and makes sure every Oregonian can breathe easy knowing that each breath isn't toxic. As far as paying for the programs, I support plans, like those in many parts of the world, that charge polluters for the enforcement and of course hold them accountable for any mitigation required by their actions. A common refrain in our political climate today is that: "x policy is bad because it will cost employers money and that will lead to losses in jobs." This is a false narrative, we can have BOTH robust industry

and also sustainable industry (as is true in many parts of the world). Please make sure that the rules adopted are true to the original spirit and intention of Cleaner Air Oregon, which was to safeguard our airshed and give industry clear and comprehensive guidance on how to be responsible neighbors, employers, and parts of our state.

Attachment:

Comment categories linked to this comment: 28, 133, 158, 245

Comment #159

Comment Period #1

Name: Kyle Johnson

Organization: Georgia-Pacific State: OR

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes Georgia-Pacific's ability to continue investing in our rural community as Clatsop County's leading manufacturing employer (nearly 750 jobs and an annual payroll of \$72 million).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds

that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49, 87, 122, 170, 259

Comment #160

Comment Period #1

Name: Tim Mullikin

Organization: Georgia-Pacific State: OR

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers and current employees out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have invested millions into improving our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes Georgia-Pacific's ability to continue investing in our rural community as Clatsop County's leading manufacturing employer (nearly 750 jobs and an annual payroll of \$72 million).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs, our families and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #161

Comment Period #1

Name: John Larson

Organization: personal State: Oregon

Number of commenters: 1

Comment text: I am an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

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The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes 'Georgia-

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Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #162

Comment Period #1

Name: Kris Alman M.D.

Organization: Physicians for Social Responsibility member State: OR

Number of commenters: 1

Comment text: Please read attached document

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/ba2a425d-0f4a-462e-b9c2-5878803535fe>

Comment categories linked to this comment: 13, 43, 45, 97, 171, 178, 185, 238, 244, 263, 366

Comment #163

Comment Period #1

Name: David Tjaarda

Organization: State: Oregon

Number of commenters: 1

Comment text: More rules and knee jerk reactions are not the solution. As a father of 4 children, I cherish nothing more than the health, wellbeing, and future of my kids. Together, we enjoy the natural beauty of the state we live in and recognize the environmental impacts our society can have.

As an employee of the Georgia-Pacific Wauna Mill in Clatskanie Oregon, I am proud of my and my companies' commitment to the environment. Daily we strive to comply and meet the federal, state, and local regulatory requirements in place to protect both public lands and environmental health.

For our business to remain competitive, it is only fair that the standards we are expected to meet are in balance with our competition in neighboring states and countries. Cleaner Air Oregon would achieve the complete opposite putting my employer at a disadvantage.

Oregon industrial sources account for less than 15% of air pollutants. More focus should be placed on the sources that account for the other 85% of air pollutants.

Continued pressure on good companies, who work very hard to meet and exceed current regulation is not the solution. Significant offenders who do not meet current standards should be individually held accountable. A broad blanket approach like Cleaner Air Oregon will not curb current offender's behavior.

I fear unrealistic regulation not based on real science and technology will quench further capital investment in our mill which is essential to maintain our competitiveness. This undoubtedly in the future will lead to the loss of my livelihood and the that of the other 750 employees who work with me at the Georgia-Pacific Wauna Mill.

Poorly conceived rules and requirements can have catastrophic unintended consequences. Please do not let that happen. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 87, 122, 170, 235

Comment #164

Comment Period #1

Name: John Sikes

Organization: Georgia Pacific State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health,

including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

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Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #165

Comment Period #1

Name: Jessica Turon

Organization: State: OR

Number of commenters: 1

Comment text: Clean air is not something an individual can take care of on their own initiative. State government must act forcefully for the public good in measuring, improving, and publicizing air quality information.

Attachment:

Comment categories linked to this comment: 11, 133, 171

Comment #166

Comment Period #1

Name: Marc Umatham

Organization: State: or

Number of commenters: 1

Comment text: These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Attachment:

Comment categories linked to this comment: 87, 122

Comment #167

Comment Period #1

Name: Nancy Matela

Organization: Self State: Oregon

Number of commenters: 1

Comment text: I am appalled by the reluctance of the State to take on key air pollutants. First of all, why does Oregon allow diesel trucks that aren't allowed in Washington and California? We are a dumping ground for commerce, a huge contributor to our pollution. Secondly, why is it taking so long for regulations like glass chemicals that are known to cause problems for our children especially? I have a

20 month old grandchild near the Bulls Eye Glass company. They are pulling a Trump tactic: sue the people which takes away the direct action that should be taken by the State. I used to be proud of being an Oregonian. This is one of the many reasons I've become ashamed. Lead in our school's drinking water comes a close second.

Attachment:

Comment categories linked to this comment: 171, 238

Comment #168

Comment Period #1

Name: DeAnna Bolding

Organization: Georga Pacific State: Oregon

Number of commenters: 1

Comment text: As a union member of United Steelworkers Local 1097 and an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my union and my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would. I work at the facility and see first-hand how seriously USW Local 1097 employees and the company take protecting the environment.

The regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, may prevent our facility from making the capital investments needed to maintain our competitiveness. Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and Southern states that have lower energy, wood supply and transportation costs.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

These excessive, overreaching regulatory standards must be revised. This program is in response to a Portland-area issue and based on unrealistic, hypothetical health outcomes that does not take into account the health impact of job losses on rural Oregon. Poorly conceived rules and requirements can have devastating consequences on rural Oregon businesses. Please consider the impact on our nearly 750 jobs and our \$72 million annual payroll that contribute to rural Oregon's economy and our rural community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable, and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 50, 87, 122, 170

Comment #169

Comment Period #1

Name: John Peters

Organization: Georgia Pacific State: Oregon

Number of commenters: 1

Comment text: As a union member of United Steelworkers Local 1097 and an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my union and my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would. I work at the facility and see first-hand how seriously USW Local 1097 employees and the company take protecting the environment.

The regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, may prevent our facility from making the capital investments needed to maintain our competitiveness. Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and Southern states that have lower energy, wood supply and transportation costs.

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Attachment:

Comment categories linked to this comment: 50

Comment #170

Comment Period #1

Name: Maya Herzig

Organization: OHSU State: OR

Number of commenters: 1

Comment text:

I believe that Cleaner Air Oregon (CAO) is a step in the right direction towards improving public health. I appreciate the increased transparency and knowledge CAO will provide regarding facilities and air toxic emissions across Oregon. However, I agree with the Washington County Public Health Advisory Council (PHAC) that there are some specific concerns regarding the proposed rules: 1) The current proposed RAL cap of 500 is of public health concern. This cap could mean multiple facilities in an area are not performing emission mitigation or curtailment strategies. This exposes people living, working, or learning near facilities to greater risk of poor health. We recommend maintaining a RAL cap of 100 excess cancer risk per million people. 2) The different standards between existing and new facilities do not support protections for the public's health. The public is affected by toxic emissions regardless if it is coming from an existing or new source. Additionally, the ODEQ Director consultation raises concern, and we recommend an alternative, more comprehensive approach requiring the ODEQ Director to work with the Environmental Quality Commission to review cases of facilities emitting beyond their permitted limits to determine appropriate recommendation. 3) People experience air pollution cumulatively from multiple sources and over a lifetime. We are supportive of the area RAL of 75 excess cancer risk per million. Furthermore, ODEQ could strengthen transparency, increase communication, and improve community trust by developing a risk reduction plan for any area that is determined to be above the risk action level. This plan could include notifying people living in these areas and providing information about the steps the agency is taking to reduce risk. Additionally, ODEQ should regularly report to EQC once the first area multi-source risk determination has been made to document progress made reducing risk and the impact on permitting decisions within the area. 4) Finally, we believe a regularly updated emissions inventory is critical to protecting public health, and recommend that the inventory be made publicly available in a user-friendly database.

Thank you.

Attachment:

Comment categories linked to this comment: 45, 86, 133, 171, 258, 263

Comment #171

Comment Period #1

Name: C.J. Drake

Organization: Georgia-Pacific State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

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The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes 'Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #172

Comment Period #1

Name: Matthew Whipple

Organization: State: OR

Number of commenters: 1

Comment text: I will heartily endorse what Melody Valdini wrote:

"Please institute more protections on the air we breathe! It is shocking that I need to even request this- it its most basic form, the government exists to protect the health and lives of the citizens, not to prioritize the interests of industry. So to be clear: I am requesting that the DEQ and our state government prioritize the lives of the citizens of Oregon over the industry interests, and thus please use your resources to regulate and monitor the toxins released into our air everyday. We must go above and beyond the minimal federal regulations and instead maximize the regulations that will keep the poison out of our air. Do right by our children and grandchildren- please clean our air!"

Attachment:

Comment categories linked to this comment: 11, 246, 248

Comment #173

Comment Period #1

Name: Shawn Wood

Organization: State: Washington

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Camas, Washington and a former long time employee of the Georgia-Pacific mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

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Attachment:

Comment categories linked to this comment: 49

Comment #174

Comment Period #1

Name: Emily von W Gilbert

Organization: DSA State: Oregon

Number of commenters: 1

Comment text: I never expected the day to come when I'd have to take time to request that a government agency, operating at the request of the public, put the interests of the ACTUAL PUBLIC first. We the people of Portland are dependent on good, clean, monitored and regulated air because we have lungs and must breathe it. Corporations do not. Shareholders in those corporations can move away from pollution without sacrificing profits. Your obligation is not to industry, it's to the people who live here, who breathe the air. OUR air.

Attachment:

Comment categories linked to this comment: 171, 246

Comment #175

Comment Period #1

Name: K.C. Pyle

Organization: State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

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Attachment:

Comment categories linked to this comment: 49

Comment #176

Comment Period #1

Name: Paulet Anderson

Organization: Georgia-Pacific Toledo LLC State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

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Attachment:

Comment categories linked to this comment: 49

Comment #177

Comment Period #1

Name: Dennis Iddings

Organization: Georgia Pacific State: Oregon

Number of commenters: 1

Comment text: The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible). I have been thru 2 other mills shutting down and how the effects small communities not good

Attachment:

Comment categories linked to this comment: 122, 170

Comment #178

Comment Period #1

Name: James English

Organization: State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

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Attachment:

Comment categories linked to this comment: 49

Comment #179

Comment Period #1

Name: Vaughn Marchant

Organization: Georgia-Pacific Containerboard State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

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Attachment:

Comment categories linked to this comment: 49

Comment #180

Comment Period #1

Name: Josh Hudnall

Organization: my family State: Oregon

Number of commenters: 1

Comment text: As a union member of United Steelworkers Local 1097 and an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my union and my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would. I work at the facility and see first-hand how seriously USW Local 1097 employees and the company take protecting the environment.

The regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, may prevent our facility from making the capital investments needed to maintain our competitiveness. Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and Southern states that have lower energy, wood supply and transportation costs.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

These excessive, overreaching regulatory standards must be revised. This program is in response to a Portland-area issue and based on unrealistic, hypothetical health outcomes that does not take into account the health impact of job losses on rural Oregon. Poorly conceived rules and requirements can have devastating consequences on rural Oregon businesses. Please consider the impact on our nearly 750 jobs and our \$72 million annual payroll that contribute to rural Oregon's economy and our rural community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable, and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 50

Comment #181

Comment Period #1

Name: Terry Force

Organization: Resident State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes Georgia-Pacific's ability to continue investing in our rural community as Clatsop County's leading manufacturing employer (nearly 750 jobs and an annual payroll of \$72 million).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #182

Comment Period #1

Name: David Haas

Organization: Georgia Pacific State: OREGON

Number of commenters: 1

Comment text: As a union member of United Steelworkers Local 1097 and an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my union and my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would. I work at the facility and see first-hand how seriously USW Local 1097 employees and the company take protecting the environment.

The regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, may prevent our facility from making the capital investments needed to maintain our competitiveness. Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and Southern states that have lower energy, wood supply and transportation costs.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

These excessive, overreaching regulatory standards must be revised. This program is in response to a Portland-area issue and based on unrealistic, hypothetical health outcomes that does not take into account the health impact of job losses on rural Oregon. Poorly conceived rules and requirements can have devastating consequences on rural Oregon businesses. Please consider the impact on our nearly 750 jobs and our \$72 million annual payroll that contribute to rural Oregon's economy and our rural community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable, and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 50

Comment #183

Comment Period #1

Name: Amy Vanacore

Organization: self-employed State: Oregon

Number of commenters: 1

Comment text: I applaud DEQ for taking a step in the right direction, but Cleaner Air Oregon's proposed rules do not go far enough to protect our health.

Cancer is devastating our families and communities, and businesses that release toxic levels of chemicals into the air should be denied the opportunity to set up shop and continue operating in Oregon.

I support DEQ's proposal to regulate the 80 facilities with the highest health risks first, but this should be done within two years (not five years) after the rules take effect. A lot of damage can be done in five years! Action must be taken more quickly, because people's lives are at stake.

Also, I urge DEQ to remove the rules that would allow businesses that need to lower their risk more time to comply if they claim financial hardship. This flexibility provided to businesses will hurt more Oregonians.

We, the people who live here and breathe the air every day, are counting on DEQ to make the Cleaner Air Oregon rules more stringent and expeditious. Our very lives depend on it.

Attachment:

Comment categories linked to this comment: 171, 188, 213

Comment #184

Comment Period #1

Name: Nathaniel Williams

Organization: State: Oregon

Number of commenters: 1

Comment text: There are plenty of regulations for clean air already. Implementing more will only cause factories to close these factories that stimulate our economy. Please take a good look at the clean air practices that Oregon factories already take great pride in.

Attachment:

Comment categories linked to this comment: 122, 170

Comment #185

Comment Period #1

Name: Loria Holden

Organization: Georgia-Pacific Toledo, LLC State: Oregon

Number of commenters: 1

Comment text: I have worked in a regulatory role for Georgia-Pacific at 3 different locations, and I am proud of our company's commitment to our environment. Our top two guiding principles are Integrity and Compliance and these are not just words on the wall. These are words that GP lives by. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #186

Comment Period #1

Name: Lynette Yetter

Organization: State: Oregon

Number of commenters: 1

Comment text: I applaud DEQ for taking a step in the right direction, but Cleaner Air Oregon's proposed rules do not go far enough to protect our health.

Cancer is devastating our families and communities, and businesses that release toxic levels of chemicals into the air should be denied the opportunity to set up shop and continue operating in Oregon.

I support DEQ's proposal to regulate the 80 facilities with the highest health risks first, but this should be done within two years (not five years) after the rules take effect. A lot of damage can be done in five years! Action must be taken more quickly, because people's lives are at stake.

Also, I urge DEQ to remove the rules that would allow businesses that need to lower their risk more time to comply if they claim financial hardship.

This flexibility provided to businesses will hurt more Oregonians.

We, the people who live here and breathe the air every day, are counting on

DEQ to make the Cleaner Air Oregon rules more stringent and expeditious.

Our very lives depend on it.

Attachment:

Comment categories linked to this comment: 171, 188, 213

Comment #187

Comment Period #1

Name: cameron brown

Organization: Oregonian State: Oregon

Number of commenters: 1

Comment text: This proposal is too much too fast. It is an opportunistic attempt to push through a personal agenda during a time of perceived crises. The glass companies that need to be regulated, should be for the chemicals that are a concern. But not every chemical that a regulator want to put on a list should be regulated all at once, or even have the ability to put as many on some list as they want to. This is government overreach. it puts too much power in the hands of regulators and is a recipe for severe consequences. You can say you won't drive industry out of Oregon, but you will drive industry out. And you won't know about it until they are gone, at which point there is not getting them back. This is the type of thing that destroys industries, devastates jobs and kills economies.

Attachment:

Comment categories linked to this comment: 37, 170

Comment #188

Comment Period #1

Name: Jeff Thomson

Organization: AmeriTies West, LLC State: Oregon

Number of commenters: 1

Comment text: My name is Jeff Thompson, Plant Manager at AmeriTies a local industry. I have lived in The Dalles and been involve in local industry for 24 years. During this time, I have participated in our community's efforts to recruit new business and industry to our town by serving as a citizen representative on local government committees, participation in local government, and supporting efforts of our local chamber of commerce. As part of these activities, I have followed the Governor's Cleaner Air Oregon initiative and the development of the proposed new air regulations.

I believe that the proposed rules discussed here are not in the best interest of the state's business communities and will not assist in improving air quality in Oregon. The new regulations put thousands of our state's businesses at risk, unnecessary sacrificing jobs in manufacturing, forest products, and agriculture. All of these sectors are already highly regulated by state and federal governments. Companies like mine work closely with DEQ to prevent air pollution and to protect public health.

In proposed new air toxic rules unrealistically target local businesses and manufacturing while leaving other sources of emissions like transportation, open burning, and insecticide use unaccounted and unregulated in regards to toxicity.

The proposed regulations go far beyond what any other state has imposed, which will put Oregon's industry, especially our rural industry, at a competitive disadvantage when participating in world, national, and regional market places.

The proposed fee schedule is onerous to small businesses and will contribute to their competitive disadvantage. It's quite possibly the high fees will force some to relocate out of state or to simply close. Our community cannot afford to put living wage jobs and access to health insurance at risk for regulations that are not based on science or fact.

As the regulations are currently written, health risk will be accessed using most protective hypothetical computer modeling which assumes someone never leaves their front porch even to go inside for 70 years. There is no prevision for the use from the outset of actual air monitoring data or for the consideration of how people actually live. To disallow the use of factual data is not fair to anyone.

Also the proposed regulations make no allowance for the haphazard implementation of Oregon's land use system. A long term-industry should not be penalized because local land use regulations allow new residential construction to encroach on its property line.

Our community has always struggled to provide living wage jobs. The new regulations will put those jobs at risk. If these new toxic air regulations take effect as written they will be burdensome on our local industries by imposing unattainable health risk levels base on hypothetical modeling, not fact. I urge DEQ and the EQC to rewrite these rules to eliminate the unfairness imposed on our state's industry.

Attachment:

Comment categories linked to this comment: 11, 15, 87, 122, 167, 190, 192, 309

Comment #189

Comment Period #1

Name: david berger

Organization: State: WA

Number of commenters: 1

Comment text: With respect to ranking. Impacts to human welfare need to be taken in to account.

In The Dalles, with respect to Amerities, for example, motels have lost business, home sales have been effected, and neighboring businesses work conditions have been impacted.

Also, toxic effects on wildlife should be considered, as both tourism and agriculture are effected.

Attachment:

Comment categories linked to this comment: 123, 182

Comment #190

Comment Period #1

Name: Robert Grover

Organization: Pacific Landscape Management State: OR

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/075e94de-e6fb-4d02-96a5-f10a29d1db00>

Comment categories linked to this comment: 45, 87, 122, 170, 245, 361

Comment #191

Comment Period #1

Name: Korri McGlinchy

Organization: Georgia-Pacific State: Or

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #192

Comment Period #1

Name:

Organization: State:

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #193

Comment Period #1

Name: Mary Vogel

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Thank you for the opportunity to comment on the proposed rules for Cleaner Air Oregon!

I live in an apartment building with about 100 other seniors within a block of the intersection of I-405 and Hwy 26. This is one of the worst pollution hotspots in the state due, in part to your failure to catch up with CA and WA in requiring cleaner diesel technology on trucks. My downtown neighborhood has also seen a tremendous amount of high-rise construction, so many of these dirty diesel trucks travel on our downtown streets as well as nearby freeways. Of course, construction has its own pollutants- especially when it involves teardowns. In addition, we have many treeless asphalt desserts AKA surface parking lots. Here are my comments on the proposed rules for Cleaner Air Oregon:

- 1.Existing facilities should have the same health standards as proposed new facilities. The public is affected by toxic emissions regardless of a facility's age!
- 2.The hard cap of 500 cancer deaths per million per facility does not support or encourage innovation or improvement, potentially allowing an offending industry to avoid any mitigation or curtailment whatsoever.
- 3.The area cap program originally included consideration of community sources, such as diesel and construction-related emissions, as well as multiple industrial sources impacting one community. These community sources pose a significant public health risk in my neighborhood and many others, and if the area cap program is to protect those most vulnerable to air pollution, these sources MUST be taken into consideration.

4.The regs should apply to all companies upon adoption, require immediate action, and not be artificially restricted by agency funding and resources.

5.To work, development of the regs requires meaningful public participation: e.g, prioritization of the areas most impacted by air pollution, dissemination of all information in accessible language, and advance notification for community members. Language translation is critical for spoken and printed material. My building houses people speaking at least 8 different languages. With the help of Google Translate, I have been able to communicate with all of them. You can too!

Thanks for taking my comments into consideration and I look forward to seeing the improved rules.

Sincerely,

Mary Vogel

1220 SW 12th Ave Apt 709 Portland, OR 97205-2060

mary@plangreen.net

Attachment:

Comment categories linked to this comment: 45, 61, 64, 158, 171, 188, 238, 263, 265

Comment #194

Comment Period #1

Name: Marih Alyn-Claire

Organization: State: OR

Number of commenters: 1

Comment text: I am a senior living on 10325 SE Holgate Blvd, a heavy traffic street with apartments overlooking a large parking lot. The number of cars, buses, large trucks, EMS vehicles and steady traffic provides on-going high levels of environmental pollution. Living here 2 years, I am experiencing health issues related to lowered immune function, disrupted sleep (especially in spring summer) due to traffic noise going night and day. I've experienced new and significant respiratory problems since moving here, even after adding several air purifiers to my 1 bedroom apartment.

In addition, the streets lack sidewalks in most areas and are unsafe to walk on especially Holgate Blvd.

Placing seniors (who are likely already facing substantial health issues) in apartment buildings that are located on high traffic -high pollution streets, for the purpose of providing low-cost housing- runs contrary to our health and safety needs. Builders, city planners and leaders need to re-think this model for housing low-income seniors, the disabled and others. This negative trend of housing our most vulnerable populations in environments with high concentrations of carcinogens posing direct health risks---needs to stop. We suffer both physically and economically by having to spend what few dollars

we have on increased medical treatments for respiratory disease, cancer and other air toxicity related problems. We need your help to change these patterns.

Thank you

Attachment:

Comment categories linked to this comment: 238

Comment #195

Comment Period #1

Name: Susan Applegate

Organization: self State: Oregon

Number of commenters: 1

Comment text: I am in favor of the rules on air quality because at this point the industries that pollute our air, including insecticide spraying and all industrial plant emissions have had more influence over what we breath than we the people. As citizens and denizens of this environment we deserve to know what we are breathing . As part of doing business, industry needs to pay for their pollution including mitigation. Our DEQ was formed to protect us from anything harmful, including poisons released into our air by businesses resisting safe practices or colluding to deceive the public of their toxic emissions. Leaders is the DEQ and our Governor need to make sure our health interests are paramount, and more important than campaign contributions or other quid pro quo for any legislator or political influence. All neighborhoods in Oregon need the same protection from industrial air toxics.

Ordinary citizens are helpless in the face of legally well armed and well financed corporations. Toxic Air pollution is a problem. Thank you of addressing it with the formation of these rules.

Attachment:

Comment categories linked to this comment: 28, 171, 246

Comment #196

Comment Period #1

Name: Jennifer Bevacqua

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian, a mother, and a Pediatric Nurse Practitioner who is significantly concerned about the negative impacts of air pollution upon the health of our community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations.

I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Thank you ~

Sincerely,

Jennifer Bevacqua

4657 NE Killingsworth St Unit 37 Portland, OR 97218-1947

jebevacqua@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #197

Comment Period #1

Name: Beppie Shapiro

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

On behalf of myself, my daughter, and my two young grandchildren, I am horrified to have learned about Oregon's and Portland's very polluted air. The science on small particulates' and specific chemical emissions' effects on public health (which means me, my neighbors, every small child you care about) is very convincing.

It seems to me that Oregon's regulations are concerned with protecting the interests of industry; that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. We must and CAN act fast to bring Oregon's air up to the standards of other states. Please, please, how can I put this strongly enough: prioritize public health (that means your health, my health, our families' health), strengthen consequences for violating regulations, and take into consideration all sources of pollution including traffic and particularly truck traffic, to guard against disproportionate impacts on any specific community or communities.

Lastly, it is the responsibility of your agency to responsibly inform and engage community members; that means providing information at a 3rd grade reading level, translation, and childcare services at community engagement opportunities.

Sincerely,

Beppie Shapiro

3860 SE Woodward St Portland, OR 97202-1676

beppie@hawaii.edu

Attachment:

Comment categories linked to this comment: 45, 86, 88, 140, 238, 244, 246

Comment #198

Comment Period #1

Name: Howard Shapiro

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

It seems that our decision makers are held hostage by industry on their claim that they are creating "jobs". This does not discharge their responsibility to their communities. Many other questions come into play: Are they sustainable well paying jobs with health and welfare benefits? How are these jobs affecting the infrastructure and environment of the community? Is the industry contributing positively to the community or do they have a negative impact? Has the industry posted a cleanup bond if there is potential for environmental hazards? If they are given a tax incentive what are the terms of maintaining this incentive? Is it mutually beneficial to the community and to the industry? These are some of the far reaching impacts that the DEQ should be considering.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Howard Shapiro

7426 SE 21st Ave Portland, OR 97202-6224

howeird3@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #199

Comment Period #1

Name: Amanda Holden

Organization: none State: OR

Number of commenters: 1

Comment text: We and our children deserve to have the most stringent protections to our air quality as possible - much better than what is currently in place. Please put regulations in place that will favor citizens' health and rights to wellbeing over industry profits.

Attachment:

Comment categories linked to this comment: 171, 244, 246

Comment #200

Comment Period #1

Name: Rick and Krista Reynolds

Organization: State: Oregon

Number of commenters: 2

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

We are concerned about the negative impacts of air pollution upon the health of my community, especially children. Please explore ways to cap air pollution, especially in our most populous areas and places near schools.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Thanks so much for listening and for all you do to make Oregon even better.

Sincerely,

Rick and Krista Reynolds

1536 NE Saratoga St Portland, OR 97211-4728

rickrey@gmail.com

Attachment:

Comment categories linked to this comment: 53, 247

Comment #201

Comment Period #1

Name: Gaoiran

Organization: State: OR

Number of commenters: 1

Comment text: I applaud DEQ for taking a step in the right direction, but Cleaner Air Oregon's proposed rules do not go far enough to protect our health.

Cancer is devastating our families and communities, and businesses that release toxic levels of chemicals into the air should be denied the opportunity to set up shop and continue operating in Oregon.

I support DEQ's proposal to regulate the 80 facilities with the highest health risks first, but this should be done within two years (not five years) after the rules take effect. A lot of damage can be done in five years! Action must be taken more quickly, because people's lives are at stake.

Also, I urge DEQ to remove the rules that would allow businesses that need to lower their risk more time to comply if they claim financial hardship. This flexibility provided to businesses will hurt more Oregonians.

We, the people who live here and breathe the air every day, are counting on DEQ to make the Cleaner Air Oregon rules more stringent and expeditious. Our very lives depend on it.

Attachment:

Comment categories linked to this comment: 171, 188, 212

Comment #202

Comment Period #1

Name: John Nettleton

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

John Nettleton

4311 SE 37th Ave Apt 21 Portland, OR 97202-3265

jpn5710@yahoo.com

Attachment:

Comment categories linked to this comment:

Comment #203

Comment Period #1

Name: Lillian Matlock

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Lillian Matlock

1304 NE Gertz Rd Portland, OR 97211-1510

lilstarts@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #204

Comment Period #1

Name: Nina Lane

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am now an Oregonian who is deeply and personally effected by the negative impacts of air pollution upon the health of myself and my community. Sixteen years ago in 2001, I married an American and moved to Portland from New Zealand. I have struggled consistently with my respiratory health since then. I am a professional singer of 25 years and my day job of 16 years is as a preschool teacher in inner SE Portland. I observe many of my young students dealing with sinus infections year round and it is an ongoing stressful challenge to ensure that my vocal and respiratory organs are well enough to be able to perform at public events.

Over the years I have spent a lot of time and money with many health professionals, trying different treatment plans to restore my health, no avail. We have come to a very clear conclusion i.e. the doctors and my husband that the air quality in Portland is the number one cause as to why I cannot stay well i.e. environmental toxins. I often ponder if my only option is to move back to New Zealand. I hear a common thread in conversations from friends in my social network saying they moved to Portland and now struggle with ongoing chronic respiratory conditions.

Having witnessed the whole disgraceful scenario regarding the business 'Bulls Eye Glass' in inner SE Portland, (several children in our school live in that immediate neighborhood) I was deeply alarmed to learn how biased Oregon's regulations are towards protecting the interests of industry and for the health of Portlanders this has to change. I believe Cleaner Air Oregon is playing a vital role in ensuring we lower those negative impacts and create a more sustainable future for generations to come. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Sincerely,

Nina Lane

4705 SE 79th Ave Portland, OR 97206-4211

downowenslane@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #205

Comment Period #1

Name: Bruce Hellemn

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am concerned about the diesel pollutions as well as emitions from businesses. I live near Going Street which is the street the diesel trucks travel to get to and from Swan Island. My house is also close to I-5, I-405 and the intersections of them with Hwy 30 and I-84. There are also many constructions sites up and down Interstate Ave and all over Portland where old diesel trucks that pollute heavily are allowed in Oregon and came here from California and Washington after being banned there. I have to use an inhaler nearly every morning and my eyes burn from the diesel pollution in the air when I am drivning behind one of these trucks which you can't avoid these days while driving in Portland. I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Bruce Hellemn

3974 N Massachusetts Ave Portland, OR 97227-1034

bruceh001@msn.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #206

Comment Period #1

Name: Kapa Korobeinikov

Organization: State: Oregon

Number of commenters: 1

Comment text: Please accept my comments on Cleaner Air Oregon Rulemaking. I am submitting a letter.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/ddded867-a4da-4b2c-a7c2-340b1e86df27>

Comment categories linked to this comment: 23, 24, 45, 46, 88, 95, 97, 158, 171, 176, 188, 246, 257, 263, 265

Comment #207

Comment Period #1

Name: Craig Heaton

Organization: State: Oregon

Number of commenters: 1

Comment text: Follow the path of the LA basin. South Coast Air Quality Management District has the answer. The technology to control/measure air pollution has been in place for decades. Use it!

Attachment:

Comment categories linked to this comment: 88, 171

Comment #208

Comment Period #1

Name: Bill Gulledge

Organization: American Chemistry Council State: Washington, DC

Number of commenters: 1

Comment text: See attached documents- 4 total

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/44e88db5-40a2-4096-91c9-adfc5b2bea11>

Comment categories linked to this comment: 288

Comment #209

Comment Period #1

Name: Nora Polk

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Nora Polk

6405 SE 62nd Ave Portland, OR 97206-6605

nora.mattek@gmail.com

Attachment:

Comment categories linked to this comment:

Comment #210

Comment Period #1

Name: Patrick Rank

Organization: Cascade Pacific Pulp State: Oregon

Number of commenters: 1

Comment text: Please see the attached letter. Thank you.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/0bdb3a0d-d1f5-4fbb-baf6-6a8ffe5fbf6>

Comment categories linked to this comment: 45, 87, 122, 170, 245, 361

Comment #211

Comment Period #1

Name: Beth Hartwell

Organization: State: Oregon

Number of commenters: 1

Comment text: I am grateful to learn that air quality testing will begin soon, and hope that Amerities will be on the initial list. The voices are few because people are putting jobs before health, when both can be available. The fumes are horrible in The Dalles, and I do not question the health risks. Thanks you for traveling to hear the voices of concerned citizens. Many were absent that would have liked to be there.

Attachment:

Comment categories linked to this comment: 97, 245

Comment #212

Comment Period #1

Name: ken lambert

Organization: State:

Number of commenters: 1

Comment text: I oppose "Cleaner Air Oregon" because it is overly stringent and will hurt the states economy and residents by excessive regulation

Attachment:

Comment categories linked to this comment: 122, 170

Comment #213

Comment Period #1

Name: Franz Cosenza

Organization: State: Oregon

Number of commenters: 1

Comment text: As an Oregon resident and an employee of the renewable-resource-based paper industry, I commend the efforts by the State of Oregon to monitor and protect air quality in the state. As part of these efforts, and, in particular with the recent proposal of Cleaner Air Oregon rules, I encourage the Oregon DEQ to rely on sound scientific knowledge to develop any new regulation. Specifically, the literature posted on the Oregon DEQ's website suggests that the proposed Cleaner Air Oregon rules are based on the preconceived conclusion that the comprehensive Clear Air Act federal law, and its National Ambient Air Quality Standards (NAAQS), have gaps to protect air quality. However, there is no data-based evidence offered in this website to substantiate this claim. Furthermore, the comparison table of current Oregon regulations with other states is flawed and biased. There is only one generic comment for Oregon throughout most of the table, suggesting the lack of or inadequate comparable program element relative to other states. For example, for the Evaluation element, this table seems to suggest that Oregon lacks emissions reporting requirements while other states have either Toxic Release Inventory (TRI) and/or Emissions Inventory. This is just not true, Oregon has both, TRI under the EPA's Emergency Planning and Community Right-to-Know Act (EPCRA) as well as the emissions inventory under Title V of the federal Clean Air Act. In addition, I hope the Cleaner Air Oregon rulemaking process adheres to a fact-based approach and that it includes a full cost/benefit analysis. Please consider the full impact this set of proposed rules would have on Oregon's environment, society, and economy, and make your decision based on what is in the best interest for Oregon and its residents. Thank you.

Attachment:

Comment categories linked to this comment: 234, 245, 249

Comment #214

Comment Period #1

Name: Kristine Goodman

Organization: Oregon voter and Local 1097 State: Oregon

Number of commenters: 1

Comment text: As a union member of United Steelworkers Local 1097 and an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my union and my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would. I work at the facility and see first-hand how seriously USW Local 1097 employees and the company take protecting the environment.

The regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, may prevent our facility from making the capital investments needed to maintain our competitiveness. Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and Southern states that have lower energy, wood supply and transportation costs.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

These excessive, overreaching regulatory standards must be revised. This program is in response to a Portland-area issue and based on unrealistic, hypothetical health outcomes that does not take into account the health impact of job losses on rural Oregon. Poorly conceived rules and requirements can have devastating consequences on rural Oregon businesses. Please consider the impact on our nearly 750 jobs and our \$72 million annual payroll that contribute to rural Oregon's economy and our rural community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable, and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 50

Comment #215

Comment Period #1

Name: Chris Lopez

Organization: Concordia Neighborhood Association State: Oregon

Number of commenters: 1

Comment text: See the attached letter.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/cf72a3e4-40c6-4880-8fde-bff89e889133>

Comment categories linked to this comment: 28, 44, 46, 64, 78, 169, 171, 188, 232, 238, 246, 258, 263, 355

Comment #216

Comment Period #1

Name: Ellen Wax

Organization: Working Waterfront Coalition State: Oregon

Number of commenters: 1

Comment text: Please see attached letter with comments on proposed Cleaner Air Oregon Regulations.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/870bf3b9-944d-44ba-bf90-e0083d98fb0c>

Comment categories linked to this comment: 45, 87, 122, 149, 170, 245, 249

Comment #217

Comment Period #1

Name: Dayna Jones

Organization: State:

Number of commenters: 1

Comment text: Thank you for your consideration.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/9ff9a2c6-e4d6-469d-a83e-a4fe671ffaf6>

Comment categories linked to this comment: 28, 45, 46, 89, 139, 140, 145, 171, 200, 219, 244, 246

Comment #218

Comment Period #1

Name: Mysti Frost

Organization: Beyond Toxics State: Oregon

Number of commenters: 1

Comment text: I support the Cleaner Air Oregon proposed rules in full and urge our State Legislature to fully fund the implementation of the program.

I was at the public hearing in Eugene, OR and witnessed the timber industry use job cutbacks as the main reason why they oppose cleaner air regulations. I witnessed timber industry employees read testimony, likely written by their employers, stating they were worried about their jobs being taken away if their employers were forced to comply with these new standards. Beyond Toxics was the only one present at the hearing that testified in support of the rules. I was the last one to speak in a room packed with timber industry. As I left the room two men blocked my ability to exit. I must admit I felt threatened and I fled the hearing and ran to my car.

This big industry tactic, holding jobs ransom, is nothing new. Since the industrial revolution, big industry has fought tooth and nail against any kind of regulation or transparency no matter what the cost to public health. They continue to ignore the research on the economic benefits of reducing pollution for the health of their own workers and the surrounding communities, and only care about financial gains.

It is my hope that the DEQ and people of Oregon see through these scare tactics. With my past experience as a paralegal, I worked on many cases regarding accidents on the job involving the timber industry and their industrial facilities. Horror story after horror story has left me feeling that the timber industry, like many other big polluters, do not care about the health and wellbeing of their employees or the families that live around their facilities.

They claim to be "small family businesses". This is another false statement. For example, the woman representing Roseburg Forest Products claimed they are a small family business. However Roseburg Forest Products employs over three thousand employees and has a revenue of 1 billion dollars and is the 5th largest private employer in Oregon. They have the resources to invest in the pollution reduction requirements of Cleaner Air Oregon.

Let us not lose sight of the goal. It is time to move away from an extraction economy. It is time to make big industry pay for the pollution they dump into our communities. It is time to reward businesses that keep toxics out of our air and use renewable green energy. It is time to push for a just transition from old carbon jobs to green jobs.

Attachment:

Comment categories linked to this comment: 158, 171

Comment #219

Comment Period #1

Name: Kevin Lichy

Organization: Georgia Pacific State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #220

Comment Period #1

Name: Edward Longosky

Organization: Georgia Pacific State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. More than any company that I have worked for GP has a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

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These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds

that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #221

Comment Period #1

Name: Janice McCardell

Organization: Georgia-Pacific, Toledo State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major

purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #222

Comment Period #1

Name: Katie Bretsch

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

The name of the agency itself telegraphs the intent to trade off public and environmental health in order to protect private profit. You are giving away our health as a subsidy to select private enterprises who aren't willing to come into the modern age. This is simply unacceptable.

The acceptable subsidy to any business from the public health is ZERO. Any program that doesn't start with that measure of performance is a violation of human rights which should be intolerable to any ethical official. Yes, your proposed program is unethical and morally corrupt.

I am more sensitive than most to air pollution, so I am paying more than most of this invisible tax your agency is imposing to protect these private profiteers from the requirement to modernize.

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Katie Bretsch

3336 SE Yamhill St Portland, OR 97214-4277

kbretsch@gmail.com

Attachment:

Comment categories linked to this comment: 53, 246

Comment #223

Comment Period #1

Name: John Barbay

Organization: individual State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you

Attachment:

Comment categories linked to this comment: 49

Comment #224

Comment Period #1

Name: Lori Mastrantonio-Meuser

Organization: Private Citizen State: Oregon

Number of commenters: 1

Comment text: A stronger, more comprehensive program is needed. This program will not protect the health of Oregonians--we can do better!

Please see attached file.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/68ba8c7e-ebff-4530-8c69-90d603b0b022>

Comment categories linked to this comment: 45, 133, 158, 171, 176, 188, 212, 233, 238, 244, 246, 248, 256, 258, 265

Comment #225

Comment Period #1

Name: Mike Smith

Organization: GP Paper State: Oregon

Number of commenters: 1

Comment text: The Oregon Department of Environmental Quality (DEQ) is seeking public comment on a program called "Cleaner Air Oregon." I am writing this letter to Local 1097 members to request that you take action by commenting on this program by the December 22, 2017 at 4:00 p.m. deadline.

As many of you are aware of already, in the Pacific Northwest, this region generally has higher energy costs, wood costs, and transportation costs compared to other mills in the midwest and southern regions in which the Wauna Mill directly competes with. The few competitive advantages that the Wauna Mill does have consists of the skilled workforce that United Steelworkers Local 1097 provides and the ability to make our own pulp at the mill versus buying purchased pulp.

Now "Cleaner Air Oregon" has the potential to add even more regulations to our pulp mill and east side operations. This program, which is DEQ's statewide response to a localized Portland-area problem associated with a colored glass manufacturer, would create the most restrictive air toxics program in the country by imposing standards many times more stringent than similar programs in other states (including California), yet would do little to improve human health. This would make it harder for the Wauna Mill to compete with paper mills in other states. And the money that GP would have to invest in this program, would take away from money they could invest in the Wauna Mill.

The pulp and paper industry has already been following the Maximum Achievable Control Technology (MACT) rules established in 2001 with on-going updates as set forth by the Environmental Protection Agency (EPA). In addition, Oregon employers including Georgia-Pacific, already have a successful record of reducing air contaminants, improving our environment, and protecting public and employee health. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants. DEQ's program is also based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the

health impacts from widespread job loss and the impact on rural Oregon, which would result from the implementation of this unreasonable and unnecessary scheme.

In addition, I work with the Pulp & Paper Resource Council (PPRC) a grass roots organization consisting of union pulp & paper workers who work to educate the federal government on federal legislation that impacts the competitiveness of the paper mills that our union's work at. I have witnessed first-hand how excessive government regulations can impact mills.

Attachment:

Comment categories linked to this comment: 49

Comment #226

Comment Period #1

Name: russ phillips

Organization: State: Oregon

Number of commenters: 1

Comment text: The Cleaner Air Oregon rule making process needs to make it mandatory for the Voss and Hollingsworth Industries, in south Corvallis, to extract not only the 3 micron size particles of glass fiber from their emissions, but also the 1 micron size, which their two plants are emitting since they renovated their system from steam extraction to the newer non-steam system, which is only effective for 3 micron size emission particles. This is especially a necessity due to Voss and Hollingsworth being given a permit to emit more emissions presently then they did a year ago!

I live in south Corvallis and my spouse and I are very concerned about this issue. I've had chronic sinus issues since we moved here 12 years ago and I know other community neighbors with similar health issues.

The 1 micron size particles that the Voss and Hollingsworth emit can apparently enter the lungs and go directly into the blood stream due to their very small size.

Voss and Hollingsworth need to be required to filter those 1 micron size emission particles out of the air! This is a health concern for all of us that live in Corvallis!

Attachment:

Comment categories linked to this comment: 23, 97

Comment #227

Comment Period #1

Name: Dayna Jones

Organization: State: OR

Number of commenters: 1

Comment text: Thank you for your consideration.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/02eb4635-f61c-4c00-a06e-2cbce125da12>

Comment categories linked to this comment:

Comment #228

Comment Period #1

Name: Carl Harison

Organization: State: Oregon

Number of commenters: 1

Comment text: The DEQ needs to go back to the drawing board on the "Cleaner Air Oregon" proposal. After attending the public meeting in Eugene, it seems that this action has been put into play before enough research has been done to realize the full impact of such actions. One such impact is the restrictions on one of this states long lasting industries, Forest Products. The new standard being proposed would eliminate, or make such manufacturing so costly that these jobs will end up being exported to other States, or worse yet other Countries. This will be in direct contradiction to desires of Governor Kate Brown in which she has praised the advancement of Mass Timber Products and how "It makes more sense for this product to be produced in this state over any other state" (Oregon Best Fest 2015). This statement is great, ability to revitalize rural Oregon, increase use of our over-stocked forest instead of sitting back and watching (and smelling) it burn, reduce use of concrete and steel in building products (huge energy hogs). So I ask, go back and rework this issue, don't export a Portland problem to the rest of the state.

Attachment:

Comment categories linked to this comment: 122, 168, 170

Comment #229

Comment Period #1

Name: Travis Baker

Organization: None State: Oregon

Number of commenters: 1

Comment text: I support the proposed rules. I feel the benefits outweigh the costs.

Thank you.

Attachment:

Comment categories linked to this comment: 171

Comment #230

Comment Period #1

Name: Cameron Brown

Organization: State: Oregon

Number of commenters: 1

Comment text: Cleaner Air is good. But not this way. If we approve this, Oregonians will again be the victims of a "political opportunity window" the Oregon DEQ is using to gain unprecedented power and control over our lives. It is often said that when there is a perceived crises government does one of two things. 1) Not enough. 2) Too much. In this case it is Too Much. The ODEQ seized the opportunity created by environmental events associated with colored glass makers in Portland, to push a longstanding agenda of extreme control. it is definitely wordsmithed to sound pretty and non-threatening. But it is a horrible piece of rulemaking that will devastate our economy and bankrupt our government. It is rulemaking intended to create a utopian socialist communal society via legislation. It is very scary.

Attachment:

Comment categories linked to this comment: 122, 170

Comment #231

Comment Period #1

Name: Maria Manzo

Organization: State: Oregon

Number of commenters: 1

Comment text: Quisiera que el gobierno y nuestros representantes pusieran mas atencion en la calidad del aire en Oregon. Yo vivo en el vecindario de Lents y me preocupa que hay mucha construccion, el Freeway 205 pasa muy cerca de mi casa y ademas hay negocios industriales alrededor del vecindario. Todo esto aumenta la polucion del aire y me preocupa porque esto es malo para la salud mia y de mi familia y de la comunidad en general.

Por eso como residente de Lents, de Portland, y de Oregon, le pido a nuestros representantes que tomen o pongan medidas mas estrictas para frenar la contaminacion, que piensen en el bienestar de la poblacion y de todos en general.

Attachment:

Comment categories linked to this comment: 171

Comment #232

Comment Period #1

Name: Yolanda Arteaga

Organization: State: Oregon

Number of commenters: 1

Comment text: Como residente de Portland, OR quisiera que hubiera mas regulaciones sobre la salud publica. Yo vivo muy cerca del Freeway 205 en el vecindario de Lents. Todo el tiempo hay mucho trafico, dia y noche. Sale humo a parte de fabricas de pintura y construccion y eso le afecta a mis hijas. Ellas son asmaticas y la contaminacion afecta su salud y yo creo que el aire que respiramos con el tiempo me a daado tambien. Antes no padecia nada y ahora tengo bronquitis cronica. Con el cambio al clima, nos va a afectar hasta mas.

Attachment:

Comment categories linked to this comment: 171, 238

Comment #233

Comment Period #1

Name: Douglas Larson

Organization: PHCAG State: Oregon

Number of commenters: 1

Comment text: Cleaner Air Oregon advances the goal of protecting human health. I applaud the new direction of addressing hot spots as a priority. I am concerned about enabling business to monetize impacts to human health as simply a business expense. To this end I support consideration of accumulative impacts to air quality in local hotspots. Regional averaging does a disservice to vulnerable residents.

Attachment:

Comment categories linked to this comment: 171, 246

Comment #234

Comment Period #1

Name: Stacey Vallas

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Dear Mr. Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I live in NW Portland which has long had a significant problem with air toxics, from industrial as well as mobile sources. I have been involved over the years with the Northwest Neighborhood Association and with Neighbors for Clean Air, and am very pleased to see that Governor Brown is supporting new air toxic rules that will better protect public health.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Stacey Vallas

2856 NW Thurman St Portland, OR 97210-2207

stacey.vallas@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #235

Comment Period #1

Name: Frank Opila

Organization: citizen State: OR

Number of commenters: 1

Comment text: I strongly support the proposed Cleaner Air Oregon rulemaking. Oregon needs basic health-based clean air standards in communities exposed to air toxins.

Please adopt Cleaner Air Oregon with the following changes:

- Include mobile sources of air toxics, such as diesel particulate from unfiltered industrial trucks, in cumulative risk assessments.
- The timeline to bring all companies under the Cleaner Air Oregon is too long. Only 80 of Oregon's 2,500 companies will be included in the first five years.
- Include a citizen enforcement clause in the event that DEQ is unable or unwilling to enforce the rules. This could be similar to citizen suits under the Clean Water Act.

Thanks!

Attachment:

Comment categories linked to this comment: 89, 171, 188, 238, 257

Comment #236

Comment Period #1

Name: Heather L Bogle

Organization: GEORGIA PACIFIC State: OR

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes 'Georgia-Pacific's ability to continue investing in our rural community as Clatsop County's leading manufacturing employer (nearly 750 jobs and an annual payroll of \$72 million).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Happy Holidays

Heather Bogle

Attachment:

Comment categories linked to this comment: 49

Comment #237

Comment Period #1

Name: Emily Herbert

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Emily Herbert

2120 NE Halsey St Apt 29 Portland, OR 97232-1549

ewh1960@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #238

Comment Period #1

Name: Scott Peters

Organization: Williams - Northwest Pipeline State: OR

Number of commenters: 1

Comment text: Williams supports the special treatment of natural gas and propane under OAR 340-245-0080 (3) and would add further caution about estimating air toxics risk using emission factors derived from poor quality and unrepresentative data samples. For example, many of the emission factors for natural gas combustion in EPA's AP-42 are noted as being below average or poor quality (i.e. ratings D & E). Decision making from ODEQ, the public, and industry, may be affected by using deficient emission factors when conducting Toxics Risk Assessments.

Williams recommends adding a statement in section OAR 340-245-0040 stating that air toxics emitted solely from the combustion of natural gas or propane are excluded from Equation 2. Since air toxics from natural gas and propane combustion are excluded from a source's Total Risk Determination, these emissions should also be excluded from ODEQ's score ranking calculations for each source during the Tier 1 and Tier 2 process.

Williams also recommends clarifying in section OAR 340-245-0040 that air toxics emitted solely from natural gas and propane combustion are excluded from the evaluation process of designating potential Multi-Source Risk Areas.

Attachment:

Comment categories linked to this comment: 16, 199

Comment #239

Comment Period #1

Name: Sarah McKenzie

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I have watched a baby be born. It was its first inhalation that meant life. I have watched my sister die. When her last inhalation had finished there was no question that she was dead. I take yoga twice a week. Breathing is the basis of yoga just as breathing air is the basis of all life hours, our children's, our pets, our plants, everything living around us. Please ensure that we have clean air to breathe. It is a bottom line .

I'm an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Sarah McKenzie

2309 SE 30th Ave Portland, OR 97214-5618

sarahmckenzie1948@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #240

Comment Period #1

Name: Sonja Carey

Organization: public citizen State: OR

Number of commenters: 1

Comment text: I recently attended the Cleaner Air Oregon public hearing in The Dalles on December 14, 2017 and would like to thank DEQ and OHA for adding The Dalles to its list of cities receiving a public hearing.

I am writing to express my deep hope and citizen's request that AmeriTies be counted into the top 80 "higher risk businesses" to be regulated by Cleaner Air Oregon, as presented on the "Overview of proposed rules for public comment" sheet, presented at the public hearing. I learned at the hearing that these top 80 companies will be the testing group of the program and that this period of instituting regulatory policy and practice could take 5 years or longer. As a mother, it's hard to write a small, public comment expressing hope that AmeriTies be placed on a list of companies that will be regulated for producing less air toxins within the next 5 years or longer, while I watch other mothers speak about their sick children or grandchildren who have health issues connected with or caused by this dangerous air quality. Yet, I feel there is hope in a department and regulatory system such as Cleaner Air Oregon. It

is a start at least, where doing nothing and continuing to ignore the health risks and realities of toxic air in The Dalles is a potentially deadly route for children and local citizens.

I know that as mothers, we can have a choice in what our children eat and even in where they swim, but not in the air they breathe, beyond removing them from our home communities. I have spoken with women for whom it is not a financially viable option to relocate their family. My concerns and comments about the Cleaner Air Oregon plan itself are that the facilities are held responsible to calculate the potential health risks of their operations. This creates potential for companies to downplay or even worse, offer false information (perhaps in the form of omission) regarding the health risks they unleash into their neighborhoods and communities. The Cleaner Air Oregon plan, as presented at the public hearing, didn't have specific guidelines as to how businesses would assess their complicity towards health risks. I would like to see a set of guidelines and rules for assessing these risks.

My other concern is that Cleaner Air Oregon is not prescribing approaches or technologies to control emissions once facilities are instructed to reduce their emissions. It appears it will be up to the companies themselves to come up with ways to do this. Again, perhaps guidelines would be a good starting point. I also don't understand what the time period for reducing emissions would be nor the penalty for not complying with emissions reduction by a deadline. While the Cleaner Air Oregon plan seeks to work with businesses to give them compliance flexibility, I'm not sure that facilities will comply without strict deadlines and penalties.

My final concern is the option for facilities to claim "financial hardship" and have a deadline for compliance extended. While I see how this could be used wisely, I am worried that a large company, such as AmeriTies, may find a way to claim "financial hardship" if they are faced with large, additional costs in order to comply with reducing air toxins and perhaps, at the same time, losing production revenue within this process. Basically, it would be unfair for a company polluting at such a high level (with subsequent high health risk to the community) to claim financial hardship because the cost of instituting much needed change within the functioning processes of their facility could hurt or affect the company. Clean air and citizen's health and safety should come before the revenue and 'health' of a corporation.

Attachment:

Comment categories linked to this comment: 66, 92, 97, 171, 212, 214, 246, 247, 248, 338

Comment #241

Comment Period #1

Name: Linda Hartling

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am the great, great, great granddaughter of Oregon pioneers. I am terribly concerned about the growing problem of air pollution in our state. My father suffers from severe asthma and air pollution can have serious, potentially deadly, consequences .

I join other Oregonians in observing that Oregon regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations.

As the ecologist, novelist Wendell Berry notes: "We have lived our lives by the assumption that what is good for us will be good for the world. We have been wrong. We must change our lives so to make it possible to live by the contrary assumption, that what is good for the world will be good for us..." The time for positive change is NOW.

Oregon can be the national leader in efforts to protect and improve air quality throughout the state. We have seen the dire consequences of air pollution in India, China, and communities around the U.S. The fires on the West Coast this year have given us a sample of our future if we do not do more to protect the air in Oregon! For example, we can do more to protect our urban and rural trees and greenery that catch so many pollution particulates!

I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

With the highest regards,

Linda Hartling, Director, Human Dignity and Humiliation Studies

Sincerely,

Linda Hartling

16 Northview Ct Lake Oswego, OR 97035-1071

Lhartling@icloud.com

Attachment:

Comment categories linked to this comment: 53

Comment #242

Comment Period #1

Name: Susan Anderson

Organization: City of Portland State: Or

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/cfed510a-8c15-490f-96f9-4d87437d82bd>

Comment categories linked to this comment: 44, 45, 100, 101, 140, 158, 176, 181, 236, 248, 257, 265, 336, 369

Comment #243

Comment Period #1

Name: Janet Dahlgren

Organization: State: OR

Number of commenters: 1

Comment text: I support the proposed rules.

Attachment:

Comment categories linked to this comment: 171

Comment #244

Comment Period #1

Name: Alice Brawley-Chesworth

Organization: City of Portland Bureau of Environmental Services State: Oregon

Number of commenters: 1

Comment text: See attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3a32c880-b594-4f0f-a6f1-f4443d78dc90>

Comment categories linked to this comment: 45, 66, 129, 155, 157, 159, 162, 176, 181, 186, 211, 265, 320, 367, 369

Comment #245

Comment Period #1

Name: Nancy Hiser

Organization: Ms. State: OR

Number of commenters: 1

Comment text: Mobile sources of air toxins such as diesel emissions are a major concern. Unfiltered diesel emissions cause health concerns for all in Oregon, particularly in Multnomah County.

Attachment:

Comment categories linked to this comment: 238

Comment #246

Comment Period #1

Name: Jere Fitterman

Organization: Eliot Neighborhood Association chair State: Oregon

Number of commenters: 1

Comment text: I feel it is the duty of elected officials and public agencies to make laws rules policies that keep the public healthy, wich is one of our constitutional rights, LIFE!

If you need to spend \$\$ on that, then ask us that. But rules that industry and individual behavior need to follow are your job.

Dirty diesel engines are a danger to public health, period, and should not be allowed on public streets.

Attachment:

Comment categories linked to this comment: 171, 246

Comment #247

Comment Period #1

Name: Joseph Chido

Organization: Georgia Pacific State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #248

Comment Period #1

Name: Alex Macdonald

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Why does Oregon choose industry over the soft spoken masses? You and your future generation are part of the latter. When we cling to old air standards we benefit the few at the expense of the many. Other states have figured it out. Can't we?

:(

Sincerely,

Alex Macdonald

2425 NW Raleigh St Portland, OR 97210-2634

alex_macd@yahoo.com

Attachment:

Comment categories linked to this comment: 88, 246

Comment #249

Comment Period #1

Name: rob lee

Organization: Linnton Neighborhood Assoc. State: Oregon

Number of commenters: 1

Comment text: Any improvements in regulations leading to cleaner air are welcome. But they must have teeth! Oregon lags far behind neighboring states in this realm. It's embarrassing.

Attachment:

Comment categories linked to this comment: 88, 171

Comment #250

Comment Period #1

Name: John Wasiutynski

Organization: Multnomah County Office of Sustainability State: Oregon

Number of commenters: 1

Comment text: These comments are submitted on behalf of Multnomah County.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/2fbd2dea-8fd5-43d3-8f94-defeeab5f967>

Comment categories linked to this comment: 28, 45, 46, 100, 104, 138, 140, 171, 176, 244, 245, 246, 258, 265

Comment #251

Comment Period #1

Name: Rosanna Henderson

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live in the northern portion of Westmoreland, near the bend of McLoughlin boulevard and the Brooklyn Rail Yard. We're a household of healthy, fit bicycle commuters, but since moving to this neighborhood three years ago, three of the five members of my household have developed asthma. I'm deeply worried about the effect of PM 2.5 diesel particulate from the trains and trucks servicing the rail yard on my small children's developing lungs, and for my aging mother.

Caps on urban polluters need to take into account the background pollution neighbors are exposed to--and this background pollution includes traffic from major highways, trucking at Brooklyn Yard, and the increasing forest fires that we can expect from climate change.

Thank you for prioritizing my health over commercial interests.

Sincerely,

Rosanna Henderson

1804 SE Ellis St Portland, OR 97202-5151

rosannabn@gmail.com

Attachment:

Comment categories linked to this comment: 171, 235, 238, 246

Comment #252

Comment Period #1

Name: William Henderson

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Last year, for the first time ever in my life, I developed asthma. Since then it has grown progressively worse, limiting my physical activity and at times impacting my ability to work. As a small business owner, this has been particularly difficult to bear.

There are a lot of factors in the development of asthma, but one of them is surely the air I am breathing. Perhaps it's a coincidence, but the asthma came just a couple years after we moved to a new home that is very close to several significant sources of emissions including the Brooklyn railyard and 99e. What's not a coincidence is that the homes closest to these pollutions sources are some of the last remaining affordable options in the entire area. It doesn't make sense to me that you would exclude these sources from an area cap simply because they are traffic. Anything that we breathe matters.

The outside of my windows and porch are covered in a slimy black layer of soot. It terrifies me to think we breathe this. We've invested in air filters inside, but even so my five year-old son is developing asthma. My son loves hearing and watching the trains in the yard. It breaks my heart to think that they are poisoning him. I'm concerned my baby daughter is next. Existing sources of pollution near my home would be held to lesser standards than new ones. Is my family's health less important than a family living near a newly proposed facility ? Shouldn't there be an equal focus on people who are being harmed today?

I've met so many Portlanders who are impacted by our air quality. Particularly this year, with our rash of forest fires, people are getting sick and are growing ever more concerned about the significant baseline pollution we all breathe. Please do not waste this opportunity to help us.

Sincerely,

William Henderson

1804 SE Ellis St Portland, OR 97202-5151

william.c.henderson@gmail.com

Attachment:

Comment categories linked to this comment: 29, 235, 238, 263

Comment #253

Comment Period #1

Name: Marjorie Nafziger

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community, my family, and myself. Prior to my move here 3 yrs. ago I had insignificant environmental allergy issues. Now, they're with me all the time. Plus our particular community in the southeast was bugged by the art glass factory's emissions. My grandchildren have had to endure multiple lab testings due to that. Unfortunately, our story is the story of way too many across the city and state.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Oregon has often been an example and leader of environmental causes among the states...may that legacy continue and thrive even as de-regulation seems to be the hallmark at our current federal level.

Sincerely,

Marjorie Nafziger

1804 SE Ellis St Portland, OR 97202-5151

marjorie.nafziger@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #254

Comment Period #1

Name: Zachary Lindstrom

Organization: Georgia-Pacific State: OR

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #255

Comment Period #1

Name: Michael Thole

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Michael Thole

2938 SE Kelly St Portland, OR 97202-2039

mthole@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #256

Comment Period #1

Name: Jackie Fullerton

Organization: State: OR

Number of commenters: 1

Comment text: Dear representatives,

Thank you for extending the public comment period on the Cleaner Air Oregon rules. I am a graduate student finishing my 3rd year of my Master's program in Occupational Therapy. As a constitute who has long suffered from severe asthma, it is very important to my health and well-being that these rules pass and are as strong as possible. I have a history of anxiety attacks for which I have been admitted to the hospital. Beyond my own circumstances, I am concerned about the effects of greenhouse gas emissions on the well-being of our planet. I want to grow old being able to take a clean breath of air in an environment that is hospitable and healthy. Climate change is a huge threat to all of us and the longer we wait the more difficult it will be to take meaningful action.

While I am satisfied with the rules, I believe that they do not go far enough. As a resident of Corvallis, I live near the Hollingsworth and Vose manufacturing plants. Under the new rules these plants can average their emissions, leading to the appearance of a functional filtration system. However, one plant is releasing matter sig. smaller than the other, with small PM being particularly dangerous to health.

Please revise the rules that allow power plants to average their emissions and thus forego necessary safety standards to protect human and environmental health.

Attachment:

Comment categories linked to this comment: 97, 171

Comment #257

Comment Period #1

Name: William Worman

Organization: Association of Western Pulp & Paper Wworkers Local 13- State: Oregon

Number of commenters: 1

Comment text: Cleaner Air Oregon would create the most restrictive air toxics program in the country by imposing standards many times more stringent than similar programs in other states (including California), yet would do little to improve human health. Oregon employers, including Georgia-Pacific,

already have a successful record of reducing air contaminants, improving our environment and protecting public and employee health. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants. As an employee of the Georgia-Pacific containerboard mill in Toledo, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Cleaner Air Oregon would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also would jeopardize Georgia-Pacific's ability to continue investing in the community as Lincoln County's leading manufacturing employer (nearly 400 jobs and an annual payroll of \$45 million); the county's largest taxpayer (\$3.2 million in property taxes in 2017-18); largest recycler on the West Coast (nearly 500,000 tons of recycled old corrugated containers and pre-consumer box trimmings yearly) and a major purchaser of goods and services for operations (nearly \$300 million in such purchases a year, as much locally as possible).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #258

Comment Period #1

Name: William Worman

Organization: Pulp and Paperworkers Resource Council State: Oregon

Number of commenters: 1

Comment text: Cleaner air Oregon is a massive government overstep. The rule is extremely restrictive and will damage the economic prosperity of our state. If the rule created changes that would actually benefit mankind then economics should not be the priority. Unfortunately, much like a large part of the MACT rules, this is written to satisfy the few rather than protect the many, Small areas outside of Portland that have little economic resources will be damaged the most by these overstepping rules that are poorly written. please reconsider what your are doing.

Attachment:

Comment categories linked to this comment: 122, 170, 245

Comment #259

Comment Period #1

Name: Sarah Andrews

Organization: League of Women Voters of Oregon State: OR

Number of commenters: 1

Comment text: Hello Mr. Westersund,

Please see the attached testimony from LWVOR regarding Cleaner Air Oregon's Division 12 Enforcement and Division 245 Draft Rules.

Thank you,

Sarah Andrews

League of Women Voters of Oregon

Office Coordinator

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/60d534fb-ed71-4b6f-be10-21970ad88582>

Comment categories linked to this comment: 11, 23, 24, 28, 29, 44, 45, 81, 89, 90, 92, 93, 123, 133, 136, 140, 158, 171, 188, 210, 216, 232, 240, 257, 263, 265, 312

Comment #260

Comment Period #1

Name: Linda Lynch

Organization: League of Women Voters of Lane County State: OR

Number of commenters: 1

Comment text: Attached is a letter from the League of Women Voters of Lane County, commenting on the draft Cleaner Air Oregon rules. Thank you for seeing that our comments are included with other communications on this subject to the Environmental Quality Commission.

Linda Lynch, President

League of Women Voters of Lane County

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/2be3ef82-7c53-4429-a5da-e34427c47f45>

Comment categories linked to this comment: 28, 171, 188, 249, 257

Comment #261

Comment Period #1

Name: Kristina Lefever

Organization: State: OR

Number of commenters: 1

Comment text: To: Department of Environmental Quality & Oregon Health Authority

Re: Cleaner Air Oregon Draft Rules

All Oregon communities want clean air and need strong protection from industrial air toxics. In general, we support the adoption of the Cleaner Air Oregon draft rules with the following exceptions:

Lower Public Health Risks

We want the DEQ to deny air pollution permits when emissions would cause or contribute to an exceedence of the Area Multi-Source Risk Action Levels of 50 cancers in 1 million or Hazard Index of 2. The DEQ must eliminate their newer and higher proposed risk levels. 500 in 1 million deaths from cancer and Hazard Index of 3 is not health protective and is much too high for allowable cancer and disease risk. Do not allow any Risk Action Levels above an HI of 2 (340-245-0030). The 500/million

cancer death number and Hazard Index of 30 are not acceptable in a health-based regulation. Include a cap for multiple facilities in an area.

Conditional Risk Level Requirements

We disagree with these allowances for a source that is unable to comply. A 5-year period to comply if facility is in the first tier is far too long a period. During that time, the DEQ is proposing a facility can update. This is not acceptable. We can refuse polluting industries.

All industries must comply with the requirements, both existing and new facilities. We disagree with the Director's Decision as the sole decider of whether a company can continue polluting at or above 100 deaths per million. Use 50 cancers in 1 million, the same numbers as new companies.

Environmental Justice

To comply with Environmental Justice requirements, change the word, "Consider" to Evaluate air toxics emissions and their impacts, and if the DEQ finds detrimental effects on sensitive populations, take immediate and positive steps to reverse impacts and remedy the situation.

Small business exceptions

The size of a business is not a determinant of the size of that businesses air toxics pollution. Any exceptions and allowances afforded to small businesses must be based on the level of their pollution, not the number of their employees. For example, the art glass factories in Portland, responsible for such harmful pollution, had fewer than the "fifty employees" the DEQ proposes to use.

Climate Benefits

The emission of CO2 has a strong relationship to the emissions of hazardous air pollutants. The DEQ can help Oregon move forward on addressing and reducing the impacts of releasing CO2 into the atmosphere by ensuring that the Cleaner Air Oregon rules are robust and set high standards for compliance so that polluters aren't falling through the cracks or are given an "off-ramp" to complying with new health-based rules.

Kristina Lefever

Ashland, OR

Attachment:

Comment categories linked to this comment: 13, 46, 140, 171, 188, 258, 263, 265

Comment #262

Comment Period #1

Name: Sage Rafa

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Sage Rafa

Eugene, OR

Attachment:

Comment categories linked to this comment: 28, 29, 45, 51, 88, 89, 123, 136, 171, 176, 257, 258

Comment #263

Comment Period #1

Name: Aaron Choate

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and

industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Aaron Choate

Portland, OR

Attachment:

Comment categories linked to this comment: 51

Comment #264

Comment Period #1

Name: Jean Trygstad

Organization: State:

Number of commenters: 1

Comment text: I support the draft regulations and encourage enactment of regulations that reduce health hazards.

Jean Trygstad

Attachment:

Comment categories linked to this comment: 171

Comment #265

Comment Period #1

Name: Leela Devi

Organization: State:

Number of commenters: 1

Comment text: Hi, Joe. I went to the meeting to testify last night, but was so upset over not having a legal place to park, that I found myself to agitated to speak. It seem really unfair that you scheduled in a place to limit the number of people who could testify. You will find my testimony attached.

Leela Devi

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/545042cb-c1af-40df-b9ac-79e6f7836fa7>

Comment categories linked to this comment: 8, 23, 28, 45, 97, 158, 171, 176, 238, 258, 319

Comment #266

Comment Period #1

Name: Various (237)

Organization: State: OR

Number of commenters: 987

Comment text: Dear DEQ,

Please accept my comment on the proposed Cleaner Air Oregon rules released by the DEQ in October. The proposed regulations put thousands of our local businesses at risk, unnecessarily sacrificing jobs in sectors like manufacturing, forest products, agriculture and energy that already work hard to prevent air pollution and protect public health. Not only do these proposed regulations go far beyond what any other state has imposed, they unrealistically target local employers rather than all sources of emissions. Losing more jobs in our community will harm our schools, churches, and overall public health. We deserve better. Please re-consider the proposed regulations to find a solution that will include fair air regulations for all Oregonians

Attachment:

Comment categories linked to this comment: 15, 52, 87, 170, 235

Comment #267

Comment Period #1

Name: Greta Blankenship

Organization: State: OR

Number of commenters: 1

Comment text: re: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Greta Blankenship

Eugene, OR

Attachment:

Comment categories linked to this comment: 51

Comment #268

Comment Period #1

Name: Jeanne Roy

Organization: Center for Earth Leadership State: OR

Number of commenters: 1

Comment text: To: Joe Westersund, DEQ

From: Jeanne Roy

Address: 6805 SW 12th Ave, Portland, Oregon 97219

Date: November 25, 2017

Subject: CAO Draft Rules Comment

I was involved in a DEQ Advisory Committee in the 1970s for Oregon's Clean Air Plan. I have been aware for years of the need for Oregon to regulate air toxics-not just the six criteria pollutants. Therefore I support the new health-based regulatory protections if they can be strengthened.

What is good about the proposed rules:

- They are based on human health-not technology or "best practices."
- They require reporting of air toxics from all commercial and industrial facilities that emit these chemicals.
- They set health-based risk action levels and permitting procedures for 215 air toxics.
- They consider the cumulative health risks from multiple sources within a geographic area.

What needs strengthening:

- The hard cap of 500 cancer deaths per million people per facility is too high. What this does is give permission for higher-emitting facilities to reach that threshold of 500, which in certain cases could make the air quality in a given area even worse. It would also make it difficult to hold an emitting facility accountable for the public health risk it poses if it is emitting within the permitted risk threshold. The cap should be lowered to 50 in one million.
- The Directors' Consultation, giving the DEQ director final authority in deciding whether the facility can continue to pollute beyond its permitted limit, turns the science-based regulatory process into a political process. It should be eliminated.
- Any restrictions to implementation should not be artificially restricted in the rules by agency funding and resources. The rules should apply to all companies upon adoption.
- Include a citizen enforcement clause in the event that DEQ is unable or unwilling to enforce the rules.
- Make the Emissions Inventory available to the public in a user-friendly data base.

I do want industries to be able to remain in Oregon, but I'm not convinced by the complaints of polluting industries that stricter rules will cause a loss of jobs. Other states are already doing much more than Oregon! And the World Health Organization stated in their 2014 report that "investing in health in general has been shown to give economic returns to the health sector, other sectors and the wider economy, with an estimated fourfold return on every dollar invested."

Jeanne Roy | Co-Director

Center for Earth Leadership

319 SW Washington Street, Suite 400

Portland, Oregon 97204

(503) 244-0026; www.earthleaders.org

Forging citizen leadership to a sustainable future

Attachment:

Comment categories linked to this comment: 45, 46, 88, 89, 123, 133, 171, 188, 246, 249, 258

Comment #269

Comment Period #1

Name: Jimmeâ€™™ Peters

Organization: State: OR

Number of commenters: 1

Comment text: Dear CAO Committee

Thank you for working on drafting a suitable set of rules for our air quality.

As a Hayden Island resident that smells and sees the air pollution on Marine Drive, I would like to encourage you to tighten the regulations as much as possible. The toxicity is unbearable at times from the oil refineries and other industrial businesses. Please help protect our health as we live, work and enjoy our communities.

Thank you,

Jimme' Peters

Hayden Island

Attachment:

Comment categories linked to this comment: 171

Comment #270

Comment Period #1

Name: Raymond Hites

Organization: State: OR

Number of commenters: 1

Comment text: The Lents neighborhood in SE Portland is heavily impacted by diesel emissions and small sources.

what I think needs to be changed in the Cleaner Air Oregon program is:

The area cap needs to include pollution from traffic and construction. with I-2-5 and several large roads in the Lents neighborhood in SE Portland.

Existing facilities need to be brought up to the same standard as new facilities.

What I like best about the proposed rules is:

Area cap: Lents neighborhood in SE Portland has several small sources that impact our air.

Attachment:

Comment categories linked to this comment: 45, 171, 238, 263

Comment #271

Comment Period #1

Name: David Potts

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is:

1. Director discretion should not be allowed without public notice and comment.
2. Existing facilities should face the same standards as new.
3. DEQ should be required to protect the public, not serve the industries they should be regulating.

What I like best about the proposed rules is: Air cap monitoring is great, but it needs to also consider community sources like traffic and construction sources. We are a poor neighborhood overburdened by air pollution.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/a148e4ea-f4fc-4ba8-942e-44446f022b0d>

Comment categories linked to this comment: 45, 46, 171, 246, 263

Comment #272

Comment Period #1

Name: Autumn West

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is:

More outreach of how to get regulations changed & start movement to support legislative changes.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/2f79c179-ab68-4e2c-8d0e-ad88b7c159d5>

Comment categories linked to this comment: 201

Comment #273

Comment Period #1

Name: Tammie Travis

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is:

Director discretion. This process is not clearly defined. Further, I find it troubling that the DEQ Director is not required to have any expertise on matters of public health.

What I like best about the proposed rules is: bringing environmental justice to communities. Particularly at risk, low income and/or communities of color. I would like to see the use of Community Benefits Agreements to insure that industry profits do not trump the needs of communities and the livability in said communities.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/dbaab572-d819-4d9c-a943-6780354e3e4e>

Comment categories linked to this comment: 46, 140, 171

Comment #274

Comment Period #1

Name:

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: Stop making diesel a priority above health. I now have breathing problems due to your rules. I am aware it's all about the money!

What I like best about the proposed rules is: Get rid of diesel! Or develop a combination that is not killing ppl & environment.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/4e11fb67-0427-47f6-aaf9-1dce1ded44b8>

Comment categories linked to this comment: 238

Comment #275

Comment Period #1

Name: Jo Lynne Cooper-Nearing

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: I would like to see more control on diesel emissions from cars & trucks. Particularly near neighborhoods & schools in Portland.

What I like best about the proposed rules is: Putting caps on pollution levels that will be allowed. Making this info available to ordinary people. Increased notice

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/198b0878-2319-46c4-8198-74c49625ee61>

Comment categories linked to this comment: 45, 78, 133, 171, 238

Comment #276

Comment Period #1

Name: Michael Collins

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: "Area cap" air quality monitoring and environmental justice loopholes need to be fixed.

What I like best about the proposed rules is: It brings accountability to community members as a whole.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/2c878915-7ed2-4133-a176-a1a0a79c91a6>

Comment categories linked to this comment: 11, 45, 138, 171

Comment #277

Comment Period #1

Name: Various (2) Calkins

Organization: State: OR

Number of commenters: 4

Comment text: ear DEQ, Please accept my comment on the proposed Cleaner Air Oregon rules released by the DEQ in October. The proposed regulations put thousands of our local businesses at risk, unnecessarily sacrificing jobs in sectors like manufacturing, forest products, agriculture and energy that already work hard to prevent air pollution and protect public health. Not only do these proposed regulations go far beyond what any other state has imposed, they unrealistically target local employers rather than all sources of emissions. Losing more jobs in our community will harm our schools, churches, and overall public health. We deserve better. Please re-consider the proposed regulations to find a solution that will include fair air regulations for all Oregonians.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/b0bef7d2-f16c-4d27-816f-b24a2dad4a0e>

Comment categories linked to this comment: 15, 87, 122, 170, 245

Comment #278

Comment Period #1

Name: Ellen Wax

Organization: Working Waterfront Coalition State: OR

Number of commenters: 1

Comment text: Dear Mr. Westersund,

The Working Waterfront Coalition (WWC) Joins other impacted organizations and individuals who oppose the Oregon Department of Environmental Quality (DEQ) and Oregon Health Authority's proposed Cleaner Air Oregon (CAO) rules.

The WWC is committed to achieving triple bottom line outcomes for waterfront industry and businesses based primarily in Portland but also throughout Oregon and in the local communities where our members operate. We advocated for sound, balanced policies and ground-rules that support economic development and jobs, environmental protection and improvements, and social equity and enhancement. The WWC is comprised mainly of companies engaged in manufacturing, metals recycling, energy supply, transport services, waterfront tourism, hospitality and education, and various traded-sector activities. Many of the well-paying jobs at member companies' operations do not require a college education.

On behalf of our member companies and their employees, many of whom will be negatively impacted by the CAO rules, I urge you to revise the proposed rules. Despite the push made by the loudest voices in the state for more strident reporting requirements and tighter restrictions on industrial operations than those that exist today, the proposed rules appear to be a political over-reaction to one specific situation in Portland that has been rectified.

Our member businesses already work hard to prevent air pollution and protect public health. Adequate rules covering point-source issuance of targeted chemicals and substances have existed for many years in the Code of Federal Regulations (CFR 40). Oregon has benefitted, environmentally, in many ways from these already stringent regulations, resulting in very good air quality that has improved drastically over the past ten years. Oregon's attempt to "one-up" federal regulations and exceed regulations instituted by other states with far higher populations, population densities, and environmental problems will only create further burdens on industry and jobs here.

Because these rules restrict companies based on the emissions of their neighbors, proximity to major roadways and other local sources of air pollutants, these rules as drafted create a disincentive for companies to locate in areas that are appropriately zoned for industrial activity. They will likely drive heavy industry and trade out of the state. This will negatively impact economic stability and employment, with little improvement on air quality in impacted regions. WWC members work extremely hard to maintain their operations and workforces, in a fully compliant manner. The proposed rules are a misguided attempt to further diminish the viability of many valued local companies and workers. We respectfully request that these proposed rules be terminated or revised.

In summary, the proposed new CAO regulations:

*Put thousands of our local businesses at risk, potentially and unnecessarily sacrificing middle-income jobs in sectors like manufacturing, forest products, agriculture, and energy.

*Duplicate the hard work already being done by businesses to prevent air pollution and protect public health.

*Are not based on science.

*Unrealistically target local employers rather than all sources of emissions.

Thank you for your attention to this matter. I am confident that with a revised set of rules, Oregonians can achieve both clean air and a healthy economy with fair and reasonable air quality regulations.

Sincerely,

Ellen Wax

Executive Director

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/cfbb4f84-fe62-4803-bea7-da1ff19ecf3e>

Comment categories linked to this comment:

Comment #279

Comment Period #1

Name: Scott Dunn

Organization: Timber Products Company State: OR

Number of commenters: 1

Comment text: Mr. Westersund:

We are writing to submit public comments on the Cleaner Air Oregon proposed rule. After reviewing the draft rule language, we have several issues with the proposed rule.

the first issue is the overall scope of the rule. The rule is geared only towards industry and industry is a very small portion of the issue. In fact, industry accounts for less than 15% of air pollutants. The main contributors of air pollutants are mobile sources and wood fired heating. It is unfair to place such a burden on a small contributor to the issue.

Second, the Risk Action Levels (RALs) are far too conservative. The proposed risk levels are more stringent than those in effect in South Coast Air Quality Management District (SCAQMD). There is no way that the entire state of Oregon has a bigger issue with air pollution than the SCAQMD, so why are we being held to an even higher standard? These RALs are only going to force business to close their doors and relocate to other states. DEQ staff has argued that these levels are consistent with what the state of Washington uses. This statement however is inaccurate. The state of Washington's risk levels are not applied to existing sources that are not undergoing modification. If there is a modification the risk levels are only applied to the emissions from the new unit, not the entire plant site.

Third, the program should be looking at actual emissions and not the Potential to Emit (PTE). Basing the risk proposed by a facility of PTE will greatly overstate the risk proposed by a facility. PTE numbers are not a realistic representation of what a facility emits.

Fourth, the rules guidance for receptors is not accurate. The rule is requiring modeling for where someone might be for a few minutes instead of using realistic information of where people actually are and how long they are actually there. This too results in a greatly overstated risk for a facility.

Finally the Community program should be addressed in a totally different rule making since it is not well thought out. You risk a conflict with every county's land use planning and zoning process. you are essentially punishing businesses for being located in industrial zones by restricting what they are able to do because of their neighbor's emissions. This section of the rule should be completely removed and addressed separately.

Thank you for the opportunity to address our concerns with the draft rule.

Sincerely,

Scott Dunn

Environmental Director

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3316a84e-b4a9-47a1-b055-57e0438ed889>

Comment categories linked to this comment: 15, 45, 87, 122, 170, 309, 326, 361

Comment #280

Comment Period #1

Name: Melanie Place

Organization: Clean Corvallis Air State: Oregon

Number of commenters: 1

Comment text: see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/d80dc00a-0759-4a3d-8cbf-002724168e01>

Comment categories linked to this comment: 23, 24, 44, 45, 46, 97, 98, 158, 171, 257, 263, 265

Comment #281

Comment Period #1

Name: Deborah Buckley

Organization: State:

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: There needs to be a comprehensive area cap including diesel emissions that mandates social justice.

What I like best about the proposed rules is: That this is a health - based program!

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/f9fab7c0-1560-4565-a963-1943632c8fde>

Comment categories linked to this comment: 45, 171, 238, 257

Comment #282

Comment Period #1

Name: Marilyn Koenitzer

Organization: Clean Corvallis Air State: Oregon

Number of commenters: 1

Comment text: this is the best I have found so far on costs/industry/jobs for additions to testimony due to DEQ by Dec 22, to .

Marilyn Koenitzer, Clean Corvallis Air.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/a17903f5-f55e-440d-95aa-5393ee6c3a68>

Comment categories linked to this comment: 123

Comment #283

Comment Period #1

Name: Various (25)

Organization: State: OR

Number of commenters: 25

Comment text: Dear DEQ, Please accept my comment on the proposed Cleaner Air Oregon rules released by the DEQ in October. The proposed regulations put thousands of our local businesses at risk, unnecessarily sacrificing jobs in sectors like manufacturing, forest products, agriculture and energy that

already work hard to prevent air pollution and protect public health. Not only do these proposed regulations go far beyond what any other state has imposed, they unrealistically target local employers rather than all sources of emissions. Losing more jobs in our community will harm our schools, churches, and overall public health. We deserve better. Please re-consider the proposed regulations to find a solution that will include fair air regulations for all Oregonians

Attachment:

Comment categories linked to this comment: 52

Comment #284

Comment Period #1

Name: Stephen Bachhuber

Organization: State: OR

Number of commenters: 1

Comment text: CAO Draft Rules Comment

December 4, 2017

To the DEQ:

I am a retired physician who lives in the inner southeast "ring neighborhoods" of Portland. I am sensitive to the health effects of toxic air pollution, particularly wood smoke, diesel exhaust, and heavy metal contamination. Personally I suffer from frequent headaches, sinus pain, and respiratory difficulties due to dirty air.

I urge the DEQ to establish strong health based regulations to protect from toxic air pollution. I approve the proposed rules, especially the application of an "area cap" based on the cumulative health risks from multiple sources in a geographic area. I am disappointed to see that mobile sources of air pollution such as diesel particulate are not included in risk assessments. This is a glaring omission because the fine carbon particulates of diesel exhaust adhere heavy metals and other toxins, and enhance their delivery directly into the bloodstream via the lungs. If the DEQ is serious about protecting public health from toxic air pollution, diesel particulates must be factored into the cumulative health effects of toxins.

In a time of escalating health costs strong regulation of air borne toxics is even more important. The EPA and the World Health Organization have shown that every dollar spent on pollution prevention and control renders a thirty-dollar savings for the economy. The benefits of cleaner air extend beyond public health and include business innovation, attraction of new businesses and investment, and decreased pollution mitigation costs. These monetary benefits far outweigh the costs of cleaner air. Nevertheless some smaller companies will be financially challenged by compliance, and help should be offered with loans and grants.

Rules have no value unless they are enforced. I urge inclusion of a citizen enforcement clause should the DEQ be prevented from enforcing the rules. The Emissions Inventory should be easily available to the public on-line; this is also a necessary enforcement tool.

Overall the proposed rules appear to minimally achieve health-based regulatory protections. They must be stronger, and weakening by the lobbying of industrial polluters must be resisted.

Sincerely,

Stephen Bachhuber

3428 SE 9th Ave.

Portland, OR 97202

Attachment:

Comment categories linked to this comment: 45, 89, 133, 171, 237, 238, 248

Comment #285

Comment Period #1

Name: Diane Ensign

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I'm a lifelong environmentalist dedicated to protecting the earth.

Dianne Ensign

11600 SW Lancaster Rd.

Portland, OR 97219

Attachment:

Comment categories linked to this comment: 51

Comment #286

Comment Period #1

Name: Marny Spoons

Organization: Eastside Portland Air Coalition State: OR

Number of commenters: 1

Comment text: This is my oral testimony from Saturday's Cleaner Air Oregon public forum in Portland. It was strange reading to a nearly empty room, but Senator Lew Frederick and DEQ Director Richard Whitman were there, along with Katharine De Luna Plateada, Greg Thelen and Cindy Young to kindly cheer me on. I did approach Jill Inahara and let her know I didn't mean to throw her under the bus personally, but I needed to go on the record about what I feel needs to be said about the kind of leadership that we deserve, as opposed to what is "realistic."

"First, I want to say that there is so much to appreciate about these rules, and I'm very grateful for Cleaner Air Oregon.

I want to talk about balance.

Throughout this process, I've been hearing the word "balance" used a lot. Jill Inahara used it again Wednesday evening to explain why allowable levels of toxics in the proposed rules reach so far above the health expert-recommended protective level of 1...to 10, 25, 50, up to 500 (which is just reckless) additional cases of cancer per million.

'We must balance health with the economy,' she said. 'People get sick when they're out of work.'

When I hear that word, balance, said in this context, this is what I hear the DEQ saying:

--We are beholden to big business, but we're not supposed to say that.

--More paid industry lobbyists show up at legislative days than community members, so we have to do what they say, or we won't get funded.

--We must remain soft on big business while maintaining the optics of being heroes and protectors of the environment and community.

DEQ, you've had your mission statement read to you before in public comments, but I'm going to do it again.

'DEQ's mission is to be a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.'

It's not your job to pander to polluting businesses. They have tax credits, loopholes and Oregon Business Industry. Your job is to BE the balance against businesses getting too much leeway to pollute vulnerable communities, our beautiful state and our one vulnerable planet. Your job is to be a leader in the fierce protection of our air, removing the arbitrary clauses from those risk action levels. Your job is to ensure that these levels start protective and stay protective.

Our dependence on an extractive, status quo economy is a bit of an addiction that puts the illusion of wealth before true abundance. When these businesses cry out about how much their jobs matter, your job, as a leader, is to bring the narrative firmly back to what matters even more: our air, our land, and our water.

That is what I call balance."

Thank you,

Marny Spoons

Eastside Portland Air Coalition

Attachment:

Comment categories linked to this comment: 171, 237, 244, 245, 246

Comment #287

Comment Period #1

Name: John Jordan-Cascade

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and

industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The concept of clean air in Oregon should be clear for all government agencies and leadership: Oregon needs health-based air quality regulations NOW! Thank you.

John Jordan-Cascade

1575 Larkspur Loop

Eugene, OR 97401

Attachment:

Comment categories linked to this comment: 51

Comment #288

Comment Period #1

Name: Jonathan Dubay

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Polluters should be held accountable for their pollution and not push the environmental & health costs off on the public.

Jonathan Dubay

2615 SW Luradel Street

Portland, OR 97219

Attachment:

Comment categories linked to this comment: 51

Comment #289

Comment Period #1

Name: Vicki Simon

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Be responsible to the citizens of Oregon-not allowing industry to pollute our air irregardless of the effects on our health. Anything other is just SHAMEFUL on your part.

Vicki Simon

2544 N Halleck St

Portland, OR 97217

Attachment:

Comment categories linked to this comment: 51

Comment #290

Comment Period #1

Name: Molly Bolt

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

We live in Oregon to enjoy nature and give our children a chance to experience wilderness. Keeping the air clean is crucial for human health and for the planet.

Molly Bolt

81777 Lost Valley Lane

Dexter, OR 97431

Attachment:

Comment categories linked to this comment: 51

Comment #291

Comment Period #1

Name: Arielle Bar-Lev

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I moved to Oregon nine years ago specifically because of the great air quality, don't fuck it up.

Arielle Bar-Lev

2672 Harris St

Eugene, OR 97405

Attachment:

Comment categories linked to this comment: 51

Comment #292

Comment Period #1

Name: Jennifer Trotter

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

jennifer trotter

PO Box 182

Drain, OR 97435

Attachment:

Comment categories linked to this comment: 51

Comment #293

Comment Period #1

Name: Leigh Anne Jasheway

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

We need to do everything possible to make sure all of us and all living creatures have breathable air, clean water, and a habitable planet.

Leigh Anne Jasheway

3247 Crocker Rd.

Eugene, OR 97404

Attachment:

Comment categories linked to this comment: 51

Comment #294

Comment Period #1

Name: Rachel Browne

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Please help ensure that air in Oregon is safe for us all---plants, animals, and humans!

Rachel Browne

753 Hatton Ave

Eugene, OR 97404

Attachment:

Comment categories linked to this comment: 51

Comment #295

Comment Period #1

Name: Sarah Deumling

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ

must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I am a commercial forestland owner and manager in Polk County. We harvest and plant every year. It is not necessary to use chemicals - we use machetes to release little trees - on 1400 acres. If using chemicals one can use backpack sprayers.

Sarah Deumling

4550 Oak Grove Rd.

Rickreall, OR 97371

Attachment:

Comment categories linked to this comment: 51

Comment #296

Comment Period #1

Name: Stephen Hall

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Mr. Westersund et al,

If nothing else please do the job you are tasked by your charter --- KEEP THE CURRENT EMITTERS OF AIR POLLUTANTS UP TO DATE ON THEIR LIMITS THROUGH CONTINUAL TESTING. Maybe you should live downwind of the new Intel plant.

Stephen Hall

664 NW Darnielle St.

Hillsboro, OR 97124

Attachment:

Comment categories linked to this comment: 45, 51, 95, 97

Comment #297

Comment Period #1

Name: Lisa Lombardo

Organization: State: OR

Number of commenters: 1

Comment text: RE: CAO Draft Rules Comment

My name is Lisa Lombardo, I have lived in Eugene, OR for six years, and I have a Master's degree in Environmental Studies from the University of Oregon. I am strongly in favor of health-based regulation of industrial air pollution in Oregon, and I am very glad that the Oregon Department of Environmental Quality (DEQ) is drafting Cleaner Air Oregon, and that the DEQ consulted with the Oregon Environmental Justice Task Force while doing so.

I appreciate that the Cleaner Air Oregon draft extends air pollution regulation from just the largest polluters to many more businesses, and from 6 toxins to 660, and that all commercial and industrial facilities will be required to report on the 660 air toxins. I also like that the new regulations would apply to all existing, modified and new facilities. However, I do not think the current draft extends regulation far enough: even businesses that have 50 or fewer employees should be required to comply with the new regulations, as the number of employees does not necessarily correlate with the amount of pollution emitted, and companies are allowed to opt-out of regulation based on the number of

employees, they may be incentivized to lay off or not hire more employees. In order to help small businesses comply with the new regulations, loans should be made available to them.

I also like that the current draft takes cumulative health risks from multiple sources in one area into account, and that it sets health-based limits for 24-hour and annual exposure to carcinogens. However, a 24-hour limit is not always safe enough, so I think that the regulation should also specify health-based limits for 1-hour exposure.

In order for Cleaner Air Oregon to be effective at protecting the health of Oregonians, I do not think that Alternate Noncancer Risk Action Levels (ANRALS) should be allowed to be proposed. In general, the regulation should specify that whenever there is uncertainty about the health effects of a chemical, the precautionary principle should be applied-that is that until sufficient data is available, the regulations should err on the side of caution to protect human health. The new regulation should also use a Cancer Index of 50 in one million or lower, and a Hazard Index of 1 at all risk levels.

Finally, I am concerned that the Directors Consultation will become political, rather than being based upon scientific evidence. I would also like to see a Citizen Enforcement Clause, so that the regulations are not dependent on the DEQ alone for enforcement.

With these improvements, I believe Cleaner Air Oregon has the potential to improve the air quality and the health of our state. Thank you for your ongoing efforts in crafting this important regulation.

Sincerely,

Lisa Lombardo, M.S.

Eugene, OR

(My comment is also attached as a pdf.)

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/376abaec-99be-4dd8-bba7-9ae5b48d7bb7>

Comment categories linked to this comment: 13, 29, 44, 45, 46, 89, 90, 136, 140, 171, 257, 258, 272, 311

Comment #298

Comment Period #1

Name: Jim Conroy

Organization: State: OR

Number of commenters: 1

Comment text: My experience going to public meetings of DEQ has convinced me that the agency has no political will to actually protect our air and water, to say nothing about the rest of our environment.

There are insufficient safeguards about the carbon emissions and also the dangerous chemicals released on a daily and nightly basis by Intel and the other chip makers in the Hillsboro area. No assistance is provided to citizens regarding problems they experience with the Hillsboro airport.

DEQ and EQC do not place the health of the citizens of Oregon as their first priority. They are effectively a captured regulatory body and organization.

Now would be a perfect time to change that. I doubt that there will be any changes that significantly assist in improved health for people. Improved financial conditions for some few will, of course, continue to be the priority for politicians and the bureaucrats who are controlled by them.

Attachment:

Comment categories linked to this comment: 97, 171, 244

Comment #299

Comment Period #1

Name: Kris DiPaola

Organization: State: OR

Number of commenters: 1

Comment text: RE: CAO Draft Rules Comment

Dear Mr. Westersund:

My name is Kris DiPaola and I am a mother living and working in Hillsboro and Beaverton. I am very concerned about the fact that Oregon does not have health based air quality regulations. In this era of increased understanding about the hazards of even the tiniest presence of toxins, this is an unacceptable situation. Please do all you can to implement the strongest protections for our health and the environment. In particular, the Citizen Suit provision needs to be included in the Cleaner Air Rules.

Please know I represent legions of other parents when I say we are very concerned about the air we breathe. Our children are sicker and sicker and we are aware this is caused by toxins in our food and environment. The days of private profit at the risk of public health are over. You simply must act on behalf of people and not corporate profits.

The Air Quality Advisory Committee that Intel formed because two environmental organizations threatened to sue Intel for breaking the law is still meeting even though they signed a formal Good Neighbor Agreement in Dec. 2015. Hillsboro Air and Water, Dale Feik, Campaign Manager, made it very

clear that that GNA was not adequate because it did not address the toxic air emission limits in the current and to be proposed Title V Operating Permit. He resigned from being a member of the GNA team because of that. Thomas Wood, air permit attorney for Intel, is lobbying hard to slow down the Cleaner Air Oregon process. It should not be slowed down and it MUST NOT be watered down.

Thank you for your time, and in advance for doing the right thing- Kristina DiPaola Mother, Project Directory Hillsboro, OR

Attachment:

Comment categories linked to this comment: 89, 97, 171, 244, 246, 248

Comment #300

Comment Period #1

Name: Bob and Robin Collin

Organization: State: OR

Number of commenters: 2

Comment text: RE: CAO comments Robert and Robin Collin personal comments

Hi Mr. Westersund,

Please accept the attached document as our personal comments. We will also mail them to you. Thank you for your time and consideration.

Best,

Bob and Robin Collin

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/b3ce9d2b-aad0-4e7d-b6af-f878d4d85694>

Comment categories linked to this comment: 5, 11, 23, 24, 26, 28, 42, 44, 45, 46, 65, 66, 78, 89, 90, 91, 98, 133, 136, 140, 158, 161, 171, 188, 231, 235, 257, 258, 312, 335, 340, 386

Comment #301

Comment Period #1

Name: Rob Freres

Organization: Freres Lumber State: OR

Number of commenters: 1

Comment text: Public comment on Cleaner Air Oregon from Freres Lumber

see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/55c373d7-adf8-4123-ab14-8532be8bf314>

Comment categories linked to this comment: 11, 21, 45, 87, 90, 105, 122, 168, 170, 174, 180, 245, 259, 309, 326, 361

Comment #302

Comment Period #1

Name: Deanna Palm

Organization: Hillsboro Chamber State: OR

Number of commenters: 1

Comment text: RE: Hillsboro Chamber Comments on Proposed Cleaner Air Oregon Rules

Please let me know if you need any additional information or have questions. Thank you!

Deanna Palm

President

5193 NE Elam Young Pkwy., Suite A

Hillsboro, OR 97124

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/442bd1a1-7db5-490a-a178-fb66aaf56006>

Comment categories linked to this comment: 11, 45, 87, 122, 170, 245, 361

Comment #303

Comment Period #1

Name: JonnaVe Stokes

Organization: Benton County Board of Commissioners State: OR

Number of commenters: 3

Comment text: RE: Benton County Supports Cleaner Air Oregon Rules

Greetings Mr. Westersund,

Attached is a letter of support from the Benton County Board of Commissioners on the proposed Cleaner Air Oregon Rules.

Sincerely,

JonnaVe Stokes

Board of Commissioners

Benton County Board of Commissioners

Administrative Specialist

205 NW 5th St. - PO Box 3020

541-766-6852

Corvallis, Oregon 97339

jonnavestokes@co.benton.or.us

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/d91a50f8-e6ac-4871-9326-f6b502746623>

Comment categories linked to this comment: 97, 140, 171, 243, 244, 245, 257

Comment #304

Comment Period #1

Name: Katie Riley

Organization: State: OR

Number of commenters: 1

Comment text: RE: CAO Draft Rules Comment

Hi,

I am concerned that the DEQ rules should include stringent monitoring requirements and regulations for emissions that impact our lives throughout Oregon. Since I live in Hillsboro and am a retired public health faculty member, I am very concerned about the lack of monitoring and lax permitting of both the Intel plants and the Hillsboro airport. We breathe the air here every day and we need to make sure that emissions are adequately regulated and scrubbed. In addition to the adults in the area who are affected, there are thousands of children whom we are counting on to stay healthy and become educated so they can contribute to the world. Toxic emissions hinder that progress. We expect the DEQ to protect all of us and not turn its back on the needs of residents. We are counting on you to be a strong voice for people who live and work here and not give in to pressures.

Thank you,

Katie

Katie Riley

250 NE Hillwood Dr

Hillsboro, OR 97124

<http://www.katieriley.org>

<http://washingtoncountykids.com>

washcokidsoregon@gmail.com

Attachment:

Comment categories linked to this comment: 97, 171

Comment #305

Comment Period #1

Name: Melanie Place

Organization: Clean Corvallis Air State: OR

Number of commenters: 1

Comment text: RE: Cleaner Air Oregon Draft Rules

see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/fab543af-a21b-4fc6-9607-fee27046eee2>

Comment categories linked to this comment:

Comment #306

Comment Period #1

Name: Melissa Rehder

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Melissa Rehder

5630 SE Malden St

Portland, OR 97206

Attachment:

Comment categories linked to this comment: 51

Comment #307

Comment Period #1

Name: Jarvez Hall

Organization: East Metro Economic Alliance State: OR

Number of commenters: 1

Comment text: RE: Cleaner Air Oregon Rulemaking

see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/5b4f20bf-0aa5-4f01-b2d8-ee3b2e426ee6>

Comment categories linked to this comment: 15, 45, 122, 170, 245, 309, 326, 361

Comment #308

Comment Period #1

Name: Tony Howell

Organization: State: OR

Number of commenters: 2

Comment text: RE: CAO Rules Draft Comment

Joe,

Attached is our testimony related to the Cleaner Air Oregon draft Rule. Thank you for your efforts to improve our air quality.

Tony Howell & Patricia Benner

2030 SE DeBord Street

Corvallis, OR 97333

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/6f541951-dbec-47f4-bded-1679bde0492e>

Comment categories linked to this comment: 11, 23, 24, 28, 29, 44, 45, 46, 97, 98, 136, 140, 158, 171, 188, 210, 257, 258, 263, 265, 312, 375

Comment #309

Comment Period #1

Name: Joe Hovey

Organization: State: Oregon

Number of commenters: 1

Comment text: As has been widely reported, Portland, Oregon has been ranked among the worst in the nation for air quality according to a 2011 EPA study released in 2015. Further, Multnomah ranks among the worst counties in the nation for diesel particulates, which have been linked to Alzheimer's, obesity, heart defects, and cancers.

Your new rules begin to address this situation- thank you.

But you must all get tougher:

1. All facilities, new and existing, must be regulated the same for strict adherence to healthy air standards.

2. Unfiltered industrial trucks are legal here but not in CA. This is absurd, as diesel filters are quite affordable for large trucking operations and SAVE LIVES..

"Exposure to diesel engine emissions is associated with chronic bronchitis, respiratory tract infections, asthma exacerbation, and increased cardiovascular morbidity and mortality,¹⁻⁴ and in 2012 diesel emissions were classified by the International Agency for Research on Cancer as a group 1 carcinogen in humans.⁵ Given the health effects of diesel emissions and ubiquitous environmental exposures, reducing engine emissions has become a public health priority."

3. Eliminate loopholes in your rules, giving wide discretion to "Director's Consultations" which opens the door to possible corruption, and the "Alternate Noncancer Risk Action Level (ANRAL)." Science shows that air pollution causes many more debilitating illnesses than just asthma and cancers.

4. Employ the Hazard Index (non-cancerous health impacts) of 1 at ALL risk levels. It has been well documented that our understanding of the toxicity of air-pollutants has been widely underestimated, and as new scientific findings continue to develop, we must err on side of caution.

5. Don't allow industry to claim they will suffer for protecting human health. We taxpayers pay millions annually for health concerns created or exacerbated by pollution, and industry is subsidized by our dollars. Meanwhile, Oregon industries continue to pay some of the lowest taxes in the nation.

6. Keep all citizens apprised with information about pollution in their area with more than a website or an email. Folks should receive PAPER NOTICES via mail or as door fliers. Not everyone has internet access.

7. Do deeper research with plant pathologists into the impacts of aerosolised particulates on plants. Urban gardeners need to know if they are growing safe food or not.

Our health, economy, live-ability, tourist industry, and natural resources upon which we all depend are at serious risk from toxic air pollution. Please take a brave stand to clean up the air we all must breathe. We will support you.

Thank you for your time!

Attachment:

Comment categories linked to this comment: 44, 46, 78, 171, 238, 246, 258, 263

Comment #310

Comment Period #1

Name: Kristana Becherer

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: My name is Kristana Becherer I've worked for Roseburg Forest Products for seventeen years. I've lived in Southern Oregon for over thirty five years. Many of you have probably never had the opportunity to live and work in a rural Oregon community or facilities like those owned by Roseburg Forest Products or the economic backbone of the community. The proposed Cleaner Air Oregon regulations would make Oregon's air toxics program the most stringent in the nation even stricter than the major urban areas like Los Angeles. On the surface this may sound like a good thing, protecting human health. But under the surface the proposed regulations are setting the stage for an incredibly harmful effects on human health and the health of Oregon communities. As they're currently written the proposed regulations will put thousands of our local businesses at risk. Not only in the manufacturing sector but other sectors including forest products, agriculture and energy. With the addition of these onerous regulations and requirements many companies will not be able to afford the additional costs to meet the new requirements and will curtail operations or worse, shut down.

Other companies will choose to leave the state altogether. Either way the communities that depend on these businesses will suffer extending to schools, churches and overall public health as unemployment rates increase. When those jobs go away poverty, drug use and crime rates go up these are the unintended consequences of the proposed regulations as they are currently written in no way is this healthy for any community. Let alone the rural communities and families that depend on jobs provided by affected businesses. For these reasons I sincerely ask D.E.Q. to modify the proposed rules based on the written comments submitted by Roseburg Forest Products. Thank you.

Attachment:

Comment categories linked to this comment: 55, 87, 122, 170, 224

Comment #311

Comment Period #1

Name: Kenneth Cole

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: OK, well, thanks for allowing us to have these comments. My name is Kenneth Cole and I'm with Roseburg Forest Products. The proposed regulations are not aimed at those of us who live outside of the Portland metro area. The original problem was discovered around glass manufacturers in the Portland area and the vast majority of discussions up until now regarding Cleaner Air Oregon initiative have been focused on the greater Portland area with very little opportunity for businesses and communities in southern Oregon to be involved. We support fair and affective air quality regulations to protect the health of our employees and our community. We're prepared to accommodate additional reasonable requirements as a result of the Cleaner Air Oregon initiative however as currently proposed

the rules go beyond what is reasonable. The rules are based on politics not science and will cause some businesses to curtail operations, shut down or leave the state. In no way is this protecting the health of our community. On behalf of this community and all communities in Oregon, I strongly urge the D.E.Q. to modify the proposed rules based on the written comments submitted by Roseburg Forest Products. Thank you.

Attachment:

Comment categories linked to this comment: 55, 122, 224

Comment #312

Comment Period #1

Name: Tyson Tobias

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: My name is Tyson Tobias, my family and I live off of Owen Drive here in Medford. The four of us have had the pleasure of calling Medford home over the last two years. When the opportunity to work for Roseburg Forest Products presented itself we jumped at the chance to move over three hundred fifty miles to relocate to the Rogue Valley. My wife and I are proud Oregonians both born and raised in the Willamette Valley. I've been in the wood products industry for thirteen plus years. Forest product companies like ours provide thousands of great family wage jobs throughout the Rogue Valley and in Oregon. The proposed regulations are not aimed at those of us who live outside the Portland/Metro area. Like we said before the original problem has been discovered around the glass manufacturers in the Portland area and a vast majority of discussions up until now regarding the Cleaner Air Oregon initiative has been focused on the Greater Portland area with very little opportunity for the businesses and communities in southern Oregon to be involved. We do support fair and effective air quality regulations to protect the health of our employees and our community. We are prepared to accommodate additional reasonable requirements as a result of the Cleaner Air Oregon initiative however, as currently proposed these rules go beyond what is reasonable. These rules are based on politics not science and will cause some businesses to curtail operations, shut down and or leave the state. In no way is that protecting the health of our community. On behalf of this community and all the communities in Oregon I strongly urge the DEQ to modify the proposed rules based on written comments submitted by Roseburg Forest Products. Thank you very much, good night, drive safe.

Attachment:

Comment categories linked to this comment: 55, 122, 170, 224

Comment #313

Comment Period #1

Name: Tony Velho

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: My name is Tony Velho and I work for Roseburg Forest Products. I have worked at the Medford facility for over nineteen years and have lived in Southern Oregon almost my whole life. As a father of nine children and a long term resident of southern Oregon our air quality is very important to me and my family. During the last ten years Roseburg Forest Products has spent millions of dollars complying with federal regulations on air toxics known as MACT rules. By adding additional requirements DEQ is setting our industry in Oregon up for failure. The company cannot stay competitive with foreign exports under such regulations putting our communities at risk. The proposed regulations are unreasonable and would hurt Oregon's ability to attract new manufacturing jobs as well as put current industrial jobs at risk.

Our communities cannot afford to lose more jobs the consequences would be devastating. Not only affecting industry as a whole but to the overall well-being of every citizen in our great state. I strongly urge the DEQ to consider and modify the proposed rules based on the written comments submitted by Roseburg Forest Products. Thank you.

Attachment:

Comment categories linked to this comment: 55, 122, 170, 224

Comment #314

Comment Period #1

Name: Kathy Spirle

Organization: Boise Cascade State: OR

Number of commenters: 1

Comment text: My name is Kathy Spirle, I am the environmental manager for Boise Cascade Wood Products Western Oregon Mills. I am speaking on behalf of the company and the fourteen hundred employees who work at our nine Oregon wood products facilities. Four of those mills are located here

in Jackson County. Our employees earn good wages and have good health insurance benefits both very important to good health. Boise Cascade has spent millions of dollars controlling air pollution at our Oregon Mills over the past twenty five years. We have installed emission controls on our boilers to significantly reduce particulate matter and help the area come into compliance with particulate matter air quality standards. We have installed emission controls on our boilers and on our veneer dryers to reduce emissions of hazardous air pollutants including many of the air toxics that will be regulated under the proposed rules. Boise Cascade will continue to add emission controls to comply with state and federal rules or when such controls are necessary to protect the community from a demonstrated public health problem if such controls are economically justified. But Boise Cascade is very concerned about the proposed rules we are concerned that DEQ has proposed rules which we cannot reasonably determine the impact to our operations. We are concerned that DEQ has not adequately assessed the potential loss of jobs that may result from these rules and therefore has not adequately assessed the economic impacts of the proposed rules but most of all we are concerned that DEQ has rushed to create environmental rules to solve the political problem rather than a public health problem. We ask that D.E.Q. slow down this rule making and first develop rules to assess the problem and potential public impact. Once the public health and economic impacts of the area emissions are quantified then D.Q. will be in a better position to address the problems with more appropriate rules. I appreciate the opportunity to provide comments today and Boise Cascade will provide detailed written comments at a later date.

Attachment:

Comment categories linked to this comment: 33, 37, 122, 224, 245

Comment #315

Comment Period #1

Name: Gerritt Rosenthal

Organization: State: OR

Number of commenters: 1

Comment text: Attached are comments on the proposed rules. A hard copy is being send my regular mail

Gerritt Rosenthal

Tualatin, OR 97062

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/ceea6545-8d56-4635-ac2a-ccc2066e7f87>

Comment categories linked to this comment: 13, 45, 140, 171, 197, 235, 257, 270, 272, 340, 374

Comment #316

Comment Period #1

Name: Mary Caldwell

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

EVERYONE DESERVES TO LIVE HEALTHILY IN ANY NEIGHBORHOOD. THEY DESERVE CLEAN AIR.

Sincerely,

Mary Caldwell

1705 NW Irving St Portland, OR 97209-2228

lanacaldwell0@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #317

Comment Period #1

Name: Rebecca Baker

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Oregon has the opportunity to uphold the people's right to a clean environment over the right of corporations to cause harm and then be exempt from paying for these harms. It's a ludicrous and unjust system politicians have green lighted.

Rebecca Baker

11871 SE Acacia St

South Beach, OR 97366

Attachment:

Comment categories linked to this comment: 51

Comment #318

Comment Period #1

Name: Ellen Rifkin

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Why are Oregon clean air standards so much lower than many other states? Businesses do manage to thrive in states where the health of workers and families is a priority. Stand up against the lie that public health and prosperity are at odds.

Ellen Rifkin

457 Knoop Lane

Eugene, OR 97404

Attachment:

Comment categories linked to this comment: 51

Comment #319

Comment Period #1

Name: Cindy Burgess

Organization: State: OR

Number of commenters: 1

Comment text: RE: Comment on Proposed Cleaner Air Oregon Rules

see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/d0913a2a-cf70-4084-9b4f-e90cfdcc801>

Comment categories linked to this comment: 97, 140, 171, 202, 257

Comment #320

Comment Period #1

Name: Jim Wolfe

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Jim Wolfe

860 Our Lane P.O. box 9

Camas Valley, OR 97416

Attachment:

Comment categories linked to this comment: 51

Comment #321

Comment Period #1

Name: R. Foster

Organization: State:

Number of commenters: 1

Comment text: RE: Clean Air Oregon Corvallis comment, Dec. 22, 2017

Comment from Corvallis in support of Clean Air Oregon. Thank you.

[see attached.]

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/717fcd8c-ebca-4e97-8582-ffef21341d8d>

Comment categories linked to this comment: 23, 24, 88, 97, 123, 158, 166, 171, 244, 372

Comment #322

Comment Period #1

Name: Jeremy Matsen

Organization: State: Oregon

Number of commenters: 1

Comment text: My opinion of the DEQ is that it is not doing the job of protecting the public from unclean air caused by man-made air pollution. There should be air quality monitors throughout the state, especially in and around industrial zones. The finding should be made public on a regular basis. There's no excuse to not know what's in our air. This is important enough to me that it will guide every ballot I submit in the foreseeable future.

Attachment:

Comment categories linked to this comment: 8, 244

Comment #323

Comment Period #1

Name: Serena Wade

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

I live in North Portland, and the fact that the DEQ has known and done nothing about the removal of required scrubbers on plants along our river is disheartening to say the least. I want to raise my family here, but with such bad air quality results, specifically in my area, I'm questioning that decision.

It's time to start putting your citizens above corporations. We pay you to protect us. Your mission is to do just that. It's time that you as an agency start following through on your promise. We are hopeful and waiting.

Sincerely,

Serena Wade

6216 N Villard Ave Portland, OR 97217-4043

mina.bartovics@yahoo.com

Attachment:

Comment categories linked to this comment: 53, 97

Comment #324

Comment Period #1

Name: Karen Harter

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a

more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Karen Harter

854 SW Vista Ave Portland, OR 97205-1241

karehart@hotmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #325

Comment Period #1

Name: Marilyn Robinson

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Marilyn Robinson

20415 NW Rock Creek Blvd Portland, OR 97229-3114

oscarfancypants@yahoo.com

Attachment:

Comment categories linked to this comment:

Comment #326

Comment Period #1

Name: Deke Gundersen

Organization: State: Oregon

Number of commenters: 1

Comment text: I support the proposed Cleaner Air Oregon rule making. Currently Oregon has some of the worst air quality in the U.S., particularly for particulates and air toxics (e.g. benzene). Air quality will be further exacerbated by future climate change effects including more frequent and larger forest fires (as seen this summer). This will just compound the poor air quality that already exists in Oregon and impacts its citizens. My comments are based on my experience as a toxicologist for the past 25 years.

Attachment:

Comment categories linked to this comment: 171

Comment #327

Comment Period #1

Name: Richard Melloy

Organization: State:

Number of commenters: 1

Comment text: RE: Hey

Since lead paint on the outside of a house is considered "legal" in Multnomah county and doesn't become an issue unless a person starts sanding on and the dust creates a "lead dust cloud" which is by its nature and the wind or weather can travel all over a neighborhood lead is known to create health issues of all kinds and I am guess you would shut the sanding of lease paint down because of health related concerns pretty simple right. Well wood stoves are also legal in the city limits and when you burn they create clouds of smoke that are also uncontrollable and also has the effect of creating health issues; emphysema, heart problems upper respiratory issues CPOD, cancer, lung cancer, nausea, itchy eyes, coughing, the list goes on. Depending on age and health issues this smoke can become even deadly. How can you allow this to continue especially in the city limits. How can you allow anyone to burn for heat everyday and night and without proof and claim they cannot afford clean burning fuels. What about my rights after paying 30 years of property taxes these people can legally burn which creates smoke that gets into and onto my property without my consent and drives me away while they sit in there nice warm home. I have no place to go I cannot afford Hotel rooms because your allowing them to destroy my environment by keeping burning legal. The argument for allowing this to continue is so ridiculous that it is sad stop plating around with this issue and effect positive change meaning show some courage STOP FIREPLACE, WOOD STOVE AND BACK YARD BURNING WITHIN THE CITY LIMITS

Richard Melloy

Attachment:

Comment categories linked to this comment: 256

Comment #328

Comment Period #1

Name: Craig Baker

Organization: paper mill employee State: Washington

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon I Think the regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, will prevent our facility from making the capital investments needed to maintain our competitiveness.

Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and Southern states that have lower energy, wood supply and transportation costs.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology.

These excessive, overreaching regulatory standards must be revised. This program is in response to a Portland-area issue and based on unrealistic, hypothetical health outcomes that does not take into account the health impact of job losses on rural Oregon.

Poorly conceived rules and requirements can have devastating consequences on rural Oregon businesses. Please consider the impact on our nearly 750 jobs and our \$72 million annual payroll that contribute to rural Oregon's economy and our rural community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable, and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 50

Comment #329

Comment Period #1

Name: Bill Gulledge

Organization: American Chemistry Council State: Washington, DC

Number of commenters: 1

Comment text: see attachment- #2 of 5

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c79bf524-8f02-4558-90ce-7998c0b37a79>

Comment categories linked to this comment: 288

Comment #330

Comment Period #1

Name: Bill Gulledge

Organization: American Chemistry Council State: Washington, DC

Number of commenters: 1

Comment text: see attached. Attachment #3 of 5.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/e2b7737a-0244-4c9b-93dd-6142a9d02bc5>

Comment categories linked to this comment: 288

Comment #331

Comment Period #1

Name: Bill Gulledge

Organization: American Chemistry Council State: Washington, DC

Number of commenters: 1

Comment text: see attached. Attachment #4 of 5.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/8815b8b2-e802-4c79-b283-02a23fbeb3c>

Comment categories linked to this comment: 288

Comment #332

Comment Period #1

Name: Bill Gulledge

Organization: American Chemistry Council State: Washington, DC

Number of commenters: 1

Comment text: see attached. Attachment #5 of 5.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/ebd75a8f-4971-4fa5-9959-c696b2fb0385>

Comment categories linked to this comment: 288

Comment #333

Comment Period #1

Name: Eric Sande

Organization: Redmond Chamber of Commerce & CVB State: OR

Number of commenters: 1

Comment text: Please see attached signed letter from the Redmond Chamber of Commerce, regarding our opposition to the proposed rules for Cleaner Air Oregon.

Sincerely,

Eric Sande

Eric Sande

Executive Director

Redmond Chamber of Commerce & CVB

446 SW 7th Street

Redmond, OR 97756

Phone: 541-923-5191

Fax: 541-923-6442

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/5f806df9-9766-4abc-bb90-b604a4bfc133>

Comment categories linked to this comment: 11, 45, 87, 122, 170, 245, 361

Comment #334

Comment Period #1

Name: Jeff Sorensen

Organization: Georgia Pacific State: OR

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes 'Georgia-Pacific's ability to continue investing in our rural community as Clatsop County's leading manufacturing employer (nearly 750 jobs and an annual payroll of \$72 million).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #335

Comment Period #1

Name: darrell ryan

Organization: State: or

Number of commenters: 1

Comment text: We do not need anymore rules that hurt I jobs.

Attachment:

Comment categories linked to this comment: 170

Comment #336

Comment Period #1

Name: Derick Degraffenreid

Organization: Georgia Pacific Wauna Mill State: Oregon

Number of commenters: 1

Comment text: As a union member of United Steelworkers Local 1097 and an employee of the Georgia Pacific tissue

mill in Wauna, Oregon, I'm proud that my union and my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would. I work at the facility and see first-hand how seriously USW Local 1097 employees and the company take protecting the environment.

The regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, may prevent our facility from making the capital investments needed to maintain our competitiveness. Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and Southern states that have lower energy, wood supply and transportation costs.

Oregon employers, including Georgia Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

These excessive, overreaching regulatory standards must be revised. This program is in response to a Portland area issue and based on unrealistic, hypothetical health outcomes that does not take into account the health impact of job losses on rural Oregon. Poorly conceived rules and requirements can have devastating consequences on rural Oregon businesses. Please consider the impact on our nearly 750 jobs and our \$72 million annual payroll that contribute to rural Oregon's economy and our rural community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable, and burdensome standards. Thank you.

Derick Degraffenreid

Attachment:

Comment categories linked to this comment: 50

Comment #337

Comment Period #1

Name: David Koenig

Organization: GP LLC State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes 'Georgia-Pacific's ability to continue investing in our rural community as Clatsop County's leading manufacturing employer (nearly 750 jobs and an annual payroll of \$72 million).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards.

Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #338

Comment Period #1

Name: ALLAN RUDWICK

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Diesel trucks are the primary offender in my neighborhood in NE Portland and looking at pollution maps I wonder if anyone can feel healthy living where I do. A huge number of new housing units is going up in and around downtown Portland and many of the current and future residents will be breathing in diesel-related poisons for years to come unless we do something meaningful about it. Please stop dragging your feet and make some change. If nothing happens soon, it seems likely that a regional air quality agency for the PDX Metro will need to be formed. This feels like extra unneeded bureaucracy but whatever it takes to keep me and my family safe.

Sincerely,

ALLAN RUDWICK

228 NE Morris St Portland, OR 97212-3040

arudwick@gmail.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #339

Comment Period #1

Name: Joel Palmerton

Organization: USAA 1097 member State: Oregon

Number of commenters: 1

Comment text: As a union member of the United Steelworkers Local 1097 and an employee of the Georgia-Pacific tissue mill in Wauna,OR, I'm proud that my union and my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon program would. I work at the facility and see first-hand how seriously USA Local 1097 employees and the company take protecting the environment.

The regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, may prevent our facility from making the capital investments needed to maintain our competitiveness. Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and southern states that have lower energy, wood supply and transportation costs.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminant. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15% of air pollutants.

These excessive, overreaching regulatory standards must be revised. This program is in response to a Portland-area issue and based on unrealistic, hypothetical health outcomes that doesn't take into account the health impact of job losses on rural Oregon. Poorly conceived rules and requirements can have devastating consequences on rural Oregon businesses. Please reconsider the impact on our 750 jobs and our \$72 million annual payroll that contributes to rural Oregon's economy and our rural communities before finalizing Cleaner Air Oregon's unnecessary, unjustifiable, and burdensome standards. Thank you Joel Palmerton

Attachment:

Comment categories linked to this comment: 50

Comment #340

Comment Period #1

Name: Tracy McEntire

Organization: Georgia Pacific State: Oregon

Number of commenters: 1

Comment text: As an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would.

To ensure continued economic stability in our community, it's vital for business to operate in a fair and consistent regulatory environment. Cleaner Air Oregon would do just the opposite by driving employers out of state to seek fairer and less burdensome regulatory conditions elsewhere.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

The regulatory and financial burden imposed by Cleaner Air Oregon on our mill may prevent us from making the capital investments needed to maintain our competitiveness. It also jeopardizes 'Georgia-Pacific's ability to continue investing in our rural community as Clatsop County's leading manufacturing employer (nearly 750 jobs and an annual payroll of \$72 million).

These excessive, overreaching regulatory standards should be revised to be more reasonable and more commensurate with the actual risk. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.

Poorly conceived rules and requirements can have devastating consequences on local businesses. Please consider the impact on our employer, our jobs and our community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment: 49

Comment #341

Comment Period #1

Name: Alice McKee

Organization: State: OR

Number of commenters: 1

Comment text: I am very concerned about the air quality in Portland. While I applaud the effort of Cleaner Air Oregon to improve air quality throughout the state, the plan omits some critical elements:

1. The Area Cap program must include nonindustrial sources of pollution, such as traffic and construction emissions. I am particularly concerned about benzene in neighborhoods near our highways.
2. The plan must prioritize actively engaging and informing low-income communities and communities of color, as well as all communities in areas with higher levels of air quality issues.
3. Existing facilities should be held to the same health standards as new facilities.
4. The plan should apply to ALL companies upon adoption, and require immediate action. Lack of agency funding and resources should not be used to delay actions; funding and resources must be found to implement the plan. The health of Oregonians depends on it.

Attachment:

Comment categories linked to this comment: 140, 158, 171, 188, 235, 257, 263

Comment #342

Comment Period #1

Name: Ruth Beyer

Organization: Precision Castparts Corp. State: OR

Number of commenters: 1

Comment text: see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c0c39a40-248f-4af0-98d3-062514ae86b1>

Comment categories linked to this comment: 11, 32, 87, 170, 249, 259, 279, 361

Comment #343

Comment Period #1

Name: Jim Scheradella

Organization: State: OR

Number of commenters: 273

Comment text: Dear DEQ,

Please accept my comment on the DEQ's proposed Cleaner Air Oregon rules. I am confident that Oregonians can achieve both clean air and a healthy economy with fair and reasonable air quality regulations. However, the proposed rules will not achieve this goal. Instead they put thousands of local businesses at risk, unnecessarily sacrificing jobs in communities that need them. These businesses and their hard - working employees already work hard to prevent air pollution, but these proposed regulations unrealistically target local employers instead of focusing on all emissions sources. These proposed regulations have the potential to seriously harm our local economy. Please consider revising the Cleaner Air Oregon rules to make them work for each and every Oregonian.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/90c1341b-f761-42c9-b300-fa58795706b1>

Comment categories linked to this comment: 52

Comment #344

Comment Period #1

Name: Brad Beavers

Organization: State: OR

Number of commenters: 158

Comment text: Dear DEQ,

Thank you for accepting this postcard, which will serve as my comment on the proposed Cleaner Air Oregon rules. Air quality regulations need to be based on science, not politics. However, instead of making a tangible difference in our air quality, these proposed regulations target our local employers, putting much-needed jobs at risk. Like many across the state, our community is struggling and jobs are at a premium. We need these businesses and these jobs. Employers in sectors like manufacturing, forest products, agriculture, and energy already work hard to protect public health and prevent air pollution. Losing more jobs in our community would be devastating. Please adjust the proposed Cleaner Air Oregon rules in order to protect our jobs and local community.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c67f5a9c-4687-4408-aeb4-14582e5ac2dc>

Comment categories linked to this comment: 15, 122, 249

Comment #345

Comment Period #1

Name: Brad Beavers

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

Thank you for accepting this postcard, which will serve as my comment on the proposed Cleaner Air Oregon rules. Air quality regulations need to be based on science, not politics. However, instead of making a tangible difference in our air quality, these proposed regulations target our local employers, putting much-needed jobs at risk. Like many across the state, our community is struggling and jobs are at a premium. We need these businesses and these jobs. Employers in sectors like manufacturing, forest products, agriculture, and energy already work hard to protect public health and prevent air pollution. Losing more jobs in our community would be devastating. Please adjust the proposed Cleaner Air Oregon rules in order to protect our jobs and local community.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c2cb4bf4-a905-474f-b469-d3a0e70af358>

Comment categories linked to this comment:

Comment #346

Comment Period #1

Name: Various (51)

Organization: State:

Number of commenters: 51

Comment text: Dear DEQ, Please accept my comment on the proposed Cleaner Air Oregon rules released by the DEQ in October. The proposed regulations put thousands of our local businesses at risk, unnecessarily sacrificing jobs in sectors like manufacturing, forest products, agriculture and energy that already work hard to prevent air pollution and protect public health. Not only do these proposed regulations go far beyond what any other state has imposed, they unrealistically target local employers rather than all sources of emissions. Losing more jobs in our community will harm our schools, churches,

and overall public health. We deserve better. Please re-consider the proposed regulations to find a solution that will include fair air regulations for all Oregonians

Attachment:

Comment categories linked to this comment: 52

Comment #347

Comment Period #1

Name: Dan Webb

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ, Thank you for accepting this postcard, which will serve as my comment on the proposed Cleaner Air Oregon rules. Air quality regulations need to be based on science, not politics. However, instead of making a tangible difference in our air quality, these proposed regulations target our local employers, putting much-needed jobs at risk. Like many across the state, our community is struggling and jobs are at a premium. We need these businesses and these jobs. Employers in sectors like manufacturing, forest products, agriculture, and energy already work hard to protect public health and prevent air pollution. Losing more jobs in our community would be devastating Please adjust the proposed Cleaner Air Oregon rules in order to protect our jobs and local community.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/72aa5d41-45ec-45c5-97ed-082429eb2539>

Comment categories linked to this comment: 15, 122, 249

Comment #348

Comment Period #1

Name: Diana Wilson

Organization: Georgia Pacific State: Oregon

Number of commenters: 1

Comment text: Cleaner Air Oregon also is based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss, which could result from the implementation of this unreasonable and unnecessary scheme.

Attachment:

Comment categories linked to this comment: 33, 192, 245

Comment #349

Comment Period #1

Name: karen Marx

Organization: Georgia Pacific Corp State: Oregon

Number of commenters: 1

Comment text: The pulp and paper industry has already been following the Maximum Achievable Control Technology (MACT) rules established in 2001 with on-going updates as set forth by the Environmental Protection Agency (EPA). In addition, Oregon employers including Georgia-Pacific, already have a successful record of reducing air contaminants, improving our environment, and protecting public and employee health. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants. DEQ's program is also based on unrealistic hypothetical health outcomes. It should be based on likely health outcomes and balanced with the health impacts from widespread job loss and the impact on rural Oregon, which would result from the implementation of this unreasonable and unnecessary scheme.

Attachment:

Comment categories linked to this comment: 49

Comment #350

Comment Period #1

Name: Michelle Williams

Organization: State: Oregon

Number of commenters: 1

Comment text: I am very concerned about the air quality in Portland. While I applaud the effort of Cleaner Air Oregon to improve air quality throughout the state, the plan omits some critical elements:

1. The Area Cap program must include nonindustrial sources of pollution, such as traffic and construction emissions. I am particularly concerned about benzene in neighborhoods near our highways.
2. The plan must prioritize actively engaging and informing low-income communities and communities of color, as well as all communities in areas with higher levels of air quality issues.

3. Existing facilities should be held to the same health standards as new facilities.

4. The plan should apply to ALL companies upon adoption, and require immediate action. Lack of agency funding and resources should not be used to delay actions; funding and resources must be found to implement the plan. The health of Oregonians depends on it.

Attachment:

Comment categories linked to this comment: 140, 158, 171, 188, 235, 257, 263

Comment #351

Comment Period #1

Name: Eric Smith

Organization: State: OR

Number of commenters: 1

Comment text: I am very concerned about the air quality in Portland. While I applaud the effort of Cleaner Air Oregon to improve air quality throughout the state, the plan omits some critical elements:

1. The Area Cap program must include nonindustrial sources of pollution, such as traffic and and construction emissions. I am particularly concerned about benzene in neighborhoods near our highways.
2. The plan must prioritize actively engaging and informing low-income communities and communities of color, as well as all communities in areas with higher levels of air quality issues.
3. Existing facilities should be held to the same health standards as new facilities.
4. The plan should apply to ALL companies upon adoption, and require immediate action. Lack of agency funding and resources should not be used to delay actions; funding and resources must be found to implement the plan. The health of Oregonians depends on it.

Attachment:

Comment categories linked to this comment: 140, 158, 171, 188, 235, 257, 263

Comment #352

Comment Period #1

Name: CAROL WEBSTER

Organization: State: OREGON

Number of commenters: 1

Comment text: Please see the attached document for my comments.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/b0f890af-d2c8-46a2-b011-5c9b15a60319>

Comment categories linked to this comment: 87, 122, 149, 249

Comment #353

Comment Period #1

Name: Lucas Burns

Organization: EVRAZ North America State: OR

Number of commenters: 1

Comment text: While I don't have all the same qualms as are expressed in my company's pre-made postcards, I do believe that this measure will disproportionately impact high community value manufacturing jobs, and from there directly affect the already disadvantaged in Portland. Measures like this seem to be part of a systemic, calculated exclusion of people who have less education or labor skill.

Attachment:

Comment categories linked to this comment: 122, 170

Comment #354

Comment Period #1

Name: Matt Fernandez

Organization: EVRAZ NA State: OR

Number of commenters: 1

Comment text: Please accept and consider my comment on the proposed Cleaner Air Oregon rules released by the DEQ on October 20, 2017. I am concerned that the proposed regulations will negatively impact manufacturing businesses, like my employer, that already work hard to prevent air pollution and protect public health, often times going above and beyond what is required by regulations. These proposed rules will put thousands of our local businesses at risk, unnecessarily sacrificing middle income jobs by going far beyond what any other state has imposed. These rules unrealistically target local employers rather than all sources of emissions. Losing more jobs, particularly in manufacturing that provide health insurance and well paying salaries will harm our schools, churches, and overall public

health in our community. We deserve better. Please re-consider the proposed regulations and produce a solution that will include fair air regulations for all Oregonians.

Attachment:

Comment categories linked to this comment: 15, 87, 122, 245

Comment #355

Comment Period #1

Name: David Breen

Organization: Port of Portland State: Oregon

Number of commenters: 1

Comment text: Comments attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/5e550e69-72d4-405b-853a-6f1e106e701a>

Comment categories linked to this comment: 16, 18, 45, 245, 361

Comment #356

Comment Period #1

Name: Nora Polk

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Nora Polk

6405 SE 62nd Ave Portland, OR 97206-6605

nora.mattek@gmail.com

Attachment:

Comment categories linked to this comment:

Comment #357

Comment Period #1

Name: Helen Hays

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Helen Hays

18553 S Ferguson Rd Oregon City, OR 97045-9309

hlhays@ccgmail.net

Attachment:

Comment categories linked to this comment: 53

Comment #358

Comment Period #1

Name: Rick Ray

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am a rural Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Rick Ray

30649 NE Hurt Rd Troutdale, OR 97060-9380

everyaction@rickray.com

Attachment:

Comment categories linked to this comment: 53

Comment #359

Comment Period #1

Name: Ed Gerdes

Organization: Hummingbird Wholesale State: Oregon

Number of commenters: 1

Comment text: I write in support of DEQs efforts to reduce air pollution in whatever form, and from any source, whether industry or not. Please base rules not on Best Available Technology but upon measurable reduction or elimination of air pollutants. There are some industries, like coal burning plants, that should simply not exist. The damage to our air and health do not justify the industry existence.

Thank you.

Attachment:

Comment categories linked to this comment: 171, 246, 250

Comment #360

Comment Period #1

Name: Alesia Jenkins

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Alesia Jenkins

PO Box 1934 Clackamas, OR 97015-1934

lensumnite@aol.com

Attachment:

Comment categories linked to this comment: 53

Comment #361

Comment Period #1

Name: John Nettleton

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

John Nettleton

4311 SE 37th Ave Apt 21 Portland, OR 97202-3265

jpn5710@yahoo.com

Attachment:

Comment categories linked to this comment:

Comment #362

Comment Period #1

Name: Reverend Nathan Jimenez N.C.S.

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color. There is no reason why we should even be using petrol or fossil fuel products we can run cars, trucks, on solid hydrogen as demonstrated by Stan Ovshinsky. We can run trains and fly planes on biodiesel, we can even make plastic like products from biomass cellulose products so there is no reason why we should be using petrol products at all. So please stop allowing drilling for oil, fracking for gas, which pollutes the atmosphere and destabilizes the earths crust by drilling and fracking. We need to move toward a sustainable and renewable future.

I want to state that also I lived not even six blocks away from Bullseye glass and I did have respiratory issues and I broke out in hives rather frequently so I suffered greatly living near there. Even though the neighborhood was a very nice neighborhood living in the clinton neighborhood I had no idea that I was being poisoned. Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Nathan Jimenez National Congressional Scholar Member of the Society of Professional Journalist Co-Host, and Political Analyst of the Fathers, Mothers, and Family Radio show, Host and News Anchor of Events of Our Times Podcast, Ordained Minister for Christian National Churches Former Eucharistic Minister for their Graces the Holy Roman Catholic Archbishops of Portland current Liturgical Minister For his current Grace the Archbishop of Portland for the Holy Roman Catholic Church

Sincerely,

Reverend Nathan Jimenez N.C.S.

NE 192ND Portland, OR 97230

congressionalscholar@consultant.com

Attachment:

Comment categories linked to this comment: 53, 97, 238, 253

Comment #363

Comment Period #1

Name: Annie McCuen

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Annie McCuen

1825 Fairmount Ave S Salem, OR 97302-5209

mccuen7691@comcast.net

Attachment:

Comment categories linked to this comment: 53

Comment #364

Comment Period #1

Name: Richard Knablin

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

I am particularly concerned about the Jordan Cove Project proposed on Coos Bay. This will add tons of methane and other pollutants into our pristine coastal air and since it is upwind from the largest population on the coast will have a wide negative effect.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Richard Knablin

555 Delaware St North Bend, OR 97459-3219

rknablin@frontier.com

Attachment:

Comment categories linked to this comment: 53, 97

Comment #365

Comment Period #1

Name: Marguery Lee Zucker

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Marguery Lee Zucker

1966 Orchard St Eugene, OR 97403-2040

lee@thelocomotive.com

Attachment:

Comment categories linked to this comment: 53

Comment #366

Comment Period #1

Name: Bill McConochie

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I have research data that shows human intelligence is dropping worldwide at a rate of .6 I.Q. points per year. In 50 years, the average will drop from 100 to 70, at which point half the world's adults will be

unemployable and none will be smart enough to graduate from college. There is also evidence that air pollution is damaging the prefrontal lobes in humans, and that damage to this area is associated with increased aggression/anger management problems. There is further significant correlation between air pollution as measured by the World Health Organization and amount of war in nations as measured by a data file at the U. of Princeton. I can send you the research paper if you are interested.

Sincerely,

Bill McConochie

1679 Willamette St Eugene, OR 97401-4013

Bill@Politicalpsychologyresearch.com

Attachment:

Comment categories linked to this comment: 171

Comment #367

Comment Period #1

Name: David Harrison

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

As a physician, I am concerned about the negative impacts of air pollution upon the health of Oregonians. Cleaner Air Oregon presents an opportunity to protect the health of people by prioritizing public health over industry profits. Cleaner Air Oregon would increase the consequences for violating regulations and consider all sources of pollution to prevent disproportionate impacts on low-income communities and communities of color.

Sincerely,

David Harrison

585 Washington St S Salem, OR 97302-5152

harrirad@yahoo.com

Attachment:

Comment categories linked to this comment: 94, 140, 246, 257

Comment #368

Comment Period #1

Name: Walter Christensen

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Walter Christensen

2655 Atticus Way Eugene, OR 97404-4404

waltchristensen@gmail.com

Attachment:

Comment categories linked to this comment:

Comment #369

Comment Period #1

Name: Paul Seer

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Paul Seer

4231 N Winchell St Portland, OR 97203-5832

paul.seer.labor@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #370

Comment Period #1

Name: Lisa Manning

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

My family has lived less than 1/2 mile from the Daimler Truck painting facility on Swan Island for 25 years. Before we bought our home on Wellesley Avenue, I asked the owner if there were any toxic fumes from the industry on Swan Island. He told us there were not, but in our first winter in the home, 1993 - 1994, we began to smell the paint fumes from the truck painting on Swan Island. We even smelled the paint inside our home, before the house was weatherized. Walking in the neighborhood, I had to put a cloth over my nose and mouth when the paint fumes came down our street, the odor was so horrible! It was like being in the paint booth, but we were about 1/4 mile away from the exhaust stacks!

We talked to neighbors, went to meetings with the DEQ and Daimler Trucks, reported the odors, smelled the stink every winter, but nothing improved. New young families with young children moved into our neighborhood about 9 - 10 years ago, and they smelled the paint, too! We started to organize and meet with Daimler again. They did change their paint ingredients, and instead of painting 120 trucks per day they were painting less than 50 trucks per day. This helped. But we still smell the paint every winter and cannot be outside when trucks are being painted!! Its gotten to the point that when I breath humid winter air in Portland, I'm afraid to take a deep breath because I'm afraid it could be laced with toxic paint stink.!

Today Daimler still uses isocyanates in their paint products!! Isocyanate paints cause cancer and are neurotoxic!! Daimler recently built a huge new 5 or 6 story headquarters on Swan Island, and they claim they do not have enough money to filter the toxic fumes from their paint exhaust??? How can that be? Profits over People is the destruction of livable cities and livable neighborhoods!! North Portland deals with petroleum fumes from the tank farms across the Willamette River, and toxic air from the Malarkey Roofing Company across Columbia Blvd., that gives people headaches, plus fumes from other industry and cars in this city. The time has come to implement regulations that decrease the accumulative effect of all this air pollution that is so close to residential homes!!!! How can you go to sleep in a neighborhood where you cannot open your windows at night?

Existing Facilities in our neighborhoods need to be held to the same health standards as those proposed for new facilities!!!!

Portland is more crowded with cars and thus air pollution, than it was 20 years ago!! Air Pollution control is more important than ever in this century!!!

Industry has the money to filter their pollution! Why can't they get a little economic incentive, like a tax break the first year they put filters on their stacks?

It is my understanding that the Draft Air Program Rules have been watered down from the Cleaner Air Oregon program, specifically nuisance implementation policy. Response to nuisance complaints needs be part of the CAO program!

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Lisa Manning

7063 N Wellesley Ave Portland, OR 97203-4700

pokman3@earthlink.net

Attachment:

Comment categories linked to this comment: 53, 97, 251, 263

Comment #371

Comment Period #1

Name: DeAnna Bolding

Organization: State: Oregon

Number of commenters: 1

Comment text: As a union member of United Steelworkers Local 1097 and an employee of the Georgia-Pacific tissue mill in Wauna, Oregon, I'm proud that my union and my company values our environment, our community and our health. We have a proven record of complying with federal, state and local rules and regulations to protect public and environmental health, including multiple federal rules that already regulate the same sorts of air pollutants that Oregon's program would. I work at the facility and see first-hand how seriously USW Local 1097 employees and the company take protecting the environment.

The regulatory and financial burden imposed by Cleaner Air Oregon, which would be the strictest in the country, may prevent our facility from making the capital investments needed to maintain our competitiveness. Already, our facility is at a competitive disadvantage to other paper mills in the Midwest and Southern states that have lower energy, wood supply and transportation costs.

Oregon employers, including Georgia-Pacific, already have improved our environment and protected public and employee health by reducing air contaminants. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants.

These excessive, overreaching regulatory standards must be revised. This program is in response to a Portland-area issue and based on unrealistic, hypothetical health outcomes that does not take into account the health impact of job losses on rural Oregon. Poorly conceived rules and requirements can have devastating consequences on rural Oregon businesses. Please consider the impact on our nearly 750 jobs and our \$72 million annual payroll that contribute to rural Oregon's economy and our rural community before finalizing Cleaner Air Oregon's unnecessary, unjustifiable, and burdensome standards. Thank you.

Attachment:

Comment categories linked to this comment:

Comment #372

Comment Period #1

Name: Sandra Joos

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is extremely concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

It is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Sandra Joos

4259 SW Patrick Pl Portland, OR 97239-7202

joosgalefamily@comcast.net

Attachment:

Comment categories linked to this comment: 53

Comment #373

Comment Period #1

Name: Roberta Cade

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Roberta Cade

PO Box 304 Salem, OR 97308-0304

robertaanne1@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #374

Comment Period #1

Name: Stephen Bernal

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I strongly support the shift of Oregon's regulations from technology based rules to health based standards.

Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Sincerely,

Stephen Bernal

6406 NE 36th Ave Portland, OR 97211-7234

stephen.bernal@comcast.net

Attachment:

Comment categories linked to this comment: 53, 257

Comment #375

Comment Period #1

Name: David Goodyke

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events. My home and my daughter's school in North Portland is sandwiched between Swan Island and I-5. We need area caps that factor in Diesel emissions from trucks and cars combined with industry, and we need much tighter regulations on diesel emissions.

Sincerely,

David Goodyke

4026 N Colonial Ave Portland, OR 97227-1010

dgoodyke@gmail.com

Attachment:

Comment categories linked to this comment: 45, 53, 238

Comment #376

Comment Period #1

Name: Various (2)

Organization: State: OR

Number of commenters: 6

Comment text: Dear DEQ,

Please accept my note as a written comment on the DEQ;s proposed Cleaner Air Oregon rules. These regulations are unrealistic, unnecessary and overreaching. By targeting local employers rather than all sources of emissions - like automobiles - the rules unfairly require businesses to pay for the emissions of their neighbors and those driving by. These regulations put thousands of local jobs at risk, especially those in industries that already work hard to prevent air pollution. our air quality in Oregon is already very good. These regulations will have little impact on air quality, but could significantly harm our local communities by forcing employers to close their doors. Please consider adjusting the proposed regulations to protect all Oregonians.

Attachment:

Comment categories linked to this comment: 15, 87, 122, 149, 170, 235

Comment #377

Comment Period #1

Name: Philip Conklin

Organization: Evraz Portland State: Oregon

Number of commenters: 1

Comment text: Dear DEQ,

Please accept and consider my comment on the proposed Cleaner Air Oregon rules released by the DEQ on October-20, 2017, I am concerned that the proposed regulations will negatively impact manufacturing businesses, like my employer, that already work hard to prevent air pollution and protect public health, often times going above and beyond what is required by regulations. These proposed rules will put thousands of our local businesses at risk, unnecessarily sacrificing middle income jobs by going far beyond what any other state has imposed. Those rules unrealistically target local employers rather than all sources of emissions. Losing more jobs, particularly in manufacturing that provide health insurance and well paying salaries will harm our schools, churches, and overall public health in our community. We deserve better. Please re-consider the proposed regulations and produce a solution that will include fair air regulations for all Oregonians.

Attachment:

Comment categories linked to this comment: 15, 87, 122, 245

Comment #378

Comment Period #1

Name: Christian Wyss

Organization: EVRAZ State: Oregon

Number of commenters: 1

Comment text: Dear DEQ,

Please accept and consider my comment on the proposed Cleaner Air Oregon rules released by the DEQ on October-20, 2017, I am concerned that the proposed regulations will negatively impact manufacturing businesses, like my employer, that already work hard to prevent air pollution and protect public health, often times going above and beyond what is required by regulations. These proposed rules will put thousands of our local businesses at risk, unnecessarily sacrificing middle income jobs by going far beyond what any other state has imposed. Those rules unrealistically target local employers rather than all sources of emissions. Losing more jobs, particularly in manufacturing that provide health insurance and well paying salaries will harm our schools, churches, and overall public health in our community. We deserve better. Please re-consider the proposed regulations and produce a solution that will include fair air regulations for all Oregonians.

Attachment:

Comment categories linked to this comment: 15, 87, 122, 245

Comment #379

Comment Period #1

Name: Alan Balderson

Organization: State: Oregon

Number of commenters: 1

Comment text: I support the proposed draft rules for Cleaner Air Oregon.

But, the proposal does not go far enough to reduce pollution sources from large-operation commercial transportation systems, such as, intermodal rail/truck terminal facilities at Rail Yards, bus terminals, distribution centers, and other associated trucking areas. Cleaner Air Oregon should address shipping operations that employ, use, contract, or otherwise originate and receive over 200 diesel trucks per day or more. Capture, count, and assessment of these commercial trucking activities to encourage use of less polluting vehicles and employ of best practices for containing tailpipe emissions, especially in heavily populated areas, such as Portland.

Attachment:

Comment categories linked to this comment: 238

Comment #380

Comment Period #1

Name: erik railton

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

erik railton

5906 SE Taylor St Portland, OR 97215-2746

erikrailton@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #381

Comment Period #1

Name: John Nettleton

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

John Nettleton

4311 SE 37th Ave Apt 21 Portland, OR 97202-3265

jpn5710@yahoo.com

Attachment:

Comment categories linked to this comment:

Comment #382

Comment Period #1

Name: Cordelia Tilghman

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Finally, I live in the Rose City Park neighborhood where large amounts of arsenic were detected in 2016. Promises by DEQ were made over a year ago to conduct additional testing. So far nothing has been done to address this issue. I suspect that part of the problem is that there are so many other areas in Portland that have a critical need for action to address toxic air issues. In addition, I was appalled to learn that despite aggressive action by Washington and California to address issues around diesel pollution the only action by Oregon is to accept these polluters with open arms and to decline to regulate. I do not accept the explanation that it is too expensive regulate these sources of pollution. We have some of the worst air in the nation. For a state that purports to be as green as Portland does, that is outrageous.

Sincerely,

Cordelia Tilghman

1816 NE 53rd Ave Portland, OR 97213-2742

Cordiet@comcast.net

Attachment:

Comment categories linked to this comment: 8, 53, 238

Comment #383

Comment Period #1

Name: Helen Hays

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Helen Hays

18553 S Ferguson Rd Oregon City, OR 97045-9309

hlhays@ccgmail.net

Attachment:

Comment categories linked to this comment:

Comment #384

Comment Period #1

Name: Rachel Sdrulla

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating

regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Rachel Sdrulla

6510 SE 34th Ave Portland, OR 97202-8206

bullenrachel@hotmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #385

Comment Period #1

Name: Nora Polk

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Nora Polk

6405 SE 62nd Ave Portland, OR 97206-6605

nora.mattek@gmail.com

Attachment:

Comment categories linked to this comment:

Comment #386

Comment Period #1

Name: Brian Setzler

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I live by PSU above 2 major freeways. I am very concerned about my health and the impact of trucks and cars in the inner city.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Brian Setzler

2309 SW 1st Ave Apt 1342 Portland, OR 97201-5040

brian.setzler.cpa@gmail.com

Attachment:

Comment categories linked to this comment:

Comment #387

Comment Period #1

Name: Marguery Lee Zucker

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Marguery Lee Zucker

1966 Orchard St Eugene, OR 97403-2040

lee@thelocomotive.com

Attachment:

Comment categories linked to this comment:

Comment #388

Comment Period #1

Name: Cynthia Eckersley

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Dear Mr. Westersund:

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Also, inner city Portlanders are bearing the brunt of outdated diesel standards which I see every day when I look at the soot on my windowsills. I breathe air that impacts my health, because I have asthma now. I did not have this problem when I lived outside the city limits in a place with lots of trees around my home.

I just read an article about London, that they have met lower regulatory standards for the first time in 10 years because they limited diesel vehicles in the city. Why can't we do the same? Read for yourself: <http://www.bbc.com/news/uk-england-london-42681113>

Thank you for taking the time to read this letter. I really appreciate it.

Sincerely,

Cynthia Eckersley

2930 SE Woodward St Portland, OR 97202-1362

cynthia.eckersley@gmail.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #389

Comment Period #1

Name: Shaktari Belew

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

Not only did I suffer from asthma for 50 years, and then finally find relief, but the air quality of Southern Oregon during the summer months is already compromised by seasonal smoke from fires. Anything more, chemicals, etc. would make this area unlivable for many.

The law must prioritize the protection of PEOPLE, WILDLIFE, and ENVIRONMENTAL HEALTH over anything else, especially business. Our regulations, particularly at a time when Trump is eviscerating them around the nation, need to be stronger, not weaker!

I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events in a transparent and timely manner.

Sincerely,

Shaktari Belew

345 Alta St Ashland, OR 97520-2603

shaktari@gmail.com

Attachment:

Comment categories linked to this comment: 53, 234, 246

Comment #390

Comment Period #1

Name: Ralph Grutzmacher

Organization: none State: Oregon

Number of commenters: 1

Comment text: I am a resident of Toledo, Oregon, the site of Georgia-Pacific's containerboard mill. I am also a former member of the City Council and a former mayor of the City. My home overlooks the mill from a distance of less than 400 meters. I presume that I am of the class of people Cleaner Air Oregon is designed to protect. However, I urge the Department to reconsider the proposed rules and the state-wide application of those proposed rules, especially with respect to existing manufacturing facilities that are permitted under the Clean Air Act and operating in compliance with such permits. Cleaner Air Oregon needs to be balanced by the economic impact upon existing facilities and upon anticipated expansion and modernization of such facilities. The proposed rules rely upon math modeling and impose upon every existing facility a requirement to initiate and maintain modeling. While modeling is certainly an appropriate method to evaluate proposed facilities it is redundant for existing permitted facilities and adds additional operating expenses without improving air quality.

The Georgia-Pacific Toledo Mill is one of four such mills operated by Georgia-Pacific in the United States. In its 60 years of operations, the mill has undergone numerous improvements to reduce its discharges into the air and water and has remained within its permitted emissions limits. I am concerned that adding the costs of compliance with the proposed rules may adversely impact investment decisions made in Atlanta and reduce or eliminate this very significant economic engine located in Toledo and Lincoln County. The Toledo Mill directly employs about 400 salaried and hourly employees with an annual payroll of approximately \$45 million. Transportation employment, service contractor employment and the purchase of raw materials, including waste forest products and one half million tons of waste cardboard, account for another \$300 million of economic impact for Lincoln County and Oregon.

All business must be able to depend upon a fair and appropriate regulatory environment to continue to provide economic stability for themselves and the communities in which they operate. The proposed rules add no additional protections to the environment, but add a significant cost for compliance with untested theories and modeling. I am unable to competently comment on the components of modeling (others have critical comments about the underlying methods and measurements) but it appears that an existing facility can be measured, rather than modeled, to determine its compliance with permit requirements.

The proposed regulations add another layer of burden to existing businesses and facilities that will result in reductions of investment for modernization and reconstruction. The declines in investment will accelerate the date of facility closures as facilities become economically obsolete. The economic and social costs of premature facility closure and abandonment will be devastating to Toledo and Lincoln County. One only needs to ask, if Georgia-Pacific Toledo Mill and other facilities around the state close and stop employing people, stop purchasing raw materials and stop paying taxes, who will be paying the very taxes and fees that fund the Department of Environmental Quality?

Attachment:

Comment categories linked to this comment: 33, 35, 45, 122, 170, 245, 398

Comment #391

Comment Period #1

Name: Harth Huffman

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Please set strong guidelines for clean air. We rely on government to protect our air and water, and Oregon needs to lead the way to make our air quality standards tops in the nation. There is no excuse to leave them short of that standard. Business will adapt and still make money, but people cannot adapt to dirty air.

We live a short distance from a factory that clearly pollutes heavy metals. My wife has lived and worked close to this plant for over 20 years. She developed a deadly, aggressive form of cancer that has been linked to cadmium and other heavy metals. Her cancer was no accident or bad luck.

Diesel is another problem altogether. As our roadways are ever more congested, the diesel fumes are more concentrated near highways and busy streets.

Our way of life is killing us through the horrible air quality that we choose to tolerate. Only our government can help with this issue and must do so without catering to the polluters. Yes, jobs are important, but human health and lives must always come first.

Please stand up to the polluters and make strong laws to protect our citizens.

Sincerely,

Harth Huffman

4024 SE 28th Pl Portland, OR 97202-3514

harth1@yahoo.com

Attachment:

Comment categories linked to this comment: 97, 171, 238, 244, 246, 248

Comment #392

Comment Period #1

Name: Anthony Howard

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

I was shocked by the reports that came out a couple of years ago about the toxins in Portland's air, and to find out that the air in my neighborhood, and all over the city, is toxic. Shocked to find out that the city allows the steel plants to emit lead into the air. Find it amazing that there is such an idea as a "safe amount" in the air with chemicals that are poisonous to humans. And shocked to find out that dear friends lived and worked right by the places that were emitting arsenic and cadmium. We all have to breath this air. Business interests above human well-being is a terrible trade off. Please do the right thing and let's set an example for other cities to follow. Let's make Portland the cleanest air city in America.

Sincerely,

Anthony Howard

1434 NE Prescott St Portland, OR 97211-5152

microtribe@gmail.com

Attachment:

Comment categories linked to this comment: 53, 246

Comment #393

Comment Period #1

Name: Rick Ray

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

Low-income and communities of color face disproportionate impacts from air pollution. It is the agency's responsibility to bring the information to the community for their meaningful input and not vice versa. Effective public engagement of EJ communities requires prioritization of the areas most impacted by air pollution, dissemination of all information in accessible language, and advance notification for community members. Language translation is critical for spoken and printed material along with childcare services, food, and transportation assistance for those who need it.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Rick Ray

30649 NE Hurt Rd Troutdale, OR 97060-9380

everyaction@rickray.com

Attachment:

Comment categories linked to this comment: 53

Comment #394

Comment Period #1

Name: Darise Weller

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

When Oregon has some of the worst airshed in the nation, with high diesel particulate and benzene levels, it seems to be a dichotomy that Oregon considers itself a green state, more like a "green washing" state.

According to the Smoke Stack Report we have some of the worst air in the nation in several of our schools, Our diesel particulate is some of the highest and our legislature seems continually fail at correcting the problem. When trucks from Oregon are not allowed into Washington and California and old polluting diesel engines are dumped for their continued use in our state because they fail to meet other states pollution standards. When Dr. Linda George PSU tells us more people die from diesel particulate than smoking cigarettes, it's time for a call to action.

I live in the Linnton Neighborhood of Portland, where our health and livability are negatively impacted by industries air pollution. The synergistic and cumulative effects are never taken into effect when permitting air pollution. We live in a Superfund site with volatilization of PCBs and PAHs to name only two occur. Dr Daniel Carpenter of Albany University New York studies show that people living within 5 miles of a Superfund Site have significant health issues from volitizing PCBs. At a recent Linnton neighborhood association meeting, the Portland Traffic Police told us that St Helens Rd.(Hwy 30) is called "dirty 30", because of the large volume and ever increasing truck traffic that uses Hwy. 30, a large part of which are illegal, either overweight or have issues with safety and/or pollution standards . They travel on Hwy 30 to avoid the City of Vancouver, Washington inspection station by crossing the Longview bridge.The only ODOT inspection station in Multnomah County, which is north of Linnton is rarely and only randomly open and south bound traffic has no inspection station The huge volume of trucks traffic significantly contributes to diesel particulates , with Hwy 30 cutting through the middle of our neighborhood.

I spend countless hours trying to help Oregon be green and improve the health and livability of our communities. I have been a member of the Portland Harbor Community Advisory Group since 2005. I am on the board of the North West Toxics Community Coalition for EPA region 10. I am on the board of the Linnton Neighborhood association for many years. I care about my communities airshed, water and livability and would hope that the state would also. It's time to "step of to the plate" and pass regulations to clean our air.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Thank you for your time and consideration on this matter.

Sincerely,

Darise Weller

9259 NW Germantown Rd Portland, OR 97231-2725

dweller972@comcast.net

Attachment:

Comment categories linked to this comment: 53, 97, 238

Comment #395

Comment Period #1

Name: Ineke Deruyter

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Ineke Deruyter

9322 N Oswego Ave Portland, OR 97203-2339

ideruyter@hotmail.com

Attachment:

Comment categories linked to this comment:

Comment #396

Comment Period #1

Name: catherine davis

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

My name is Catherine and I am a resident of the Overlook neighborhood in North Portland. My neighborhood suffers from some of the worst air pollution in the Portland metro area. We have major highways in our neighborhood, as well as major industry on Swan Island and in NW Portland.

We often smell strong solvent/chemical odors in the neighborhood and I've reported toxic odors to DEQ many times but I haven't felt heard by decision makers or felt my reporting has had an impact. I am a mother and have developed asthma in the last 10 years since I moved to Portland. I need you to take the health of my family and neighbors seriously.

In order to truly protect public health, the area cap monitoring must account for pollution from all polluters of air toxics, regardless of the source. We need a focus on clean air, letting existing facilities operate under different standards does not address our air quality, it addresses the bottom line of the polluter. In addition, I don't want the health of my family in the hands of one director who can over-ride policy without a clear and collaborative process. We need a focus on public health, not industry. We need to protect citizens. High expectations will force industry to innovate and improve. People and Portland's economy will suffer if it is not a safe place to live.

Sincerely,

catherine davis

4026 N Colonial Ave Portland, OR 97227-1010

kdavis6@mac.com

Attachment:

Comment categories linked to this comment: 45, 46, 246, 248, 251, 263

Comment #397

Comment Period #1

Name: Kathy Garrett

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

As a person with asthma, I depend on clean air. I want clean air and water for my children and grandchildren. I want this for all of the low-income students with whom I work. I want all facilities to filter and block carcinogens and other harmful pollutants to our state. We count on you to be STRICT enforcers.

Sincerely,

Kathy Garrett

4825 SE 44th Ave Portland, OR 97206-5021

garrettcollegeconsulting@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #398

Comment Period #1

Name: juliette oldfield

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Dear Joe,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I live in NW Portland and can often smell industrial pollution as well as breathe diesel fumes when i run and cycle around the city.

This is not acceptable to me and believe we are sacrificing public health for industry profit.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events. There are very committed members of Portland society that should be able and allowed to advocate/speak/represent and engage for the wider public regarding Clean Air, please consider listening to them in this debate. You have our health in your hands.

Sincerely,

juliette oldfield

2425 NW Raleigh St Portland, OR 97210-2634

juliette.oldfield@nike.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #399

Comment Period #1

Name: Kammy Kern-Korot

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is very concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been more concerned with protecting the short term profits of industry than it has with the health and welfare of the community: and that has to change. Cleaner Air Oregon is a unique chance to limit and lower the negative impacts of pollution - and to create a more sustainable future for us and our children. I urge you to fulfill your obligation to the public by prioritizing public health, including strengthening consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Kammy Kern-Korot

NE 61ST Ave Portland, OR 97223

kammymatt@aol.com

Attachment:

Comment categories linked to this comment: 53

Comment #400

Comment Period #1

Name: Alison Hardin

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live in residential Northwest Portland which is next to the industrial part of town where Esco has been allowed to pollute dangerous metals into the air our because DEQ's regulations did not prevent them from doing this. Families from this neighborhood and children attending Chapman Elementary just 3 blocks away have had to breath metal filled air day after day because health has not been a priority for DEQ. At a time when the world's environment is threatened by the current US president who protects business over people, our state must step up to improve our environmental quality to protect the health of our people, now and for the future.

CLEANER AIR OREGON could be a bold program that drives industry innovation in emission controls by setting clear health standards to ensure that all Oregon communities have healthy clean safe air.

However, under successful pressure from industry, the Cleaner Air Oregon program was watered down from the promised health-based program with well-defined and strong health standards, to one that instead prioritizes the profit margins of regulated facilities.

If we actually want Cleaner Air Oregon to protect Oregonians from bad air, there are some issues that need to be fixed.

Existing facilities should have the same health standards as proposed new facilities. The different standards between existing and new facilities shifts the focus away from public health. The public is affected by toxic emissions regardless of a facility's age.

The program currently proposes a hard cap of 500 cancer deaths per million people per facility, beyond which permits will not be granted. This does not support or encourage innovation or improvement, and is essentially the same as no cap, potentially allowing an offending industry to avoid mitigation or curtailment.

The innovative area cap program should be brought back into the plan. It originally included consideration of community sources, such as diesel and construction-related emissions, as well as multiple industrial sources impacting one community. The cap on emissions for a neighborhood should include the sum of all sources of pollution. Not just that from an industry. New polluting industry should not be allowed to be sited in neighborhoods that already have air pollution beyond that cap.

Thank you for standing up for our people's health and not for industry. Please consider these changes to make Cleaner Air Oregon a visionary program.

Sincerely,

Alison Hardin

Sincerely,

Alison Hardin

2750 NW Savier St Portland, OR 97210-2416

alisonbhardin@gmail.com

Attachment:

Comment categories linked to this comment: 45, 171, 244, 246, 263, 265

Comment #401

Comment Period #1

Name: Glenn Dollar

Organization: Ash Grove Cement Company State: Oregon

Number of commenters: 1

Comment text: I believe its imperative the general public is aware these new regulations could limit or prevent new companies from investing in the state of Oregon with new business ventures and limit or prevent existing companies from investing in their businesses and the state of Oregon. Most of these companies provide what Oregon needs more than anything, family wage jobs which enable people to afford housing and to live comfortably.

Attachment:

Comment categories linked to this comment: 122

Comment #402

Comment Period #1

Name: Jacob Sherman

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who believes our state needs solid, health-based regulations with reasonable limits to toxic emissions.

As a community advocate who has spent hundreds of hours working to encourage local industrial facilities to decrease their impact on surrounding communities, I've come to see first-hand how much diverse, low income communities are at a disadvantage when trying to engage corporations to be better neighbors and stewards of the environment. Without strong regulations to protect the public interest, disadvantaged communities face disproportionate impacts. It's the responsibility of the State to ensure public health is protected, and that multiple pollution sources are considered. Cleaner Air Oregon offers a long overdue step in the right direction.

I urge the EQC to pass these new rules, and strongly encourage the Governor and Legislature to adequately fund DEQ.

Sincerely,

Jacob Sherman

Sincerely,

Jacob Sherman

6602 SE 62nd Ave Portland, OR 97206-7558

jdbsherman@gmail.com

Attachment:

Comment categories linked to this comment: 140, 171, 235, 257, 319

Comment #403

Comment Period #1

Name: Michael Aiello

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live less than half a mile from Bullseye Glass factory with my wife and daughter. Since moving here I have developed asthmatic like symptoms and pulmonary sensitivities. We each have been tested showing excess heavy metals in our systems. Once avid vegetable gardeners , we are now quite wary of the fruit trees and our produce. Testing has set us back at least \$700 and chelation is a monthly expensive option. This is our home, yet we worry about our neighborhood's impact on all our health, especially our daughter's. All studies confirm that Multnomah county has the poorest air quality in Oregon.

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Michael Aiello

3362 SE 14th Ave Portland, OR 97202-2808

redbarn.studio@live.com

Attachment:

Comment categories linked to this comment: 53, 97, 169

Comment #404

Comment Period #1

Name: audrey gnich

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

audrey gnich

2918 NE Edgehill Pl Portland, OR 97212-1650

audreybcraig@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #405

Comment Period #1

Name: Jeanadele Wright

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

I live on a one-acre organic farm with my 82-year old Mother, my daughter, and my 25-year old disabled son. We are surrounded by grass fields and large farms owned by corporations. All of these fields are sprayed, either by plane, by truck or by hand. ODA has confirmed that we have been 'dusted' with the chemicals used, but assured us that the amounts weren't harmful. But what about our right to not be contaminated by ANY amount of poison???

I am lobbying for a COMPLETE overhaul of protections for us human beings: THE MOMENT AN ORGANIC SOLUTION IS FOUND THAT CAN REPLACE HARMFUL CHEMICALS -- NO MATTER THE COST -- THE HARMFUL CHEMICAL SHOULD BE OUTLAWED IMMEDIATELY. If a company cannot afford to operate using safe products, that company should not be in business. Period. No more lame excuses that ignore the cost of caring for a poisoned population. If you're an elected official and you are more

worried about corporate interests lining your pockets than you are about listening to and working for your constituents, you WILL lose your job. We WILL vote you out!!

Sincerely,

Jeanadele Wright

35430 Santiam Hwy SE Albany, OR 97322-9794

jeanies.jellies@gmail.com

Attachment:

Comment categories linked to this comment: 53, 252

Comment #406

Comment Period #1

Name: Jennifer Vitello

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I live in the Cathedral Park Neighborhood. My neighborhood is surrounded by industrial uses and tractor trailers driving through my neighborhood and over the St. Johns Bridge. This pollution leaves black soot on the homes in my neighborhood, so you can imagine what it does to our lungs.

Oregon lags behind our neighboring states, who have already taken action to protect the health of their constituents. Oregon's air quality is some of the very worst IN THE ENTIRE COUNTRY. This is due to DEQ's failure to do it's job. Please start taking your responsibility to protect the health and lives of Oregonians seriously.

Sincerely,

Jennifer Vitello

8515 N Willamette Blvd Portland, OR 97203-5343

je.vitello@gmail.com

Attachment:

Comment categories linked to this comment: 88, 238, 248

Comment #407

Comment Period #1

Name: Cynthia Care

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live near Medford, Oregon, known for it's bad air. When we have still weather conditions, the diesel, woodsmoke, and industry pollution build up to such unhealthy levels that I cannot garden, walk, or do any exercise outside! As I am low-income and need to grow a lot of my own food, and walk to errands, this is a very dire situation for me.

I would like to see some programs that replace old woodstoves with newer, cleaner ones. Also, the new emphasis on electric cars is a step in the right direction. And, industry needs needs to be held accountable!

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Cynthia Care

104 S Front St Talent, OR 97540-0109

cynthia.care123@gmail.com

Attachment:

Comment categories linked to this comment: 53, 169, 256

Comment #408

Comment Period #1

Name: Melissa Di Rito

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

If the air we breathe is toxic how can Oregon be known as a "green" place to live or a livable place at all? When the news came out about Bullseye Glass my Portland bubble was burst. We live within half a mile from Bullseye and a few blocks from the busy and polluted Powell Blvd. We have a 3 year old and I am worried about his health as he grows up in Portland. I'm from a small town in Colorado where air quality is a value. We live a very healthy lifestyle by eating only local, organic foods. We exercise outside as much as possible and we love being a part of the Portland community. I want to believe that it's possible to live in an urban environment that's not poisoned from industry standards being too lax. I would hope that a good conscience and common sense would drive business owners to make them do their part to not poison their community but the bottom line all too often becomes the focus. This must change. They must be held accountable and make their processes earth friendly or they are put out of business.

It is VITAL to the health of this community and the greater Oregon area that we have solid forward thinking, earth/people/animal friendly regulations that protect us from harm. Portland and Oregon need to step up their game in proving that we are leaders in environmental change. The people and the community demand this! It is a basic human right to have clean air to breathe. It is you and your team's job to fix this broken system and get Oregon back on the right track. Diesel pollution and industry pollution must be eradicated!

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Melissa Di Rito

3942 SE 29th Ave Portland, OR 97202-3522

sisterveda@gmail.com

Attachment:

Comment categories linked to this comment: 53, 97, 238

Comment #409

Comment Period #1

Name: Emily B.

Organization: State: Oregon

Number of commenters: 1

Comment text: As someone who has dedicated their career to the environmental field, I support the protection of our citizens, but I urge the state to reassess their rushed approach to legislation of this scope and sensitivity. I work with air quality on a daily basis and how it affects employee's health, and participated in the Bullseye Glass fiasco when it hit Portland. It absolutely shed light on the need for air quality reassessment. But from someone who has also worked in large industry, the stringent timelines for emission mapping, the inflexibility of making expansion and modifications to company buildings, and the overall state-wide rush that will come with this regulation will cause confusion, non-compliance, and potentially pushback or aversion from companies trying to comply. I believe in the changes, but I also urge better planning and timeline flexibility for companies who will be trying to do the right thing to meet these new standards. 30 days, 90 days, etc. for very expensive large scale changes in many prominent Oregon-supporting businesses will be stressful and probably unreasonable. With a state-wide conversion to much more stringent standards, it will be important to keep progressing, but to do so in a manner that accounts for both business and public health needs. Support change, but take the time to account for the logistics of Oregon business and how 1-3-6 month turnaround for enormous changes can be nearly impossible when we don't have enough consultants in the state to even begin the first stages of assessing air toxics for Oregon industries.

Attachment:

Comment categories linked to this comment: 170, 173, 180, 184, 245, 402

Comment #410

Comment Period #1

Name: Nykolee Charlton

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Nykolee Charlton

1805 N Jantzen Ave Portland, OR 97217-7808

ncharlton@comcast.net

Attachment:

Comment categories linked to this comment: 53

Comment #411

Comment Period #1

Name: chuck erickson

Organization: CDAO & HHTC State: Oregon

Number of commenters: 1

Comment text: Slash burning should be phased out. Regulations to protect human health should be the number one priority for DEQ.

Living in a rural area should not be an exclusion to Oregon clean air rules. Protection of clean air should be a right of all Oregonians and not exclusive for the metro areas.

Ariel spraying of chemicals should be defined and included as air pollution. This practice should to be phased out completely.

Burn barrels and trash burning should be banned statewide.

We all deserve a clean environment.

Chuck Erickson

Coos Bay, OR

Attachment:

Comment categories linked to this comment: 28, 171, 252, 256

Comment #412

Comment Period #1

Name: Kim Ogdahl

Organization: State: oregon

Number of commenters: 1

Comment text: The air here in Klamath Falls gets really bad during open burn days. I think those days need to be spread out. Instead of burning days being back to back

Attachment:

Comment categories linked to this comment: 256

Comment #413

Comment Period #1

Name: Anne Savery

Organization: State: Oregon

Number of commenters: 1

Comment text: It is clear that defaulting to federal regulations is not protective of the public. I urge DEQ to reduce the timelines for bringing businesses up to code in order to more rapidly protect Oregonians.

Attachment:

Comment categories linked to this comment: 171, 188, 248, 250

Comment #414

Comment Period #1

Name: Charles Newlin

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I, my son, and my wife live within a couple of blocks of the Hollingworth & Vose glassfiber plant in Corvallis. Consequently, we live in their waste stream. In particular, the superfine particles their filtration doesn't catch are in our air. This is probably the reason my eyes burn, my skin itches, and I cough on a regular cycle. My doctor was able to find nothing wrong and concluded that the problem was air pollution.

Consequently, I have a personal interest in better environmental regulation in Oregon. I don't want my neighbors or fellow citizens in other places subjected to industrial wastes, either. Regulation should be based entirely on the impact on public health and the natural environment, the more stringent the better.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Thank you for your attention.

Sincerely,

Charles Newlin

1820 SW Allen St Corvallis, OR 97333-1739

gnewlin@peak.org

Attachment:

Comment categories linked to this comment: 53, 97, 246

Comment #415

Comment Period #1

Name: Angie Tomlinson

Organization: citizen State: OR

Number of commenters: 1

Comment text: Please include removal of amalgam fillings to mandatory practices before cremation of a body.

Also, there needs to be so much more air monitoring throughout the state. Every school and university should have at least one air monitoring station. It should not have taken a moss study to discover how bad the air quality in Portland can be. Use increased fees for permits and violations to pay for the air stations. As a mother of a child with asthma, and a scientist, there is no excuse for Oregon to not know what is in our air.

Attachment:

Comment categories linked to this comment: 11, 159

Comment #416

Comment Period #1

Name: Nancy Hedrick

Organization: State: Oregon

Number of commenters: 1

Comment text: I would like the state to do more to improve the standards for commercial truck diesel emissions. I live near I-5 in N Ptld with asthma, and know this diesel cloud is an aggravant. I'm opposed to the freeway expansion for same reason. Also, I'd endorse the state doing more to reduce outdoor

charcoal bbq. as I have to stay inside when this nearby. I support maintaining strong standards related to wood-burning stoves. Thanks.

Attachment:

Comment categories linked to this comment: 171, 238, 256

Comment #417

Comment Period #1

Name: Ellen Saunders

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I spent 1 week in the OHSU Trauma ward June 14 to 21 2017 due to a bad car accident when a man ran a red light. I was horrified when my daughter rolled me outside in a wheel chair to the deck. The air smelled of toxic exhaust from chemical companies and diesel engine. The air was so thick it burned my eyes and I was unwilling to take a deep breath. I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. We fight the toxic poisoning of our farm fields, road shoulders, and our forests. They are sprayed with multiple deadly herbicides like roundup, 2,4-D atrazine, chlorpyrifos and bee killing neonicotinoid that cause cancers. THIS MUST STOP!

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on rural communities, low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Ellen Saunders

47950 NW Dingheiser Rd Manning, OR 97125-6100

Ellen_L_Saunders@me.com

Attachment:

Comment categories linked to this comment: 53, 252

Comment #418

Comment Period #1

Name: Douglas Allen

Organization: State: OR

Number of commenters: 1

Comment text: To get our air healthy again, we need to regulate sources of pollution so that levels of toxic substances are below levels known to cause harm, and below levels that could theoretically cause harm for substances whose toxicity is not well-understood. Although permits are issued to particular facilities, it is the resulting amount of toxics in the air we breathe that matters. For this reason, all sources within an area that contribute to pollution must be considered, whether they are from a permitted facility, or from transportation, residential, or construction sources. All facilities, whether existing or new, need to have the same health standards. Regulations should apply to everyone when the regulations are adopted. The rules shouldn't presuppose some extended time period for DEQ to process all the information that will come in from businesses. If the Legislature doesn't fully fund the program, well that is another matter, but this delay shouldn't be built in from the start.

Attachment:

Comment categories linked to this comment: 45, 158, 171, 188, 244, 257, 263, 319

Comment #419

Comment Period #1

Name: Andrew Bauer

Organization: NW Natural State: Oregon

Number of commenters: 1

Comment text: NW Natural appreciates the opportunity to provide comments on the Clean Air Oregon proposed Rules. Our full comment can be found in the attached document.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/00541c7b-dccc-4ceb-9305-8660f601fe38>

Comment categories linked to this comment: 45, 199

Comment #420

Comment Period #1

Name: Susan Prindle

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

I live one street over from both Columbia Park Annex and Willamette and I have smelled paint fumes from Daimler 4 times this week. This has been an ongoing problem for this neighborhood and no one is doing anything about it. There is a "so what" attitude from the Daimler people and a seeming lack of concern from DEQ. I recently turned my garage into an ADU and they painted the front of the garage the same color that I painted my house when I first moved here. I know that paint does change color, but it was a distinctly different color. The old paint was much darker and an indication of how much silt is in our air. I have been to meetings and even made a recorded statement a few years ago when several of us met with DEQ at U of Portland. And still 4 times this week I smelled noxious paint fumes.

The lack of care for others, for neighborhoods, for the people and children who live and play in those neighborhoods is shocking. It's time that something is done about it.

Please consider those of us who live in the neighborhoods above Swan Island, be concerned for our health and well being and do the right thing. Please CLEAN UP OUR AIR.

Sincerely,

Susan Prindle

7042 N Dwight Ave Portland, OR 97203-4718

daffydil@comcast.net

Attachment:

Comment categories linked to this comment: 53, 97, 251

Comment #421

Comment Period #1

Name: Sibylle Baer

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I am appalled at the lack of regulation and enforcement regarding diesel vehicles and air quality in our city.

Sincerely,

Sibylle Baer

3234 NE 56th Ave Portland, OR 97213-3336

sibyllebaer@gmail.com

Attachment:

Comment categories linked to this comment: 171, 238

Comment #422

Comment Period #1

Name: Anne Knupfer

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Anne Knupfer

5830 SE Lafayette St Portland, OR 97206-2848

aknupfer@juno.com

Attachment:

Comment categories linked to this comment: 53

Comment #423

Comment Period #1

Name: Amy Becker

Organization: State: oregon

Number of commenters: 1

Comment text: I live in the neighborhood next to Hollingsworth and Vose, and see the plumes of steam/fiberglass particles coming over the street where i am trying to ride my bike. I am breathing in tiny microscopic particles everytime i ride by. There has to be stricter laws to prohibit these particles in a neighborhood setting. This neighborhood has become a residential area, and this company producing fiberglass particulate in our air needs very strict rules to protect our air. No self reporting, and no averaging the particulate size between the 2 plants, Please! If the DEQ is short on funding, get volunteers. Im sure people from our neighborhood will volunteer if needed.

Attachment:

Comment categories linked to this comment: 92, 97

Comment #424

Comment Period #1

Name: Barbara Klein

Organization: State: OR

Number of commenters: 1

Comment text: When I moved to Oregon from Arizona, I believed that the air would be superb, compared to the desert. One of the 'best retirement places' websites had indicated good quality air, although I admit that was a decade ago. Now, it feels different. Aside from fires, which have really created havoc, other problems seem 'in the wind.' At times, it has warranted me taking lung tonic substances. I fear more must be done.

I realize that other states do not have a "Risk Action Level Cap" as proposed in the rules. I think this is an excellent concept, even if the risk ceiling is too high. Additionally I understand that only 80 of Oregon's more than 2,500 companies will be included during the first 5 years. We need funding to hire personnel to enact the rules and finish the inventory, which I understand is not complete. And there is the rub. Most of all, we desperately need rules and government policies that are grounded in science, using data and health based information.

Attachment:

Comment categories linked to this comment: 158, 171, 188, 249, 257, 258, 265

Comment #425

Comment Period #1

Name: Michael Sawicky

Organization: State: OR

Number of commenters: 1

Comment text: I have several young family members with asthma or other bronchial problems. My wife is sensitive to many air issues. I am lucky not to deal with either of those, but I am a big hiker. I would

like to think that being outdoors is a benefit not a deterrent. People cannot protect their own air. Perhaps they can buy their own homes, cars, good food, even filter their water, but it really does take a village to protect our air.

Nothing says that more clearly than reading the 'Air Toxics reporting list' in your report. Page after page. Yes, some may not be worrisome, others that may have been with us for a long while, but on the whole this is a scary situation.

One of the charts in your report states "Alternate Noncancer Risk Action Levels (ANRAL) reflect the fact that there is variability around the severity of health effects and magnitude of uncertainty reflected in noncancer Risk-Based Concentrations for different air toxics." Another section says "The DEQ Director must consider air toxic-specific concerns with exceeding noncancer Risk Action Levels prior to allowing an Alternate Noncancer Risk Action Level for any permit above default Risk Action Levels." If it is not obvious, this shows the help that the public needs. We need the kind of rules that are grounded in good science and after that - in order to meet those standards - we need to fund the work.

Attachment:

Comment categories linked to this comment: 44, 158, 171, 249

Comment #426

Comment Period #1

Name: Jacob Edwards

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Jacob Edwards

7155 N Fenwick Ave Portland, OR 97217-5653

edwardsjacob02@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #427

Comment Period #1

Name: Linda von Geldern

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Linda von Geldern

6025 NE 12th Ave Portland, OR 97211-4223

lvongeldern@live.com

Attachment:

Comment categories linked to this comment: 53

Comment #428

Comment Period #1

Name: Justina Lynch

Organization: State: OR

Number of commenters: 1

Comment text: Hello,

I read through some of the proposed regulations which I am in support of. One piece that I do not support, however, is that the industries will be estimating how many toxins are in their emissions. I do not think that a company is impartial or necessarily able to provide an accurate estimation of the toxins in their emissions.

Who will be checking to make sure they are accurate? And how often?

We need more oversight, and one that is provided by impartial folks who work for the state.

I am in support of these changes but see the flaw in having companies self report.

Thank you,

Justina Lynch

Attachment:

Comment categories linked to this comment: 66, 92, 171

Comment #429

Comment Period #1

Name: Andrew Bauer

Organization: NW Natural State: Oregon

Number of commenters: 1

Comment text: NW Natural's comment is provided in the uploaded letter below.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/b05309a8-a3c2-42e9-860c-5b7a0a1fae96>

Comment categories linked to this comment:

Comment #430

Comment Period #1

Name: Amanda Moore

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

I live in North Portland. We share our space with industry, two major traffic corridors, Columbia Blvd and Lombard, besides the I-5 corridor. Few regulatory practices are monitored and/or enforced, specifically with the emissions of ORRCO and APES. Much of the reporting information can be found between neighbors asking one another What is that smell? on Nextdoor. Other neighbors have organized a presence upon DEQ, since not much else is currently being done. Please know that regulation is needed, and appreciated, by ordinary folk that I live with. Allowing certain regulatory practices to lapse has been the hallmark of DEQ in my area. We take this situation very seriously. There are far too many days when air wafts toxic right into our homes, not to mention the schools and parks and elders lying in the path of these fumes.

Thank you for taking comments and considering the fact that ordinary people are suffering, paying attention, and waiting for protection and action.

Sincerely,

Amanda Moore

7314 N Williams Ave Portland, OR 97217-1556

thingus4@yahoo.com

Attachment:

Comment categories linked to this comment: 53, 97, 251

Comment #431

Comment Period #1

Name: Franny French

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Franny French

2205 N Skidmore Ter Portland, OR 97217-3447

frannyfrench@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #432

Comment Period #1

Name: Colene Martin

Organization: Oregon State Chamber of Commerce State: Oregon

Number of commenters: 1

Comment text: Please accept the attached comments from the Oregon State Chamber of Commerce on the proposed Cleaner Air Oregon regulations.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c5db0b34-6822-4de2-b1ad-8335ffcca810>

Comment categories linked to this comment: 11, 45, 87, 105, 122, 167, 168, 170, 174, 180, 245, 259, 309, 326, 361

Comment #433

Comment Period #1

Name: Scott Conover

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community, and state.

I used to think that as a life-long Oregonian, Oregon was at the forefront as far as environmental stewardship was concerned. I no longer believe that is the case. For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Scott Conover

633 SE Washington St Hillsboro, OR 97123-4144

sconover94@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #434

Comment Period #1

Name: John Kawas

Organization: State: OR

Number of commenters: 1

Comment text: Please accept and consider my comment on the proposed Cleaner Air Oregon rules released by the DEQ on October 201 2017. I am concerned that the proposed regul

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/56f9c66e-5602-459c-ad5d-5213fd9c9ce5>

Comment categories linked to this comment:

Comment #435

Comment Period #1

Name: Devlin Whiteside

Organization: Owens Corning State: Oregon

Number of commenters: 1

Comment text: Please see attached.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/0397a9a0-935c-45cc-bc04-ed94d3563a16>

Comment categories linked to this comment: 59, 84, 96, 199, 280, 297, 302, 361, 379, 380, 390, 393

Comment #436

Comment Period #1

Name: Ray Ehrlich

Organization: Styrene Information and Research Center State: Washington, DC

Number of commenters: 1

Comment text: The Styrene Information and Research Center (SIRC) appreciates the opportunity to provide the attached comments on the Oregon Department of Environmental Quality's (DEQ's) proposed Cleaner Air Oregon Division 245 rule making.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3a7e4c4c-07cd-4e5d-bd26-4cdfb45e1704>

Comment categories linked to this comment: 310, 318

Comment #437

Comment Period #1

Name: Liz Trojan

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Liz Trojan

12320 SW 60th Ave Portland, OR 97219-7013

elizat8@pobox.com

Attachment:

Comment categories linked to this comment:

Comment #438

Comment Period #1

Name: Multiple Signers

Organization: Oregon League of Conservation Voters State: Oregon

Number of commenters: 769

Comment text: Please see attachment.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/2795b48b-c954-4927-8c78-49562b22c77c>

Comment categories linked to this comment: 140, 166, 171, 246, 249

Comment #439

Comment Period #1

Name: Lars Jefferson

Organization: Mr. State: OR

Number of commenters: 1

Comment text: Cleaner air is always a good thing. Believe me, I have lived in place with terrible air quality and I love Oregon's clean air. Keep it clean.

Attachment:

Comment categories linked to this comment: 171

Comment #440

Comment Period #1

Name: Peter Spencer

Organization: Oregon Health & Science University State: Oregon

Number of commenters: 1

Comment text: The world's leading neurology journal carries an editorial in its Feb. 2018 issue titled Air Pollution and Brain Health that is well worth reading.

[http://www.thelancet.com/journals/lanneur/article/PIIS1474-4422\(17\)30462-3/fulltext](http://www.thelancet.com/journals/lanneur/article/PIIS1474-4422(17)30462-3/fulltext) It describes the deliberations of a late-2017 conference held at the Council of Europe that addressed the impact of air pollution on the developing, maturing and adult brain.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/918e57ab-99e8-40d7-bd11-b4aff330ced4>

Comment categories linked to this comment: 121

Comment #441

Comment Period #1

Name: Joanna Hatfield

Organization: work at OHSU State: OR

Number of commenters: 1

Comment text: As a doctor, I am very concerned about human safety in the setting of air pollution. I request that the health standards be upheld for all old/existing facilities that are the same for proposed new facilities. We need to start making human health the driver for regulatory action. The concern for emissions from Portland glass companies was a fantastic start, and we cannot back down from regulating and investigating industry activity that may threaten human health. Low income /vulnerable communities are impacted more severely than wealthier communities - DEQ needs to be sure those individuals understand the situation and can share their opinions too. Please make emissions requirements tougher- industry should not contribute to more cases of cancer- there are already enough causes of cancer without allowing for industrial causes, and the downstream effects on others exposed to polluted water and air are not measured by the proposed emissions cap of 500 cancers per million people.

thank you for working to protect all people!

Joanna Hatfield MD

Attachment:

Comment categories linked to this comment: 61, 86, 140, 246, 248, 258, 263, 265

Comment #442

Comment Period #1

Name: William Lynn

Organization: West Coast State: Oregon

Number of commenters: 1

Comment text: Clean Air!!

Attachment:

Comment categories linked to this comment: 171

Comment #443

Comment Period #1

Name: lorraine foster

Organization: State: or

Number of commenters: 1

Comment text: I approve of the proposed rule changes.

Attachment:

Comment categories linked to this comment: 171

Comment #444

Comment Period #1

Name: Greg Foster

Organization: State: Oregon

Number of commenters: 1

Comment text: see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/e7bd3af1-44ec-4846-b12a-ec909016fa79>

Comment categories linked to this comment: 23, 97, 171, 246

Comment #445

Comment Period #1

Name: Robert and Robin Morris Collin

Organization: State: OR

Number of commenters: 2

Comment text: see attached comments, received by mail

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/fca5fcf3-2741-4ad3-9579-b479a459f075>

Comment categories linked to this comment:

Comment #446

Comment Period #1

Name: Mary Ryan-Hotchkiss

Organization: State: OR

Number of commenters: 1

Comment text: I ask that regulations for air quality be driven by the health impacts to the population.

Existing facilities should be required to come up to new standards, although time to make the improvements should be allowed.

Attachment:

Comment categories linked to this comment: 171, 180, 257, 263

Comment #447

Comment Period #1

Name: Robert and Robin Morris Collin

Organization: State: OR

Number of commenters: 2

Comment text: see attached comments, received by mail

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/812cabda-6d29-4b7e-a339-891d5d6c7beb>

Comment categories linked to this comment: 81, 190, 238

Comment #448

Comment Period #1

Name: Michael Simon

Organization: Mr State: OR

Number of commenters: 1

Comment text: Public health must take precedent over corporate interest. The environment must be protected from the exploiters, for the health of society, and the ecosystem we share.

Attachment:

Comment categories linked to this comment: 171, 246

Comment #449

Comment Period #1

Name: Sonja Maglothin

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. My neighborhood, Lents, is situated in the center of southeast Portland's main thoroughfares. My son is just 2 years old, and I worry about him developing asthma from inhaling air pollution. My neighborhood always smells like car exhaust.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Sonja Maglothin

4035 SE 92nd Ave Portland, OR 97266-2831

s.maglothin@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #450

Comment Period #1

Name: Billy Golson

Organization: Evraz State: OR

Number of commenters: 1

Comment text: Dear DEQ, Please accept and consider my comment on the proposed Cleaner Air Oregon rules released by the DEQ on October-20, 2017, I am concerned that the proposed regulations will negatively impact manufacturing businesses, like my employer, that already work hard to prevent air pollution and protect public health, often times going above and beyond what is required by regulations. These proposed rules will put thousands of our local businesses at risk, unnecessarily sacrificing middle income jobs by going far beyond what any other state has imposed. Those rules

unrealistically target local employers rather than all sources of emissions. Losing more jobs, particularly in manufacturing that provide health insurance and well paying salaries will harm our schools, churches, and overall public health in our community. We deserve better. Please re-consider the proposed regulations and produce a solution that will include fair air regulations for all Oregonians.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/ae4071ac-9a16-4a8c-a5fe-098e9645edb2>

Comment categories linked to this comment: 15, 87, 122, 245

Comment #451

Comment Period #1

Name: Bethany Crawford

Organization: State: WA

Number of commenters: 1

Comment text: Represent us and protect our air and health!

Attachment:

Comment categories linked to this comment: 171, 257

Comment #452

Comment Period #1

Name: Beth Levin

Organization: - please select - State: OR

Number of commenters: 1

Comment text: We need a health-based program in which human health is the driver for regulatory action, not corporate and industry pressure. Low-income and communities of color face disproportionate impacts from air pollution. It is DEQ's responsibility to bring the information to the community for their meaningful input.

Attachment:

Comment categories linked to this comment: 61, 78, 86, 140, 171, 246, 257

Comment #453

Comment Period #1

Name: Laurie Fisher

Organization: n/a State: 97224-4339

Number of commenters: 1

Comment text: Please keep Oregon Healthy and Green by increasing protections for clean air...emission standards need to be stricter and not the opposite. It will save us all in medical costs in the long run...children, the sick, and the elderly especially need clean air.

Attachment:

Comment categories linked to this comment: 171, 248

Comment #454

Comment Period #1

Name: Brenda Smith

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I have emphysema and as such I am greatly affected by the quality of the air. For me and all others diesel exhaust needs to be reduced.

Just because I have a disease, I still should have the right to enjoy the outdoors.

Thank you for your consideration for the well being of all citizens.

Sincerely,

Brenda Smith

9040 N Oswego Ave Portland, OR 97203-2333

brendaandlarry@me.com

Attachment:

Comment categories linked to this comment: 171, 238

Comment #455

Comment Period #1

Name: Ineke Deruyter

Organization: State: OR

Number of commenters: 1

Comment text: Please put Public Health over Industry Wealth. It's way past time. Thank you,

Attachment:

Comment categories linked to this comment: 246, 248

Comment #456

Comment Period #1

Name: Monica Gilman

Organization: State: Oregon

Number of commenters: 1

Comment text: As a resident of the Portland area, I have concerns regarding air quality. Regulations should protect the citizens of Oregon and not industry owners looking at their financial bottom line. Improved regulations push innovation to improve the emissions of toxic gases, thereby protecting Oregonians. Please adopt a Cleaner Air Oregon program friendly to its citizens.

Attachment:

Comment categories linked to this comment: 171, 246, 248

Comment #457

Comment Period #1

Name: Jay Humphrey

Organization: State: Oregon

Number of commenters: 1

Comment text: I am concerned about the increasingly poor air quality in the Portland metro area. Please tighten regulations under the Cleaner Air Oregon program to protect the population of Oregon as its primary function. The finances of its industry should take a second seat to the people living in the polluted air.

Attachment:

Comment categories linked to this comment: 171, 246, 248

Comment #458

Comment Period #1

Name: Scott Wagner

Organization: Mr State: Oregon

Number of commenters: 1

Comment text:

Attachment:

Comment categories linked to this comment:

Comment #459

Comment Period #1

Name: Shannon Kuehl

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about taking my rights away to heat my home. I have wood heat and want to preserve my right to heat my home in the winter months. I have asmah if using this form of heat effected me I would certainly not use. This is the cheapest form of heat for my income.

Oregon needs to look at big industry and how they pollute, transportation and how the grid lock of cars running while stopped in grid lock. Lowering costs if electricity in a state that has low cost wind and water resources to provide power to make not using wood as a viable option. By taking away wood burning means lower income persons will be choosing between turning on other forms of high cost heat to include space heaters that are dangerous or providing food and other necessities.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. I urge you to safeguard the impacts on low-income communities no matter what color.

Lastly, it is the responsibility of the agency to meaningfully engage community members this has not been so. I heard briefly about this and do to work had no other chance to express my concerns. This also includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Shannon Kuehl

9307 N Hodge Ave Portland, OR 97203-2730

shannon.kuehl1@gmail.com

Attachment:

Comment categories linked to this comment: 53, 254

Comment #460

Comment Period #1

Name: Susan Ekstrom

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ

must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Southern Oregon has a history of very bad air quality, which has not been a problem since stricter controls were put in place. But we now have many more people, cars, and wood stoves, and air would deteriorate rapidly without strong regulations.

Susan Ekstrom

2696 Clay Creek Way

Ashland, OR 97520

Attachment:

Comment categories linked to this comment: 51

Comment #461

Comment Period #1

Name: Rodolfo de Oliveira

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Employ no greater than a Cancer Index of 50 in one million and a Hazard Index

Do not accept "estimates" for toxics reporting

"Opt-out" for small businesses should be at least based on risk and business nature.

Rodolfo de Oliveira

932 Woodfield Drive

Eugene, OR 97401

Attachment:

Comment categories linked to this comment: 13, 51, 133

Comment #462

Comment Period #1

Name: Joseph Green

Organization: Manganese Interest Group State: Washington, D.C.

Number of commenters: 1

Comment text: Please see the attached comments submitted on behalf of the Manganese Interest Group.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3195ebd3-a643-4539-a117-d6ddce86a78e>

Comment categories linked to this comment: 297, 298, 299, 318

Comment #463

Comment Period #1

Name: Allan Widmeyer

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I used to live in California and I am surprised that Oregon has worse air quality than California. Here in Oregon we can do much better than that. We could adopt certain air pollution laws from CA to clean up our air. Our diesel pollution is BAD!

Allan Widmeyer

558 Oak Hill Circle

Ashland, OR 97520

Attachment:

Comment categories linked to this comment: 51

Comment #464

Comment Period #1

Name: Heidi Weiss

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ

must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Oregonians deserve protections to the air that they have no choice but to breathe! Industry will not clean up unless they are required to, and it is YOUR job to protect vulnerable populations (and the public in general). Do your job!!!

Heidi Weiss

196 SE Spokane #202

Portland, OR 97202

Attachment:

Comment categories linked to this comment: 51, 140

Comment #465

Comment Period #1

Name: David Lloyd

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

As an asthma sufferer, I know firsthand how air quality can affect our health. Please adopt Cleaner Air Oregon's health-based rules - for the good of all Oregonians.

David Lloyd

4087 Alder St.

Eugene, OR 97405

Attachment:

Comment categories linked to this comment: 51

Comment #466

Comment Period #1

Name: Jean Murphy

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

This shouldn't even be a debate. Breathing is a human right, isn't it?

When will we learn? Yes jobs are important, but not more important than staying healthy and alive.

Jean Murphy

585 West 26th Ave

Eugene, OR 97405

Attachment:

Comment categories linked to this comment: 51, 246

Comment #467

Comment Period #1

Name: Cyndi Karp

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

old school of not testing for chemicals, equals no contamination? Industries that are Contaminating Public's Air Water Soil, & Ocean argues for continued No Testing. Comprehensive Air, Water, Soil & Ocean Testing Prevents Contamination of the Public

Cyndi Karp

POB 506

Waldport, OR 97394

Attachment:

Comment categories linked to this comment: 8, 51

Comment #468

Comment Period #1

Name: J. Robert and Vera Moore

Organization: State: OR

Number of commenters: 2

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

If you care about our children, grandchildren, and future generations, you will pay attention to this growing problem, and do what is in the best interest of humanity, instead of protecting the interests of corporate America and their profits.

J. Robert and Vera Moore

443 Brookside Dr.

Eugene, OR 97405

Attachment:

Comment categories linked to this comment: 51, 246

Comment #469

Comment Period #1

Name: Sabena Stark

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

It is critical for all who live and work in Oregon, especially for our most vulnerable community members, that we establish the strongest possible protections of our air quality. This will also make this state a more prosperous place to do business.

Sabena Stark

2446 Devon Ave

Eugene, OR 97408

Attachment:

Comment categories linked to this comment: 51, 123, 140

Comment #470

Comment Period #1

Name: Daniela Arnon

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

"The concept of clean air in Oregon should be clear!" Air, one of the most precious things! I hope we will be the 1st state in the nation to also ban persistent jet chemtrails, causing added air, water & earth pollution at extreme levels. Thanks!

Daniela Arnon

355 Colver Rd

Talent, OR 97540

Attachment:

Comment categories linked to this comment: 51, 255

Comment #471

Comment Period #1

Name: James Neu

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Herbicidal aerial spraying of endocrine disruptor chemicals by timber companies in Lane County allowed by the "Right to Farm Rule" of the Oregon Constitution have shown up in potable water samples taken by Eugene Water and Electric Utility. Stop It!

James Neu

3072 Webster St

Eugene, OR 97404

Attachment:

Comment categories linked to this comment: 51, 252

Comment #472

Comment Period #1

Name: Mary Sharon Moore

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and

industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Defending clean air is a personal health and public health issue, and therefore a moral issue and social responsibility for corporations and industries within our state.

Mary Sharon Moore

4150 Oak Street

Eugene, OR 97405

Attachment:

Comment categories linked to this comment: 51

Comment #473

Comment Period #1

Name: Diane Durrett

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Please don't kill the initiative!

Diane Durrett

1188 Tyler Street

Eugene, OR 97402

Attachment:

Comment categories linked to this comment: 51

Comment #474

Comment Period #1

Name: Steven Perry

Organization: State: OR

Number of commenters: 1

Comment text: RE: Clean air rules: comment

My family and I are in full support of the clean air rules to provide health risk based regulation of air quality, not just control of technologies or over reliance on decision making based on voluntary actions or estimates of toxic emissions. Monitoring and reporting are very important, as is enforcement and a citizens' based enforcement provision because DEQ may not enforce on its own all violations.

We live in Rockaway Beach and support 100% adoption and enforcement of the proposed clean air rules.

Thank you.

Steven Perry and family

26625 Kittiwake Dr, Rockaway Beach, OR 97136

Attachment:

Comment categories linked to this comment: 11, 89, 171, 250, 257

Comment #475

Comment Period #1

Name: Dan Goldrich

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I've lived in Oregon for over 50 of my 84 years, and I don't want to leave my children and grandchildren with a pollution burden we can do something about.

Dan Goldrich

2262 Birch Ln.

Eugene, OR 97403

Attachment:

Comment categories linked to this comment: 51

Comment #476

Comment Period #1

Name: Julianna Bright

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I'm so shocked and horrified to learn the reality about Portland's poor air quality. And to learn that industry is trying to suppress clean air modernization is horrifying. These regulations are a fire wall to protect Oregon's citizenry.

Julianna Bright

5534 NE Rodney Avenue

Portland, OR 97211

Attachment:

Comment categories linked to this comment: 51, 246

Comment #477

Comment Period #1

Name: Various (17)

Organization: State: OR

Number of commenters: 35

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Attachment:

Comment categories linked to this comment: 51

Comment #478

Comment Period #1

Name: Jennifer Haynes

Organization: State: OR

Number of commenters: 1

Comment text: RE: CAO Draft Rules Comment

I am a passionate advocate for the rights of our citizens to breath good air, particularly for those most affected by industrial pollution, those with the least power, those living in economically-challenging conditions. Environmental Justice argues that we should protect those Oregon citizens by advocating for their rights. Please make Oregon's Cleaner Air Oregon rules as strong as California, Washington, New York, Kentucky, and New Jersey. Make Oregon a leader in the fight for healthy air and communities!

Jennifer A. Haynes, Ph.D.

Freelance Patent Agent

949-887-6921

jennifer.a.haynes@comcast.net

Attachment:

Comment categories linked to this comment: 88, 140, 171, 257

Comment #479

Comment Period #1

Name: Dianne Martin

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I also think it is very important that the Forest Service and BLM and private timber sales are highly regulated for their spraying herbicide practices after timber harvests. This is a highly dangerous practice which effects water quality etc.

Dianne Martin

PO Bx 113

Williams, OR 97544

Attachment:

Comment categories linked to this comment: 51, 252

Comment #480

Comment Period #1

Name: Robert Roth

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

We should not engage in human sacrifice to finance the profits of polluters, as we do when we allow cancer to develop in ANYONE as part of a "balancing test." Damage to lungs is also unacceptable, as are discomfort & pain from asthma attacks.

Robert Roth

2510 Kincaid Street

Eugene, OR 97405

Attachment:

Comment categories linked to this comment: 51, 246

Comment #481

Comment Period #1

Name: William Tiffany

Organization: Oregon Refuse & Recycling Association State: Oregon

Number of commenters: 4

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/32062daf-005d-4628-9666-c8345ab992b5>

Comment categories linked to this comment: 18, 19

Comment #482

Comment Period #1

Name: John Giler

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

John Giler

8265 N Wabash Ave Portland, OR 97217-6043

john.giler915@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #483

Comment Period #1

Name: Marsha Barr

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

This is our time to act to protect our citizens and our earth. We can not afford to wait ... the science is clear. We must not let the big, powerful, well funded polluters do their dirty business at the expense of our health and the earth.

Marsha Barr

1939 Adams St

Eugene, OR 97405

Attachment:

Comment categories linked to this comment: 51, 171, 246

Comment #484

Comment Period #1

Name: Juanita Remien

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I live in the industrial SE of Portland and at least once/week we experience toxic fumes from diesel fuel on roadways like Powell Blvd. as well as industrial emissions which we can smell and see. As elders in this community our respiratory and general heal

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Juanita Remien

2124 SE Grant St Portland, OR 97214-5444

jmremien@gmail.com

Attachment:

Comment categories linked to this comment: 53, 238

Comment #485

Comment Period #1

Name: Cindy Young

Organization: EPAC State: Oregon

Number of commenters: 1

Comment text: One of the problems with the rules are there is no monitoring and business's basically police themselves. The fact that Bullseye and other industries in Oregon are not honest in their reporting or in how much or what toxics they're using. There is absolutely no way to keep industry honest without monitoring. DEQ is also under funded so unless they get adequate funding that will also inped investigations. The truth is a system that requires all Industry Title V and smaller companies to purchase monitoring equipment that can be sent electronically to a mother ship program at DEQ is the only way to insure proof of our air quality. If you want a permit to do business in Portland you need to buy a monitor bottom line.

Attachment:

Comment categories linked to this comment: 45, 66, 92, 158, 171

Comment #486

Comment Period #1

Name: Bill McConochie

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community, and of the entire world.

World Health Organization data files are available for researchers to use. I have used them, correlating this data with I.Q. data for children around the world. The higher the air pollution of a nation, the lower the I.Q. for that nation's children. And the relationship is evident at age 5 and gets stronger every year up through the age of 25.

Air pollution also correlates with war frequency in nations, using Princeton U. data files on war activity since 1955. Air pollution damages areas of the brain needed to constrain aggressive impulses. Vietnam veterans with prefrontal lobe damage have this problem 35 years later. The Middle East has some of the highest air pollution in the world, with the highest in Saudi Arabia.

We are slowly dying in a gas chamber of our own making. Fossil fuel combustion exhaust is a primary source of air toxins.

Human I.Q. is dropping worldwide at a rate of .6 I.Q. points per year. In 50 years, the average will drop from 100 to 70, and half the population will be mentally retarded. None will be smart enough to graduate from quality universities. Society as we know it will be impossible.

Sincerely,

Bill McConochie

1679 Willamette St Eugene, OR 97401-4013

Bill@Politicalpsychologyresearch.com

Attachment:

Comment categories linked to this comment: 171

Comment #487

Comment Period #1

Name: Anne Myrthue

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

My family and I live in SE Portland. Our neighborhood may not have the worst air quality in Portland, but we are concerned about the negative impacts of air pollution upon the health of all Portland communities, especially the communities who have the worst air quality and those citizens who are historically disadvantaged (including low-income communities and communities of color). We would like our elected officials to work on behalf of all Oregonians and put the long term health of our citizens above short or longterm industry profits.

Clean air is a fundamental need for all people, and it is the responsibility of the agency to ensure clean air for all Oregonians.

Thank you for this opportunity to give input.

Sincerely,

Anne Myrthue

1520 SE 54th Ave Portland, OR 97215-3328

myrthuea@gmail.com

Attachment:

Comment categories linked to this comment: 28, 140, 171, 246, 257

Comment #488

Comment Period #1

Name: Caitlin Hill

Organization: Coalition of Local Health Officials State: OR

Number of commenters: 1

Comment text: Dear Joe Westersund,

My name is Caitlin Hill and I am the Program Manager of the Coalition of Local Health Officials representing the 34 local public health departments in Oregon who work every day to protect and promote health within communities across Oregon. We know that clean air is imperative to public safety and appreciate the efforts of DEQ and OHA to improve Oregon's air regulation. Please see attached for our section by section comments on the Cleaner Air Oregon draft administrative rules.

Sincerely,

Caitlin Hill, MPH

(Pronouns: She/Her/Hers)

Program Manager

Coalition of Local Health Officials

503-975-6702

www.oregonclho.org

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/99314ec4-015d-489e-b000-9a89490f7852>

Comment categories linked to this comment: 45, 46, 65, 176, 235, 238, 263

Comment #489

Comment Period #1

Name: elizabeth adams

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

Please be fair and protect all neighborhoods. We will be glad to help you plan policies and interventions to address needs of the community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

elizabeth adams

1817 NE 54th Ave Portland, OR 97213-2753

adamse@ohsu.edu

Attachment:

Comment categories linked to this comment: 53

Comment #490

Comment Period #1

Name: Hester van Heemstra

Organization: State:

Number of commenters: 1

Comment text: As a part time resident of Columbia Ecovillage in the Cully, I find it ironic that even though the community I chose to live in has a high air pollution (resulting from diesel emissions) according to the Neighbors for Clean Air association. I also find it very ironic that while the City of Portland benefits from the name "greenest city" in many surveys, the measured air pollution and lead found in water show that 2 off the most essential ingredients to a healthy life are not being given

enough attention by city and state authorities. This will come back to hurt this green reputation, once news gets out and nothing is done. Nothing is more important than keeping and making our air and water clean. Human health should be the driver of regulatory action and past facilities must be held up to the same standards as new ones.

Attachment:

Comment categories linked to this comment: 171, 244, 246, 257, 263

Comment #491

Comment Period #1

Name: Angela Crowley-Koch

Organization: Oregon Environmental Council State: Oregon

Number of commenters: 1

Comment text: See attachment.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/8b1be080-4687-4eb0-90fb-c731bc7d80d4>

Comment categories linked to this comment: 4, 44, 45, 46, 62, 138, 171, 176, 235, 248, 258, 262, 263, 265

Comment #492

Comment Period #1

Name: Charlotte Sahnou

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and

industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Oregon is behind California in requiring clean air; Oregon needs to get on board and follow Lincoln County which has succeeded in taking the lead. Let's get this passed and in force now!!!

Charlotte Sahnaw

2756 Chad Dr.

Eugene, OR 97408

Attachment:

Comment categories linked to this comment: 51

Comment #493

Comment Period #1

Name: Connie Cloyed

Organization: State: OR

Number of commenters: 1

Comment text: Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

We suffered through evacuation due to wildfires this last autumn. The air quality around our home during that time was untenable. The famous Gorge winds brought smoke and coughs to all of us. And that doesn't count the things we cannot smellorsee!

Connie Cloyed

509 ne Thompson Mill Rd

Corbett, OR 97019

Attachment:

Comment categories linked to this comment: 51

Comment #494

Comment Period #1

Name: Michael Taylor

Organization: NIPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see comments in attached file.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3fde0085-c10b-4466-958c-6fc4c2abf63d>

Comment categories linked to this comment: 302, 303

Comment #495

Comment Period #1

Name: Colene Martin

Organization: Grnats Pass & Josephine County Chamber of Commerce State: OR

Number of commenters: 1

Comment text: See attached letter

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3cb44e87-be68-409b-9086-bc79e12cd4bb>

Comment categories linked to this comment: 11, 34, 87, 122, 170, 245, 361

Comment #496

Comment Period #1

Name: Sarah Radcliffe

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

I live in North Portland, fairly close to I-5. I'm worried about kids that attend two middle schools right by the freeway - Ockley Green and Harriet Tubman. Our neighborhood school is Ockley Green and that's where my kids will go to school. The air near our house often smells foul. If my family goes for a walk or bike ride nearer to the freeway, it smells really bad. My daughter has asthma.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Sarah Radcliffe

5529 N Vancouver Ave Portland, OR 97217-2401

sarahradcliffe@gmail.com

Attachment:

Comment categories linked to this comment: 53, 251

Comment #497

Comment Period #1

Name: Jesse Ford

Organization: State: OREGON

Number of commenters: 1

Comment text: I applaud your efforts to improve air quality in Oregon by closing regulatory gaps that affect human health. There is much to celebrate in the proposed rulemaking.

Three concerns, for the record:

(1) It looks as if you are essentially pulling back oversight of 2,420 facilities considered not to be of highest risk. We know, however, that if a facility is not actively regulated, the business has no incentive to keep its emissions low. Doesn't this approach potentially set the stage for deterioration of Oregon airsheds due to the multiplicity of lower risk facilities that will not be receiving regulatory oversight over the next five years? (2) Risk assessment on an analyte-by-analyte basis ignores potential synergistic effects (or the reverse!) in the cumulative effects setting of a well-mixed airshed. I encourage a focus on health risks of common *combinations* of air toxics. (3) Why is air permitted differently than water, which considers health of biota in addition to humans? Shouldn't this be changed at some point?

Thank you for considering these comments, and for the work that you do to protect the health, safety, and beauty of Oregon environments, for all our relations.

Attachment:

Comment categories linked to this comment: 42, 171, 173, 267

Comment #498

Comment Period #1

Name: Arran Robertson

Organization: Oregon Wild State: OR

Number of commenters: 465

Comment text: Please accept these 465 petition signatures from Oregonians.

Over 40 years after the passage of the federal Clean Air Act, Oregon is still facing major problems with air pollution. As the recent scandal over heavy metals and other dangerous toxins near schools in

Portland showed, current rules fail to protect our air, our environment, and our families. Even worse, for decades Oregon logging companies have used their political political clout skirt environmental safeguards.

The Cleaner Air Oregon proposal offers a positive step towards addressing the many failures of Oregon's current system for regulating and controlling air pollution--but only if it fully addresses all sources of pollution, and does not perpetuate the broken system of ignoring pollution from politically powerful logging interests.

I urged the Department of Environmental Quality to ensure Cleaner Air Oregon rules:

Fully include logging-related industries in order to protect the families and communities that live near them. There should be no carve outs or exemptions for politically well-connecting logging companies or mills.

No special treatment for Cross Laminated Timber (CLT) operations. CLT mills are notorious for emissions of volatile organic compounds (VOCs), formaldehyde, and other toxics.

No exemptions for wood-burning biomass energy facilities. Biomass plants pollute the air with soot, CO₂, and other harmful emissions, and present serious health risks for people with asthma, the elderly, and young children.

Use the precautionary principle. Where scientific uncertainty exists, err on the side of stronger, not weaker, pollution standards.

No loopholes for businesses based on size. Pollution is toxic regardless of whether it comes from a facility with 500 employees or 25.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/e63e7020-7d7e-4193-8e3e-755922d21edc>

Comment categories linked to this comment: 13, 43, 171, 237, 244, 246

Comment #499

Comment Period #1

Name: Paul Lewis

Organization: Clackamas, Multnomah and Washington Counties State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/ac8c8cb5-4d86-42b4-bdcc-2bc2b602ed5b>

Comment categories linked to this comment: 43, 44, 45, 46, 61, 75, 78, 133, 158, 171, 176, 177, 184, 186, 236, 265, 410

Comment #500

Comment Period #1

Name: Craig Smith

Organization: Northwest Food Processors Assn State: Oregon

Number of commenters: 1

Comment text: NWFPA's comments are attached.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/d580fd8c-50d8-4d49-bfae-0d1934d88efd>

Comment categories linked to this comment: 37, 45, 105, 122, 168, 170, 199, 245, 259, 309, 326, 361, 381

Comment #501

Comment Period #1

Name: Kymberly Jeka

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Kymerly Jeka

5325 N Haight Ave Portland, OR 97217-2402

kymerlyjeka@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #502

Comment Period #1

Name: Susan Smith

Organization: Oregon Association of Clean Water Agencies State: Oregon

Number of commenters: 1

Comment text: Please find attached the comment letter from the Oregon Association of Clean Water Agencies (ACWA) on the proposed Cleaner Air Oregon Rules. Thank you for the opportunity to comment.

Susan L. Smith

Executive Director

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/4d3a9046-a4cd-430b-a10f-6ca0be96a739>

Comment categories linked to this comment: 27, 30, 41, 45, 105, 146, 171, 181, 199, 257, 339, 410

Comment #503

Comment Period #1

Name: Dana Mozer

Organization: State: OR

Number of commenters: 1

Comment text: Please work toward the health of Oregonians and not for the financial benefit of polluters! It is time to make Oregon air as clean as our neighbors to the north and south, and it is shameful to not put strict policies in place to protect our environment and health.

Attachment:

Comment categories linked to this comment: 88, 171, 246

Comment #504

Comment Period #1

Name: Lee Pike

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Lee Pike

6715 NE Rodney Ave Portland, OR 97211-2325

leepike@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #505

Comment Period #1

Name: Rich Weber

Organization: Arauco North America State: Oregon

Number of commenters: 1

Comment text: Please see attached.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/2f78357a-eae0-44cb-b811-4997c57b33e4>

Comment categories linked to this comment: 11, 18, 22, 45, 66, 71, 87, 122, 249, 257, 259, 309, 326, 367, 386, 402

Comment #506

Comment Period #1

Name: Greg Thelen

Organization: State: Oregon

Number of commenters: 1

Comment text: We need cleaner air, and I believe the Cleaner Air Oregon draft proposal is a good start. As a concerned citizen I have followed the rulemaking process through the Technical Workgroup meetings and the Cleaner Air Oregon Advisory Committee processes, and the testimony of scientists and public health professionals is clear: air toxics are quantifiable and have measurable adverse health effects. Virtually every health professional involved is on record proposing highly protective standards in the proposed CAO regulations. Industry representatives often either deny the science or use fear tactics in an attempt to protect their profits and to avoid taking responsibility for the harmful effects of their activities. But taking steps to not release toxics into the atmosphere is a cost of doing business that must be assumed by all businesses. As an Oregon taxpayer, I believe the funding for environmental regulation must be completely paid by the polluter.

Cumulative health effects from multiple sources in a geographic area must be considered. There should be an upper limit of 50 in a million Cancer Index, and no greater than one in Hazard Index. All industries of all sizes must be regulated, whether new or existing, and with the same standards. Materials Balancing should be required for all companies handling toxics in order to reveal what is purchased and how it is used or disposed of. And finally, there should be some provision for Citizens to enforce the rules in case the State can't or won't. Thank you for your dedicated work so far. Do not be disheartened by the powerful industry lobbyists who regularly influence Oregon's Legislators, and who now want to gut these rules through underfunding, as they have so often hindered the DEQ's ability to operate successfully in the past. I need your help. All Oregonians need your help now.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3c9ba0a0-fe8d-4f33-8667-99f3eaaa80cb>

Comment categories linked to this comment: 13, 28, 29, 44, 45, 89, 133, 136, 140, 158, 171, 188, 237, 238, 246, 258, 263, 374

Comment #507

Comment Period #1

Name: Shirley Weathers

Organization: State: Oregon

Number of commenters: 1

Comment text: Comment Letter attached.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/bc92ceb4-039b-4185-86b8-06592e85fd33>

Comment categories linked to this comment: 158, 171, 188, 246, 258, 265

Comment #508

Comment Period #1

Name: Linda von Geldern

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Linda von Geldern

6025 NE 12th Ave Portland, OR 97211-4223

lvongeldern@live.com

Attachment:

Comment categories linked to this comment:

Comment #509

Comment Period #1

Name: glenn traeger

Organization: Portland Clean Air State: oregon

Number of commenters: 2

Comment text: See attached file

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/609ae5f6-5ff7-405c-b2ad-b70be9443432>

Comment categories linked to this comment: 8, 45, 46, 171, 176, 190, 195, 235, 272, 355

Comment #510

Comment Period #1

Name: Daniel Jaffee

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

My name is Dan Jaffee, and I live in the King neighborhood in Northeast Portland. Over the 10 years I have lived in Portland, I frequently go outside to find overpowering noxious odors from polluting facilities, among them APES and NORRCO in North Portland. Sometimes the odors are so strong that

they enter my home with all windows closed. I have called the DEQ Odor Line on many occasions, but never received meaningful follow-up from the agency on these complaints.

I have been alarmed to read of the extremely high rates of air toxics in my neighborhood and in all of the Portland area. I am even more disturbed to read of DEQ's chronic failure to alert the public to violations by industrial emitters such as APES, NORRICO, Precision Castparts, and Oroboros of their air permits, as well as its repeated failure to cite and/or penalize these firms for their wanton disregard of public health. It is clear to me that this is a question of undue industry influence over the DEQ, and that the fox has been guarding the henhouse.

This is why I was overjoyed when Governor Brown in 2016 promised us Cleaner Air Oregon-which would include a new, health-based emissions regulation program that uses human health as the primary factor in developing regulatory action, not corporate profits. However, I have been very concerned by what appears to be pressure from inside DEQ and from industry to weaken or eviscerate these new regulations before they are developed. DEQ must uphold Gov. Brown's promise both by tracking the health impacts of pollution and by meaningfully reducing emissions that pose risk to Oregon families and communities.

I have specific comments on a few elements of the proposal:

1. Director Discretion: DEQ has proposed a system in which the DEQ Director has the final authority to decide if a facility can continue to pollute beyond the permitted limit. This is a terrible proposal that violates the core principle of regulating based on risks to human health. Under this proposal, the DEQ director is not required to have any expertise on public health.

I urge you to remove this "director discretion" loophole.

2. Facility Emissions: The program currently proposes a hard cap of 500 cancers per million people per facility, beyond which no permits will be granted. This is a shocking, unacceptably high level of risk. A cap of 500 cancers per million per facility is the same as having no cap whatsoever! I urge you to lower this hard cap to only one (1) cancer per million people per facility.

3. Existing Versus New Facilities: All existing facilities must be held to the same health standards as proposed new facilities. The differing standards between existing and new facilities are not justified by any science, and appear to be merely a political handout to industry. Because public health is affected by toxic emissions regardless of a facility's age, you must eliminate any distinction between new and existing facilities in the regulations.

4. Diesel Emissions: I urge you to also include a diesel emission standard in Cleaner Air Oregon regulations. It is unacceptable and tragic that Oregon has far lower diesel emissions standards than our neighbors Washington and California do, and that we have become a dumping ground for dirty, noncomplying diesel engines from those states.

My health and that of my family is being harmed daily by the fact that Oregon's current air toxics regulations are so weak as to be virtually nonexistent. I am hoping that DEQ will hear the voices of citizens who are absolutely sick and tired of being forced to inhale toxic emissions at a dramatically higher rate than almost anywhere in the U.S. Are the lungs and bodies of Oregon's children and adults less valuable, less worth protecting than those who happen to live in neighboring states?

Please strengthen these draft regulations to provide genuinely meaningful protection for human health of Oregonians.

Thank you for your attention

Sincerely,

Daniel Jaffee

4723 NE 14th Ave Portland, OR 97211-5011

dsjaffee@gmail.com

Attachment:

Comment categories linked to this comment: 46, 54, 88, 171, 238, 248, 251, 257, 263, 265

Comment #511

Comment Period #1

Name: David Chatfield

Organization: State: OR

Number of commenters: 1

Comment text: Public Health: We need a health-based program in which human health is the driver for regulatory action, not corporate and industry pressure.

Environmental Justice: Low-income and communities of color face disproportionate impacts from air pollution. It is DEQ's responsibility to bring the information to the community for their meaningful input.

Facility Emissions: The program proposes a hard cap of 500 cancers per million people per facility, beyond which permits will not be granted. This does not support or encourage innovation or improvement, and is essentially the same as no cap.

Existing vs. New Facilities: Existing facilities should have the same health standards as proposed new facilities. The public is affected by toxic emissions regardless of a facility's age.

Attachment:

Comment categories linked to this comment: 61, 86, 140, 246, 257, 263, 265

Comment #512

Comment Period #1

Name: Dawn Nafus

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live in the King neighborhood in Northeast Portland. In my neighborhood, I can smell overpowering noxious odors from polluting facilities, among them APES and NORRICO in North Portland. Sometimes the odors are so strong that they enter my home with all the windows closed. Calling the DEQ Odor Line has not resulted in follow-up from that agency

I am alarmed to hear of DEQ's chronic failure to alert the public to violations by industrial emitters such as APES, NORRICO, Precision Castparts, and Oroboros of their air permits, as well as its repeated failure to cite and/or penalize these firms for their wanton disregard of public health. It is clear to me that this is a question of undue industry influence over the DEQ, and that the fox has been guarding the henhouse.

I am concerned that Governor Brown's 2016 promise of "Cleaner Air Oregon" appears to be pressured from inside DEQ and from industry to weaken or eviscerate these new regulations before they are developed. DEQ must uphold Gov. Brown's promise both by tracking the health impacts of pollution and by meaningfully reducing emissions that pose risk to Oregon families and communities.

I have specific comments on a few elements of the proposal:

1. Director Discretion: DEQ has proposed a system in which the DEQ Director has the final authority to decide if a facility can continue to pollute beyond the permitted limit. This is a terrible proposal that violates the core principle of regulating based on risks to human health. Under this proposal, the DEQ director is not required to have any expertise on public health. I urge you to remove this "director discretion" loophole.

2. Facility Emissions: The program currently proposes a hard cap of 500 cancers per million people per facility, beyond which no permits will be granted. This is a shocking, unacceptably high level of risk. A cap of 500 cancers per million per facility is the same as having no cap whatsoever! I urge you to lower this hard cap to only one (1) cancer per million people per facility.

3. Existing Versus New Facilities: All existing facilities must be held to the same health standards as proposed new facilities. The differing standards between existing and new facilities are not justified by any science, and appear to be merely a political handout to industry. Because public health is affected by toxic emissions regardless of a facility's age, you must eliminate any distinction between new and existing facilities in the regulations.

4. Diesel Emissions: I urge you to also include a diesel emission standard in Cleaner Air Oregon regulations. It is unacceptable and tragic that Oregon has far lower diesel emissions standards than our neighbors Washington and California do, and that we have become a dumping ground for dirty, noncomplying diesel engines from those states.

I do not choose the air I breathe. Corporate interests and DEQ failure should not be able to decide whether or not I am exposed to carcinogens and particulate matter that causes cardiovascular disease.

Please strengthen these draft regulations to provide genuinely meaningful protection for human health of Oregonians.

Sincerely,

Dawn Nafus

4723 NE 14th Ave Portland, OR 97211-5011

dnafus@gmail.com

Attachment:

Comment categories linked to this comment: 54

Comment #513

Comment Period #1

Name: Katharine Salzmann

Organization: State: Oregon

Number of commenters: 1

Comment text: I support the proposed Cleaner Air Oregon rules as written. I think they are an essential first step in the State's long-overdue effort to regulate air quality based on human health. Please see attached document for my full comments.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/8cb89af6-6856-432f-ba01-6683979af1b0>

Comment categories linked to this comment: 43, 123, 171, 237, 238, 244, 246, 258, 319

Comment #514

Comment Period #1

Name: Natalie Leavenworth

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Natalie Leavenworth

7417 N Mobile Ave Portland, OR 97217-5751

natleaven@yahoo.com

Attachment:

Comment categories linked to this comment: 53

Comment #515

Comment Period #1

Name: Katharine Salzmann

Organization: Eastside Portland Air Coalition State: Oregon

Number of commenters: 2

Comment text: Joe, here is a streamlined and updated version of EPAC's comments on CAO for the formal record, attached. Thanks.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/b828bb7d-2851-48df-b407-e275c2c85ada>

Comment categories linked to this comment: 28, 29, 42, 43, 45, 46, 89, 90, 133, 136, 140, 158, 176, 235, 238, 248, 257, 258, 272, 311, 312, 318

Comment #516

Comment Period #1

Name: ed gorman

Organization: State: oregon

Number of commenters: 1

Comment text: I think the proposal is very good with this exception. I do not have a lot of faith in self reporting. There are always a few who try to game the system across all of life's activities. I may have missed it but the proposal seems absent of an inspection element. I recommend a system of spot inspections be a component of the regulations. They could be at different intervals for different risk levels. 3, or 5, or 7, or 10, whatever seems appropriate for the respective risk levels. Public health is too important to leave a loophole for the unscrupulous to pass through

Attachment:

Comment categories linked to this comment: 92, 171

Comment #517

Comment Period #1

Name: Julie DiLeone

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live in North Portland, and often smell fumes from the nearby industrial area. I strongly feel that the State of Oregon needs to prioritize the health of it's residents over the demands of the industrial lobby. Our land use laws allow for industrial areas to be next to neighborhoods. This makes it even more important that industry does everything possible to minimize pollution.

In my opinion, many of Oregon's environmental regulations have been concerned with protecting the interests of industry and that has to change. The strategy of polluters in this state is to pay lobbyists to pressure the legislators to strip the teeth out of our laws and under fund our enforcement agencies by threatening the lose of jobs. Please continue to stand up to industry even under this threat and the threat of law suits. Our health depends on it.

I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

In addition, I urge you to make the industrial permits and applications available online to improve transparency and public access to this crucial information. In this day and age, it is ridiculous that the burden is on the public to make an appointment and go to a DEQ or city office to access this public information.

Sincerely,

Julie DiLeone

9200 N Chase Ave Portland, OR 97217-7410

pdxjad@gmail.com

Attachment:

Comment categories linked to this comment: 53, 61, 235

Comment #518

Comment Period #1

Name: Judith Mowry

Organization: Select Year State: OR

Number of commenters: 1

Comment text: We need health-based air quality regulations NOW: I support Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #519

Comment Period #1

Name: Beth Ronk

Organization: State: Oregon

Number of commenters: 1

Comment text: Protect vulnerable communities: Cleaner Air Oregon Now! I live in Cully, Portland, where the air is already polluted. We need regulations!

Attachment:

Comment categories linked to this comment: 137, 171, 244

Comment #520

Comment Period #1

Name: ineke Deruyter

Organization: State: OR

Number of commenters: 1

Comment text: We need health-based air quality regulations NOW: I support Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #521

Comment Period #1

Name: Harry Kershner

Organization: State: OR

Number of commenters: 1

Comment text: We need health-based air quality regulations NOW: I support Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #522

Comment Period #1

Name: Henry Tilghman

Organization: Tilghman Associates State: OR

Number of commenters: 1

Comment text: We need health-based air quality regulations NOW: I support Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #523

Comment Period #1

Name: Lisa Spring

Organization: State: Or

Number of commenters: 1

Comment text:

We need health-based air quality regulations NOW: I support Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #524

Comment Period #1

Name: Annette Hadaway

Organization: State: OR

Number of commenters: 1

Comment text: Citizens have the right to know what toxins are in the air. Corporations have shown again and again that their bottom line is more important than a healthy society. Cleaner Air Oregon is a absolute necessity.

Attachment:

Comment categories linked to this comment: 11, 61, 86, 133, 171, 246

Comment #525

Comment Period #1

Name: Natasha Stoudt

Organization: State: OR

Number of commenters: 1

Comment text: I want health-based regulations for air quality in Oregon!

Attachment:

Comment categories linked to this comment: 171, 257

Comment #526

Comment Period #1

Name: Cindy Zapata

Organization: State: Oregon

Number of commenters: 1

Comment text: I support Cleaner Air Oregon!

Attachment:

Comment categories linked to this comment: 171

Comment #527

Comment Period #1

Name: Suzanne Klassen

Organization: private citizen State: Oregon

Number of commenters: 1

Comment text: I support Cleaner Air Oregon! I want to breathe healthy air and I want my kids to breathe healthy air too! Clean it up!!!

Attachment:

Comment categories linked to this comment: 171, 257

Comment #528

Comment Period #1

Name: Blakesley Clapp

Organization: State: or

Number of commenters: 1

Comment text: Protect vulnerable communities: Cleaner Air Oregon Now!

Attachment:

Comment categories linked to this comment: 140, 171

Comment #529

Comment Period #1

Name: Elissa Mendenhall

Organization: Dr. State: OR

Number of commenters: 1

Comment text:

Attachment:

Comment categories linked to this comment:

Comment #530

Comment Period #1

Name: stacey schroeder

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Hello, while the CAO program is a step in the right direction, it could be so much better.

The draft air program rules have been significantly watered down from the original suggested program. I would ask that you make CAO program stronger and restore the original draft Air Program Rules. The current rules do the same old thing and support industry. This is not a question of jobs vs health. We know that this is not a job killer. We want strong, robust health based standards. Industry does not need to put profit over people. Vigor Industries has made significant voluntary changes to decrease emissions, diesel and odors. They worked and continue to work with the neighborhood by signing a Good Neighbor Agreement and putting it in their Title V permit so they are required by law to make these changes. They are thriving despite making positive changes and are even voluntarily making these changes at their other plants. Emissions can be lowered without killing job.

I have been working on trying to clean up North Portland's air (really everyone's air in Portland) for the past 6+years. I find it maddening that old companies are grandfathered in and not held to the same standards that new companies are in their permits. I want best possible technology used to protect my family from the isocyanate paints that are coming out of Daimler's truck plant with no special equipment installed to remove these isocyanates (cancer causing and neurotoxic) into our neighborhood which we smell and breathe on a daily basis. Due to these paint odors there are often times that we go

inside from playing outdoors and enjoying our yard and neighborhood. We find our eyes and nose burning from the paint odors. We get headaches from breathing the paint odors. My asthma has become so bad that I am finding my self in urgent care multiple times during the winter and three times just last month. I did not grow up with asthma, but was diagnosed after moving to and living in Portland for 10 years. I can only feel the lax emission standards of Oregon contributed to my diagnosis.

Despite multiple odor reports over the past 6 years, nothing has changed despite a nusiance investigation regarding Daimler. How does the new CAO program deal with nusiance? I would specifically request that the new CAO program support the current program to respond to nusiance complaints. We know that the emissions from Swan Island directly impact our University Park neighborhood since the odors are a significant indicator of where emissions travel.

Please make the necessary changes to the CAO rules to restore them to the original stronger health based standards that they were intended in an attempt to protect my and my family's health. Only then will you be ensuring that ALL communities are safer and healthier in Oregon.

Best regards, Stacey Schroeder

North Portland Air Quality - 300+ members strong

Sincerely,

stacey schroeder

7082 N Wellesley Ave Portland, OR 97203-4742

stacey.schroeder.moultrie@gmail.com

Attachment:

Comment categories linked to this comment: 97, 171, 246, 248, 251, 263

Comment #531

Comment Period #1

Name: Sarah Iannarone

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry ABOVE those of residents and that has to change. Cleaner Air Oregon is a unique chance to lower those

negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Sarah Iannarone

15075 SE Powell Blvd Apt 10 Portland, OR 97236-2495

ss.iannarone@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #532

Comment Period #1

Name: eller

Organization: self State: OR

Number of commenters: 1

Comment text: Need better air!

Attachment:

Comment categories linked to this comment: 171

Comment #533

Comment Period #1

Name: Deb Lowenthal

Organization: State: Oregon

Number of commenters: 1

Comment text: DEQ and Cleaner Air Oregon are chartered to advocate for environmental quality and all rules should reflect that. Of course, that means good quality - not acceptance of a lower quality than we can achieve. Rules should not focus on job market impact or convenience of the industry lobbyists - balancing differing interests is the job of the legislature and the governor. While EQC and DEQ are advocates for the environment, others have the role of advocating for business interests. Impact on job markets can be interpreted in different ways. While some business may claim they can't afford to comply with good environmental policy, we've seen that claim is often not the case as many companies thrive and increase profits, as well as EQC & DEQ should not be in the business of subsidizing failing companies. If a business can't afford to operate cleanly and without harming the community, they should not be operating and probably are on borrowed time anyway. You need to accept that the future economy and job market is green. Good environmental policy IS good economic policy.

Oregon is seen as a 'green' state, a beautiful natural wonder and a clean, healthy place to live - that is our brand. If we do not protect our resources and our people, we will be outed as betraying this brand we project - and that will not be good for Oregon business and growth.

Good environmental policy is focused on rules based on the health of the environment and the health of the community, monitoring for compliance, enforcement with consequences that impact, and zero-tolerance for pollution-induced illness. We should not be negotiating the number of acceptable cases of cancer, that would otherwise not have occurred, due to industrial poison output. You must look at your children and their friends and your neighbors - and accept that it could be one of them. And then you must refuse to accept that. As someone who has been battling a mystery disease for over seven years since I moved into the Bullseye Glass neighborhood, I can tell you that I grieve for the life I lost for the mistake I made - though I did nothing wrong. Not only have I endured the medical treatment - 7 years of steroids and chemotherapy and surgeries - but my career was stopped as well because I moved to the wrong part of Portland.

You must be, and the rules you make must be, advocates for the benefit of a healthy environment that supports healthy citizens - NO mitigation for other concerns - strictly focused on what the name of your commission labels you - environmental quality

Attachment:

Comment categories linked to this comment: 45, 93, 171, 246, 248

Comment #534

Comment Period #1

Name: Scott Mizee

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Scott Mizze

7051 N Wellesley Ave Portland, OR 97203-4700

mizees@gmail.com

Attachment:

Comment categories linked to this comment: 53

Comment #535

Comment Period #1

Name: Steven LaFranchi

Organization: State: OR

Number of commenters: 1

Comment text: The proposed rules are not in the best interest of Oregonians. Poorly understood health-based criteria and suspect emission data based on dubious emission factors and emission testing protocols do not make for good rulemaking!

Oregon should not adopt a regulatory scheme with potentially dire consequences to our health and economy!

Attachment:

Comment categories linked to this comment: 122, 129, 170, 249, 319

Comment #536

Comment Period #1

Name: Lea Gillette

Organization: State: OR

Number of commenters: 1

Comment text: I want health-based regulations for air quality in Oregon!

Attachment:

Comment categories linked to this comment: 171, 257

Comment #537

Comment Period #1

Name: Anthony Ponticello

Organization: Portland State State: Oregon

Number of commenters: 1

Comment text: We need stronger air quality regulations to protect the health of all communities: I support Clean Air Oregon.

Attachment:

Comment categories linked to this comment: 28, 171, 248

Comment #538

Comment Period #1

Name: Thomas Karwaki

Organization: University Park Neighborhood Association State: Oregon

Number of commenters: 1

Comment text: The Board of Directors of the University Park Neighborhood Association request that DEQ consider the following comments on its Cleaner Air Oregon rules. UPNA represents over 8,500 residents in North Portland on the Willamette Bluff including the University of Portland. It lies above Swan Island and is just north of most of the fuel and chemical tank farms south of the Willamette River, glass and other manufacturers and receives massive volumes of diesel emissions from Swan Island and I-5.

First, to truly be effective diesel emissions need to be considered. North Portland has the highest emissions in the state. These emissions are directly linked to manufacturing on Swan Island as demonstrated in air basin modelling done by the University of Portland. In fact diesel emissions dropped significantly when Vigor Shipyards voluntarily switched to shore electrical power rather than marine engines for the vessels it repairs. DEQ should examine and incentivize this type of behavior by private firms and the Ports.

Second, UPNA is a rapidly diversifying neighborhood with over 20 languages so the DEQ Clean Air rules and public engagement materials should be translated into at least the 8 major languages suggested by the Portland Office of Neighborhood Involvement.

Third, Facility Emissions: The program proposes a hard cap of 500 cancers per million people per facility, beyond which permits will not be granted. This does not support or encourage innovation or improvement, and is essentially the same as no cap.

Fourth, Existing vs. New Facilities: Existing facilities should have the same health standards as proposed new facilities. Our neighborhood is affected by toxic emissions regardless of a facility's age. In fact the older facilities emit more emissions.

UPNA and Arbor Lodge NA has a Good Neighbor Agreement with Vigor Shipyards as well as Neighbors for Clean Air. This GNA provides a mechanism for the community to be educated about the operations of Vigor, its emissions, and the costs and technologies involved in reducing the emissions. DEQ should incentivize companies to implement similar GNAs so that community can be involved in developing and monitoring an Emissions Reduction Plan. Community members can be involved in decisions that affect jobs and air quality. The GNA creates a framework for company-community dialogue and problem solving that would work well in a Cap and Trade system.

If you have questions about these comments, please contact Tom Karwaki, former UPNA Chair and Vice Chair and current Chair of the Land Use and Transportation Committee.

Sincerely,

Tom Karwaki

253.318.2075 cell

Attachment:

Comment categories linked to this comment: 61, 74, 78, 82, 97, 238, 263, 265

Comment #539

Comment Period #1

Name: Lauren Graham

Organization: North American Metals Council (NAMC) State:

Number of commenters: 1

Comment text: Appended are comments from the North American Metals Council (NAMC). Thank you for this opportunity.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3eb8c221-ca46-4db1-9b57-76cf5613e408>

Comment categories linked to this comment: 283, 302, 318

Comment #540

Comment Period #1

Name: kevin wright

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

I'm fairly certain the fumes I'm smelling are paint from Daimler. These fumes are so bad we don't let our kids play outside. Let's address the poor air quality before we have another bullseye glass situation and our kids suffer the consequences of our inaction.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

kevin wright

5330 N Yale St Portland, OR 97203-5250

skihard44@hotmail.com

Attachment:

Comment categories linked to this comment: 53, 97

Comment #541

Comment Period #1

Name: Leslie Piper

Organization: 1960 State: OR

Number of commenters: 1

Comment text: I support clean air in Oregon!!!

Attachment:

Comment categories linked to this comment: 171

Comment #542

Comment Period #1

Name: Ruth Gundle

Organization: The Eighth Mountain Press State: OR

Number of commenters: 1

Comment text: I support Cleaner Air Oregon!

Attachment:

Comment categories linked to this comment: 171

Comment #543

Comment Period #1

Name: Glenn Traeger

Organization: Portland Clean Air State: Oregon

Number of commenters: 1

Comment text: See Attached File

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/804428c0-e579-4f46-93b1-916ca6f63738>

Comment categories linked to this comment:

Comment #544

Comment Period #1

Name: Alysha Barbour

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

As a healthcare provider, I regularly treat patients with lung ailments, some who have low grade, life-time exposures to industrial air pollutants. I strongly support Cleaner Air Oregon's initiatives to protect the future health of our citizens.

Alysha Barbour

144 Wonderly Dr

St Helens, OR 97051

Attachment:

Comment categories linked to this comment: 51, 244

Comment #545

Comment Period #1

Name: Michael Gallagher

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Oregon needs a system that monitors public health risks based on proximity to the emission source, not as part of an overall air shed measurement.

Michael Gallagher

2028 NE 50th Way

Hillsboro, OR 97124

Attachment:

Comment categories linked to this comment: 11, 51

Comment #546

Comment Period #1

Name: Dorothy Waltz

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The Air Rules that the EQC and DEQ recommends to Cleaner Air Oregon for adoption will not cause Intel to move. Intel will fight hard to reduce their operating costs by making the rules less restrictive and therefore less expensive for them to comply

Dorothy Waltz

3212 Lavina Dr

Forest Grove, OR 97116

Attachment:

Comment categories linked to this comment: 51, 97

Comment #547

Comment Period #1

Name: Rachael DeBuse

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Let us reward innovators of newer cleaner technologies by moving away from older and less effective technologies.. Oregon citizens deserve these more stringent protections!

Rachael DeBuse

1640 E Beacon Drive

Eugene, OR 97404

Attachment:

Comment categories linked to this comment: 51

Comment #548

Comment Period #1

Name: Linda Feik

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

As a member of the community, a mother and a grandmother, I urge you to establish the air quality rules that will ensure a healthy environment for all of us. The priority must be health of the citizens and businesses must operate within that goal.

Linda Feik

3363 Lavina Dr.

Forest Grove, OR 97116

Attachment:

Comment categories linked to this comment: 51, 246

Comment #549

Comment Period #1

Name: Loren Waltz

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The Air Rules that the EQC and DEQ recommends to Cleaner Air Oregon for adoption will not cause Intel to move. Intel will fight hard to reduce their operating costs by making the rules less restrictive and therefore less expensive for them to comply

Loren Waltz

3212 Lavina Dr

Forest Grove, OR 97116

Attachment:

Comment categories linked to this comment: 51, 97

Comment #550

Comment Period #1

Name: Heather Tramp

Organization: Klamath County Chamber of Commerce State: Oregon

Number of commenters: 1

Comment text: We are writing in opposition of the proposed rules for Cleaner Air Oregon. The proposed rules could create the most restrictive air toxics program in the country, which could drive many businesses out of the state and hurt our economy while doing little to improve human health. The loss of manufacturing businesses would mean a loss of jobs and in a rural area like Klamath County, the results would be particularly hard felt.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/cc8b2874-7720-4a13-a1b5-ba1c42a4affb>

Comment categories linked to this comment: 11, 87, 122, 149, 170, 245, 361

Comment #551

Comment Period #1

Name: Victoria Lowe

Organization: State: OR

Number of commenters: 1

Comment text: see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/88bc66e9-331c-4cfd-9a27-2daf0f580a4b>

Comment categories linked to this comment: 43, 94, 136, 210, 237, 244, 246, 248

Comment #552

Comment Period #1

Name: Maura Fahey

Organization: Crag Law Center State: OR

Number of commenters: 1

Comment text: See attached comments on behalf of NAACP Portland Branch, Neighbors for Clean Air, Northwest Environmental Defense Center, OPAL Environmental Justice, Oregon Physicians for Social Responsibility, and Verde.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/5a239722-3b1e-4ae7-a36f-4869ed76a3c6>

Comment categories linked to this comment: 1, 4, 44, 45, 46, 61, 62, 64, 66, 78, 80, 81, 86, 99, 100, 102, 107, 108, 113, 118, 138, 176, 184, 213, 214, 232, 235, 246, 262, 263, 272, 317, 334, 346, 348, 349, 354, 410

Comment #553

Comment Period #1

Name: michael gaskill

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

My children and my community deserve clean air, and I don't give a damn whether 'industry' likes it or not. Thank you for serving the public good.

michael gaskill

8581 nashville rd

edville, OR 97343

Attachment:

Comment categories linked to this comment: 51

Comment #554

Comment Period #1

Name: Glendora Claybrooks

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Intel will fight to reduce operating costs by making the rules less restrictive and therefore less expensive to comply, but they will comply with stricter emission rules so that they can operate their massive manufacturing chip plants.

Glendora Claybrooks

12017 SW Tualatin Rd. Apt. 721, 721

Tualatin, OR 97062

Attachment:

Comment categories linked to this comment: 51, 97

Comment #555

Comment Period #1

Name: Del Allen

Organization: State: WA

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The longer we wait to clean up pollution in the air and water, the more sickness and health problems we will face, the more expense for health care and the more unproductive people we will have to take care of. Look at China!!

Del Allen

101 Patrick Lane

Washougal, WA 98671

Attachment:

Comment categories linked to this comment: 51, 123

Comment #556

Comment Period #1

Name: Vonnie Mikkelsen

Organization: Springfield Area Chamber of Commerce State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/1ad549f4-bedd-4412-bfda-25e2686601dc>

Comment categories linked to this comment: 11, 15, 18, 122, 170, 245, 361

Comment #557

Comment Period #1

Name: Susan Monson

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The Air Rules that the EQC and DEQ recommends to Cleaner Air Oregon for adoption will not cause Intel to move. Intel will fight hard to reduce their operating costs by making the rules less restrictive and therefore less expensive for them to comply with, but they will comply with stricter emissions rules so that they can operate their massive manufacturing chip plants.

Susan Monson

2002 SE 59th Ave

Portland, OR 97215

Attachment:

Comment categories linked to this comment: 51, 97

Comment #558

Comment Period #1

Name: Rick Rappaport

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Name the 3 most important necessities to sustain life on Earth:

1. Non toxic Air

2. Non toxic Water

3. Non toxin Air

Rick Rappaport

2218 N.E.Gile Terrace

Portland, OR 97212

Attachment:

Comment categories linked to this comment: 51

Comment #559

Comment Period #1

Name: Sergio Acena

Organization: State: OR

Number of commenters: 1

Comment text: I support increasing the air discharge fees as well as rebates for electric vehicles.

Attachment:

Comment categories linked to this comment: 158

Comment #560

Comment Period #1

Name: Traylor Champion

Organization: Georgia-Pacific LLC State: Georgia

Number of commenters: 1

Comment text: See Attached. Thank you

Attachment:

Comment categories linked to this comment:

Comment #561

Comment Period #1

Name: Eric Wilson

Organization: State: OR

Number of commenters: 1

Comment text: Keep the rules and enforcement such that we can all be sure our children are breathing healthy air and have an opportunity to thrive in our communities.

Attachment:

Comment categories linked to this comment: 171, 247, 257

Comment #562

Comment Period #1

Name: Dale Feik

Organization: State: OR

Number of commenters: 2

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The Air Rules that the EQC and DEQ recommends to Cleaner Air Oregon for adoption will not cause Intel to move. Intel will fight hard to reduce their operating costs by making the rules less restrictive and therefore less expensive for them to comply with, but they will comply with stricter emissions rules so that they can operate their massive manufacturing chip plants

Dale Feik

3363 LAVINA DR

FOREST GROVE, OR 97116

Attachment:

Comment categories linked to this comment: 51, 97

Comment #563

Comment Period #1

Name: Rowan Baker

Organization: Unaffiliated - public citizen State: Oregon

Number of commenters: 1

Comment text: Control industrial emissions - it's time to admit past failures to regulate and protect our health and the health of our children. Let's do the right thing: crack down on toxic pollution in our communities.

We need thoughtful, protective, health-based air quality regulations NOW: I support Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 171, 244, 257

Comment #564

Comment Period #1

Name: Paige Spence

Organization: Oregon League of Conservation Voters State: Oregon

Number of commenters: 503

Comment text: Please see attached document for comments signed by over 500 Oregonians.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3d475c0b-3df7-4d1b-ac3f-4a479b62f700>

Comment categories linked to this comment: 28, 29, 45, 235, 244, 246

Comment #565

Comment Period #1

Name: Judith Barrington

Organization: Soapstone, Inc State: Oregon

Number of commenters: 1

Comment text: I want health-based regulations for air quality in Oregon!

Attachment:

Comment categories linked to this comment: 171, 257

Comment #566

Comment Period #1

Name: D Blake

Organization: State: OR

Number of commenters: 1

Comment text: I am in favor of passing the Cleaner Air Oregon rules because, although they are not perfect, they begin the process toward stronger regulation that is needed to protect the health of all of Oregon's citizens. Requiring facilities to report their emissions yearly should be mandatory. Without data, no meaningful improvements can take place. As in most other states, these collection and analysis activities should be funded by air emission inventory fees paid by the emitters. (Usually somewhere between \$50 and \$100 per ton of regulated pollutants, depending on the overall fee target needed to support DEQ operations.)

However, after reading through the entire draft, it is my opinion that the proposed rules don't go far enough to ensure that adequate enforcement can occur. For example, allowing the DEQ director some discretion in letting polluters continue to exceed permitted amounts is paradoxical. As any school child knows, in order for rules to be fair and respected, they must be followed by everyone and everyone has to know that established, predetermined consequences will occur to everyone who does not comply. I

believe that without both parts, many entities will try to find ways around the rules in order to "level the playing field."

Additionally, there is not enough in the proposed rules to enable more serious follow-through on enforcing regulations. For example, American Petroleum Environmental Services had continued to avoid any meaningful consequences for their non-compliance for far longer than reasonable. These new rules do not go far enough in ensuring failure to comply will be swiftly and seriously dealt with.

Attachment:

Comment categories linked to this comment: 46, 93, 94, 97, 158, 161, 171, 236

Comment #567

Comment Period #1

Name: Leslie Poston

Organization: State: OR

Number of commenters: 1

Comment text: Recently, I purchased a home in North Portland, near Peninsula Park. The pollutants in the air are a palpable, odor-filled, asthma inducing presence most of the time. Between the major highway running through the area, just a block from our homes, to the large semi-trucks that travel down our residential streets when freeway traffic is bad, to the many industrial plants surrounding our neighborhood and the neighbors on Hayden Island, there is no day that does not reek of pollution and cause difficulty breathing.

I don't believe these proposed changes go far enough to stop pollution, nor do they acknowledge all of the different types of pollution being put into our air, nor do they impact the sources of the pollution deeply enough. They should include all polluters, new and existing, the "acceptable" level should be drastically lower, and more monitoring should be done in locations that are closer to the sources of pollution and the neighborhoods that impact.

In addition to making the regulations on industrial polluters and highway polluters more strict, creating (and enforcing) residential pollution curbs, such as banning field, backyard burns, and firepit burning, and requiring abatement devices on wood burning stoves, etc should be enforced.

Attachment:

Comment categories linked to this comment: 11, 235, 238, 258

Comment #568

Comment Period #1

Name: Dennis Poklikuha

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For 25 years I have been breathing the pollution from the Swan Island Daimler truck assembly plant, located just one half mile below my home.

This plant must be held to the same standards that new industry is held to. I cannot, nor can my family, go outside when they are painting.

This industry has seriously impacted our neighborhood's quality of life, and it must clean up its act. Daimler has always been very uncooperative in working with our community, and stiffer laws would hopefully force them to clean up our air.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Dennis Poklikuha

7063 N Wellesley Ave Portland, OR 97203-4700

pokman2@earthlink.net

Attachment:

Comment categories linked to this comment: 53, 97, 263

Comment #569

Comment Period #1

Name: Joann Macey

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

Air quality in my community seems poor with the dirty trucks constantly driving through the center of town. Smells permeate the town on a regular basis.

We need experienced, quality, committed personnel at the state to oversee the health of Oregon citizens and follow through with eliminating problems. Protecting citizens should be the top priority for all regulations.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Joann Macey

1320 SW Hilary St McMinnville, OR 97128-5736

jomace123@gmail.com

Attachment:

Comment categories linked to this comment: 53, 238, 251

Comment #570

Comment Period #1

Name: Sarah Jurgensen

Organization: State: Oregon

Number of commenters: 1

Comment text: We need health-based air quality regulations. I support Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #571

Comment Period #1

Name: Lisa Arkin

Organization: Beyond Toxics State: OR

Number of commenters: 1

Comment text: See attached comments

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/83a29b30-e70e-4d62-95be-4a1d1494c919>

Comment categories linked to this comment: 11, 45, 132, 138, 158, 171, 176, 181, 257, 265, 373

Comment #572

Comment Period #1

Name: Neeraja Erraguntla

Organization: American Chemistry Council State: Washington, DC

Number of commenters: 1

Comment text: RE: ACC's Olefins Panel's Comments for Oregon DEQ's consideration for Proposed Rule Making for 1, 3 Butadiene (CAS # 106990).

Dear Ms. McMillan,

Per your request, please find attached Comments on Oregon DEQ's proposed Risk Based Concentrations in the Cleaner Air Oregon rulemaking for 1,3-Butadiene (CAS # 106990).

Please let me know if you have any questions.

Kind Regards,

Neeraja Erraguntla, Ph.D.; DABT | American Chemistry Council

Director, Chemical Products & Technology Division

neeraja_erraguntla@americanchemistry.com

700 2nd Street NE | Washington, DC | 20002

O: (202) 249-6712 C: (202) 779-0524

www.americanchemistry.com

see attachment (#1 of 3)

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/7b320e0e-51a3-478d-90e2-78ec289b1a5e>

Comment categories linked to this comment: 269, 296, 318

Comment #573

Comment Period #1

Name: Tara Herivel

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Tara Herivel

2644 N Baldwin St Portland, OR 97217-6210

tara@heriveldefense.com

Attachment:

Comment categories linked to this comment: 53

Comment #574

Comment Period #1

Name: Neeraja Erraguntla

Organization: American Chemistry Council State: Washington, DC

Number of commenters: 1

Comment text: RE: ACC's Olefins Panel's Comments for Oregon DEQ's consideration for Proposed Rule Making for 1, 3 Butadiene (CAS # 106990).

Dear Ms. McMillan,

Per your request, please find attached Comments on Oregon DEQ's proposed Risk Based Concentrations in the Cleaner Air Oregon rulemaking for 1,3-Butadiene (CAS # 106990).

Please let me know if you have any questions.

Kind Regards,

Neeraja Erraguntla, Ph.D.; DABT | American Chemistry Council

Director, Chemical Products & Technology Division

neeraja_erraguntla@americanchemistry.com

700 2nd Street NE | Washington, DC | 20002

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www.americanchemistry.com

see attachment (#2 of 3)

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/a3ffca83-91e3-415f-9776-f3b3f003dd08>

Comment categories linked to this comment: 318

Comment #575

Comment Period #1

Name: Maria Loper

Organization: State: Oregon

Number of commenters: 1

Comment text: Oregon should be leading the nation on health-based air quality regulations -- I support Clean Air Oregon.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #576

Comment Period #1

Name: Neeraja Erraguntla

Organization: American Chemistry Council State: Washington, DC

Number of commenters: 1

Comment text: RE: ACC's Olefins Panel's Comments for Oregon DEQ's consideration for Proposed Rule Making for 1, 3 Butadiene (CAS # 106990).

Dear Ms. McMillan,

Per your request, please find attached Comments on Oregon DEQ's proposed Risk Based Concentrations in the Cleaner Air Oregon rulemaking for 1,3-Butadiene (CAS # 106990).

Please let me know if you have any questions.

Kind Regards,

Neeraja Erraguntla, Ph.D.; DABT | American Chemistry Council

Director, Chemical Products & Technology Division

neeraja_erraguntla@americanchemistry.com

700 2nd Street NE | Washington, DC | 20002

O: (202) 249-6712 C: (202) 779-0524

www.americanchemistry.com

see attachment (#3 of 3)

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/e73e9a4c-7d3e-4cf2-8679-3ff369df1b31>

Comment categories linked to this comment: 318

Comment #577

Comment Period #1

Name: Tara Herivel

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live in Kenton and have lived in N. Portland for many years. I am very concerned about the air quality in Portland for all of us, most especially for my 4 year old who was born here and raised on Portland air. I was shocked to recently learn Portland has some of the worst air quality in the country, and am considering leaving if significant changes don't happen here soon. We care more than to let this be our, and our children's fates. Here are some suggestions:

1. Draft Air Program Rules have been watered down and include significant alterations from the original program. We want those alterations from the Cleaner Air Oregon program restored to the Draft Air Program Rule.
2. Most significantly for our neighborhood, we want existing facilities to be held to the same health standards as those proposed for new facilities. Our neighborhood is strongly, make that horrifically, impacted by Daimler's paint fumes. More significantly, it appears Daimler uses isocyanate based paint products and does not treat their paint fumes to remove the isocyanates before venting them into our neighborhood. Isocyanate paints cause cancer and are neurotoxic.
3. We live in a neighborhood surrounded by old existing facilities that pollute our air from the tank farms across the Willamette River to Malarkey Roofing across Columbia Blvd. Our neighborhood needs all existing facilities held to the same air quality rules as new facilities.
4. Its important to add personal experiences like personal history, problems, issues, or concerns that you have with air pollution in our neighborhood and the greater Portland air shed (do you get headaches, go inside to avoid odors, etc...).

Specifically related to nuisance since this is not addressed in CAO and this would be important to us regarding the current nuisance investigation with Daimler.

1. Nuisance implementation policy is not expressly addressed in CAO - it is important the CAO program support the current program to respond to nuisance complaints.

2. Nuisance odors from industry -while in and of themselves may not be toxic - are often important indicators about the movement of toxic emissions from an industrial source into an adjacent residential neighborhood.

Let's rise above together and work for change for the people, not big business. thank you.

Sincerely,

Tara Herivel

2644 N Baldwin St Portland, OR 97217-6210

tara@heriveldefense.com

Attachment:

Comment categories linked to this comment: 97, 171, 251, 263

Comment #578

Comment Period #1

Name: Bonnie kooken

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The Air Rules that the EQC and DEQ recommends to Cleaner Air Oregon for adoption will not cause Intel to move. Intel will fight hard to reduce their operating costs by making the rules less restrictive and therefore less expensive for them to comply with, but they will comply with stricter emissions rules so that they can operate their massive manufacturing chip plants.

Bonnie kooken

700 NE 68th Avenue

Hillsboro, OR 97124

Attachment:

Comment categories linked to this comment: 51, 97

Comment #579

Comment Period #1

Name: Steve Anderson

Organization: Clean Air Oregon Committee Member State: Oregon

Number of commenters: 1

Comment text: Comments on DEQ Risk Action Level Flow Chart

First, as a Clean Air Oregon Committee Member, I want to say thank you to staff for all your hard work and efforts to bring this matter forward.

Per the Risk Action Flow Chart, I believe that the "Existing Facility Risk Action Levels" are too high and not protective of public health, specifically:

The Additional Requirements greater than 100 cancer risk and greater than 10 noncancer risk levels.

There is strong scientific evidence and regulatory policy to support not exceeding a cancer risk of 100 in 1 million and a noncancer Hazard Risk Index of 5. I have offered verbal and written evidence to support this claim over the course of this process. Anything greater will not be protective of public health. DEQs goal to bring all existing facilities in Oregon below a cancer risk of 100 in 1 million and a noncancer Hazard Risk Index of 3 by 2030 further supports the above observation (comments) and I support this as a good regulatory policy and protective of public health as well as a plan that moves us forward in a manner than does not incur any one industry unfairly.

I strongly recommend the following that will be protective of public health and not deter from DEQs goal of cancer risk of 100 in 1 million and a noncancer Hazard Risk Index of 3 by 2030.

For Existing Facilities / Director Consultation Level:

Keep the cancer risk level at 100 and reduce the noncancer Hazard Risk Index from 10 to 5.

100 / 5

The noncancer Hazard Risk Index of 5 is an upper limit protective of public health and sensitive members of our population.

For Existing Facilities / No Permits Granted:

Reduce the cancer risk level from 500 to 200.

An upper cancer risk level of 500 in 1 million is not protective of public health.

It will result in Oregon's existing "good" air quality to degrade to unacceptable levels.

There is not reasonable justification to allow a 100 to 500 range here.

The 500 in 1 million cancer upper limit is a 400 percent change over the 100 in 1 million cancer risk level.

There is no evidence that this range is needed by existing facilities, and if there is such a case, no cost benefit analysis to support the need for such a high upper limit here.

For Existing Facilities / No Permits Granted:

Reduce the noncancer Hazard Risk Index from 30 to 10.

This upper limit of 30 is not health protective, and there is evidence that at this level adverse public health impacts will occur, especially for vulnerable members of our population.

The 30 noncancer Health Risk Index is a 200 percent change over the 10 noncancer Health Risk Index.

200 / 10 This still offers an acceptable range for the Director to decide on a case-by-case basis.

Attachment:

Comment categories linked to this comment: 46, 171, 258, 265

Comment #580

Comment Period #1

Name: Paul Jacobson

Organization: City of Corvallis State: OR

Number of commenters: 1

Comment text: Sent on behalf of Corvallis Mayor Biff Traber.

Paul Jacobson

Central Administrative Services Manager

City of Corvallis

501 SW Madison Avenue, Corvallis, OR 97333

PO Box 1083, Corvallis, OR 97339

Phone: (541) 766-6963 | Fax: (541) 766-6780

Paul.Jacobson@CorvallisOregon.gov

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c52032c8-5774-4421-9518-38c8af09f85a>

Comment categories linked to this comment: 158, 171, 240, 245, 248, 257

Comment #581

Comment Period #1

Name: Thomas Garrison

Organization: State: OR

Number of commenters: 1

Comment text: I would strongly urge Cleaner Air Oregon to not only include initiatives that set appropriate health based standards for emissions, but also consider the sensory and olfactory impacts of industry in residential areas. As a resident of SE Portland, I live near Precision Castparts and McClure Industries. Regardless of whether these two companies are within the limits of the standards currently in place and being proposed, initiatives should also consider other impacts. On a nearly a daily basis, I can smell the styrene in my yard and in my house (when windows are open) coming from McClure Industries. Their impact on the well being of my household and neighborhood can't be measured with solely health based standards. They shouldn't be allowed to emit substances that are so strong and pungent that you feel unsafe and light-headed when outside. It is unfair to the community surrounding them to not share common air with respect and stewardship. McClure's facilities impact our community beyond health, but in our day to day well being and happiness. McClure Industries and initiatives in Cleaner Air Oregon, need to get a hold of the noxious smells coming from this and other facilities.

Attachment:

Comment categories linked to this comment: 171, 251, 257

Comment #582

Comment Period #1

Name: Adam Bartell

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

It troubles me to no end that a state that as far as public relations & tourism goes, appears to pride itself on its choices as far as the environment goes, and yet we continually allow industry to dictate the terms of regulation and underfund/understaff those entities tasked with enforcement.

Practice what you preach!

On another note, I believe that industry can coexist with neighbors in areas of higher populations however, those industry's must not only listen to the concerns of their neighbors as it relates to their business practices but, address them in ways that are long term, meaningful and based on best practices not financial models.

Please do more, stop treating citizens of this state with such disregard when it comes to clean air.

Air is something none of use have a choice about, however you have a choice to make it better for all who inhabit and visit this state.

Do what needs to be done!

Sincerely,

Adam Bartell

4716 N Amherst St Portland, OR 97203-4714

seeclouds2@gmail.com

Attachment:

Comment categories linked to this comment: 74, 86, 158, 171, 245

Comment #583

Comment Period #1

Name: Thomas Garrison

Organization: N/A State: OR

Number of commenters: 1

Comment text: I would strongly urge Cleaner Air Oregon to not only include initiatives that set appropriate health based standards for emissions, but also consider the sensory and olfactory impacts of industry in residential areas. As a resident of SE Portland, I live near Precision Castparts and McClure Industries. Regardless of whether these two companies are within the limits of the standards currently in place and being proposed, initiatives should also consider other impacts. On a nearly a daily basis, I can smell the styrene in my yard and in my house (when windows are open) coming from McClure Industries. Their impact on the well being of my household and neighborhood can't be measured with solely health based standards. They shouldn't be allowed to emit substances that are so strong and pungent that you feel unsafe and light-headed when outside. It is unfair to the community surrounding them to not share common air with respect and stewardship. McClure's facilities impact our community beyond health, but in our day to day well being and happiness. McClure Industries and initiatives in Cleaner Air Oregon, need to get a hold of the noxious smells coming from this and other facilities.

Attachment:

Comment categories linked to this comment:

Comment #584

Comment Period #1

Name: Sharon Genasci

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ

must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

As a longstanding Oregonian who loves my state, I want DEQ to correct the current custom of allowing our air shed to be used as a dump to profit industry, and at great cost to our citizens who live near industry. Thank you.

Sharon Genasci

2217 NW Johnson st

Portland, OR 97210

Attachment:

Comment categories linked to this comment: 51, 246

Comment #585

Comment Period #1

Name: Zachery Emerson

Organization: NCASI State: Oregon

Number of commenters: 1

Comment text: The National Council for Air and Stream Improvement (NCASI) greatly appreciates the opportunity to submit comments on the Proposed Division 245 Rules (Rule 340-245-0005, "Cleaner Air Oregon" (CAO)), the Proposed Division 245 Tables and the Recommended Procedures for Air Toxics Health Risk Assessment guidance document. NCASI is a research organization engaged in conducting research on environmental topics relevant to the forest products industry. Over its 75-year history, NCASI has conducted studies in a variety of areas related to air emissions, and worked extensively in developing emissions data used in multiple National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemakings affecting this industry. NCASI also assisted EPA during the development and implementation of the 2011 Pulp and Paper Information Collection Request (ICR), which was used by EPA as part of the Residual Risk and Technology Review (RTR) of the pulping, bleaching and wastewater MACT ("Subpart S") and the pulp mill chemical recovery NESHAP ("Subpart MM"). NCASI has also assisted EPA in the development of the various iterations of the industrial boiler and process heater NESHAP ("Subpart DDDDD"). NCASI also has extensive experience assisting the forest products industry

and regulators in Oregon in the development and implementation of science-based solutions to environmental issues. As part of the Health Effects program, NCASI has historically focused on occupational and community health risk assessment for substances of interest to the forest products industry, such as hydrogen sulfide, formaldehyde, chloroform, and particulate matter, and is currently expanding that focus to include assessment and development of approaches for the derivation of air quality standards. We draw from our experience and long history of involvement in these areas in providing these comments on the CAO Rules and guidance document.

Detailed technical comments are attached to this submittal in a file titled "Oregon CAO Rulemaking - NCASI Comments - 1-22.pdf".

Our specific technical comments are related to NESHAPs, the Risk Evaluation Guidance document, the procedures for selecting RBCs, RBCs for select compounds and the general risk assessment process.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/f235ca70-7762-49ca-b8f5-ad0d5276059a>

Comment categories linked to this comment: 76, 278, 279, 281, 282, 285, 291, 292, 295, 301, 305, 324, 386

Comment #586

Comment Period #1

Name: Russ Batson

Organization: Polyurethane Foam Association State: Tennessee

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/48f4e9bf-69b3-4bf8-b5ae-4f27b1cc2ed0>

Comment categories linked to this comment: 196

Comment #587

Comment Period #1

Name: Leslie Pohl-Kosbau

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Please enforce the rules and try to get more monitoring along the freeways, too.

Leslie Pohl-Kosbau

7136 SW 3rd Ave

Portland, OR 97219

Attachment:

Comment categories linked to this comment: 8, 51

Comment #588

Comment Period #1

Name: Sarah McKenzie

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Taking our first breath of air signifies are being alive. Our last breath of air signals dying. Our need for clean air is basic to our living to our survival. Don't compromise it.

Sarah McKenzie

2309 SE 30

Portland, OR 97214

Attachment:

Comment categories linked to this comment: 51

Comment #589

Comment Period #1

Name: Jan Zuckerman

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to

enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Every day that passes, our air quality worsens. Please protect the public now.

Thank you

Jan Zuckerman

2914 NE 18th Ave.

Portland, OR 97212

Attachment:

Comment categories linked to this comment: 51

Comment #590

Comment Period #1

Name: m. lee zucker

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

...it's what makes Oregon...Oregon!

m. lee zucker

1966 Orchard st.

eugene, OR 97403

Attachment:

Comment categories linked to this comment: 51

Comment #591

Comment Period #1

Name: Lake Thelen

Organization: Metro State: Oregon

Number of commenters: 1

Comment text: Protect vulnerable communities: Cleaner Air Oregon Now!

Attachment:

Comment categories linked to this comment: 140, 171

Comment #592

Comment Period #1

Name: Spence

Organization: Oregon League of Conservation Voters State: Oregon

Number of commenters: 1

Comment text: Please see the attached comment from over 500 Oregonians. Thank you.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3c9de209-dffd-465e-be20-f30728a60fb0>

Comment categories linked to this comment:

Comment #593

Comment Period #1

Name: Jose Nava

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

In 2016, a number of uncontrolled industrial air toxics emissions were discovered in Oregon from

The Dalles to Portland to Corvallis, Things that regular citizen like me don't know or aware off, but I urge the DEQ and authorities to fix this problem.

Jose Nava

20144 SW Celebrity St

Aloha, OR 97078

Attachment:

Comment categories linked to this comment: 51

Comment #594

Comment Period #1

Name: Sharla Moffett

Organization: Western Wood Preservers Institute State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/d0ee8f02-509d-4f7c-b267-4000faa9d2d5>

Comment categories linked to this comment: 10, 15, 24, 30, 33, 45, 59, 66, 70, 79, 84, 87, 96, 105, 122, 168, 173, 199, 259, 309, 326, 327, 330, 346, 358, 361, 367, 390, 393, 394

Comment #595

Comment Period #1

Name: Robin Bloomgarden

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I'm so tired of seeing the polluters do whatever they want, and the humans are supposed to just sit by and suffer the consequences quietly. This has got to stop, and be strictly regulated in future.

Robin Bloomgarden

1430 Willamette St # 493

Eugene, OR 97401

Attachment:

Comment categories linked to this comment: 51

Comment #596

Comment Period #1

Name: Ruth Duemler

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

We need a carbon tax on emissions without trades or other problem ideas!

Ruth Duemler

1080 Patterson St. #303

Eugene, OR 97401

Attachment:

Comment categories linked to this comment: 26, 51

Comment #597

Comment Period #1

Name: TK Conrad

Organization: State: OR

Number of commenters: 1

Comment text: According to the Overview of proposed rules, "A business that exceeds a RAL [Risk Action Level] must lower its health risks as much as possible." I am concerned about the qualifier "as much as possible." Does this imply that it would be below the RAL, or simply as much as can be done? What if the business cannot lower its health risks below the risk action level? Is there a provision to require such industries to relocate to areas where they would not impact human health, or at least outside of densely-populated residential neighborhoods?

Attachment:

Comment categories linked to this comment: 98

Comment #598

Comment Period #1

Name: Ellen Porter

Organization: Roseburg Forest Products State: Oregon

Number of commenters: 1

Comment text: Please see attached comments on CAO Draft Rules

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/f01f7634-ad79-4c7a-b2ee-6e3dbab6eead>

Comment categories linked to this comment: 105, 180, 259, 326, 386

Comment #599

Comment Period #1

Name: Kannon McAfee

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is concerned about the negative impacts of air pollution upon the health of my community.

Just last night as I walked home from my writers meeting at Anna Bannana's Cafe, I breathed putrid smelling air from riverside industry.

While I understand bad smells are not necessarily toxic of themselves, they do indicate the reach of industry exhaust, which reaches across the whole of the North Portland Peninsula. I have breathed these fumes and worse across the entire length of the peninsula at various times since we have lived here.

I believe the Draft Air Program rules are too watered down from what has been proposed by citizens who live closest to some of Oregon's most active, most polluting industry. Please, restore the tighter standards of the Cleaner Air Oregon program.

Make people's health a higher priority than business as usual and the bottom line of industry.

DEQ should strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Hold existing polluters to the same public health standards as incoming new ones. This is especially important for those of us who live closest to these facilities. There should be no special exceptions of any kind given to Daimler, whose toxic paint fumes contain the neurotoxic carcinogen isocyanate.

DEQ should be constantly refining and improving nuisance reporting mechanisms.

Lastly, it is the responsibility of DEQ to engage community members for productive input and feedback, including providing accessible information, translation, and childcare services at community engagement events.

Sincerely,

Kannon McAfee

8015 N Lombard St Apt 11 Portland, OR 97203-3155

kannonmcafee@gmail.com

Attachment:

Comment categories linked to this comment: 45, 61, 86, 93, 140, 246, 248, 263

Comment #600

Comment Period #1

Name: Kimberly White

Organization: American Chemistry Council State: DC

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/932b6117-3964-4671-b69b-8518bacb3132>

Comment categories linked to this comment: 269, 277, 288, 291, 296, 300, 312, 315, 318

Comment #601

Comment Period #1

Name: Anonimas

Organization: State: OR

Number of commenters: 1

Comment text: see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/cf63f50d-264c-4119-aea4-13a763eb5605>

Comment categories linked to this comment: 171

Comment #602

Comment Period #1

Name: Laura Berg

Organization: State: Oregon

Number of commenters: 1

Comment text: Here's a question not included in the attached document: How will DEQ know when a Risk Action Level has been triggered? Self evaluation by the facility/company? If so, can we trust that system?

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/d6f972f1-c945-4760-b8d1-3609af3dd459>

Comment categories linked to this comment: 45, 46, 90, 171, 245, 263, 265, 272

Comment #603

Comment Period #1

Name: Curtis Lesslie

Organization: Ash Grove Cement Company State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c4d94516-67c3-47b1-a3af-bedb94607600>

Comment categories linked to this comment:

Comment #604

Comment Period #1

Name: Penny Meiners

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

Clear Air Oregon is indeed a "visionary program that would set a national standard on air quality and environmental stewardship."

1. The Draft Air Program Rules have been watered down and include significant alterations from the original Cleaner Air Oregon program. We want those alterations from the Cleaner Air Oregon program restored to the Draft Air Program Rules.

2. Most significantly for our neighborhood, we want Existing Facilities to be held to the same health standards as those proposed for new facilities. Our University Park Neighborhood sits atop the bluff overlooking Swan Island. It is strongly, make that horrifically, impacted by Daimler's paint fumes. Not only are their paint fumes an ongoing nauseating and irritating nuisance, it appears Daimler uses isocyanate based paint products and does not treat the exhaust from their paint booths to remove the isocyanates before venting them into our neighborhood. Isocyanate paints cause cancer and are neurotoxic.

3. We live in a neighborhood surrounded by old Existing Facilities that pollute our air from the tank farms across the Willamette River, to Daimler's truck manufacturing plant, to Malarkey Roofing across Columbia Blvd, and many others in between. Our neighborhood needs all Existing Facilities held to the same air quality rules as new facilities.

4. The argument that old Existing Facilities cannot afford to upgrade and will be forced out of business is nonsense. Vigor Industrial, which operates the shipyard down on Swan Island, hired a consulting firm to identify sources of air pollution from their facility and make recommendations for mitigating the identified problems. Vigor has implemented every recommendation and surprise surprise they are still in business. They are able to be both a good neighbor and provide solid middle income jobs in Portland area.

5. Lastly while Nuisance implementation policy was not expressly addressed in the Cleaner Air Oregon process, it is important that the proposed Air Program Rules support the current nuisance complaints process. Nuisance odors from industry, while in and of themselves may not be toxic, they are often important indicators about the movement of toxic emissions from an industrial source into an adjacent residential neighborhood.

Sincerely,

Penny Meiners

4723 N Willamette Blvd Portland, OR 97203-4779

endlesssummer02@gmail.com

Attachment:

Comment categories linked to this comment: 74, 97, 171, 263

Comment #605

Comment Period #1

Name: Robert Clapp

Organization: Citizen State: Oregon

Number of commenters: 1

Comment text: I whole-heartedly support Cleaner Air Oregon. The new air quality regulations were negotiated and written by intelligent, highly skilled, and deeply committed public servants and citizens. Please adopt the regulations as written and do not allow all that dedicated effort to be made irrelevant by the corporate lobbying efforts currently underway. Oregon needs health-based air quality regulations. Here they are. All you have to do at this point is accept and enforce them.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #606

Comment Period #1

Name: Paige Spence

Organization: Oregon League of Conservation Voters State: Oregon

Number of commenters: 1

Comment text: Please see the attached comment signed by over five hundred Oregonians.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/70857412-4923-4d58-991b-bf89f0ba4a61>

Comment categories linked to this comment:

Comment #607

Comment Period #1

Name: Jen Davis

Organization: Bee Friendly Portland State: OR

Number of commenters: 1

Comment text: Hello, I support all of Eastside Portland Air Coalition's comments for changes to the rules.

But further, I would like you to do more work studying the effects of pollution on plant tissue, not just through uptake in soils.

Also, please expand your research into health effects from air-pollution so you can better identify victims of pollution for redress.

Here is the explanation for these suggested changes: have given birth to and raised both of my children just 18 blocks from Bullseye Glass.

For decades I have grown 16 kinds of fruits and many of my family's veggies in our yard. A few days after learning moss on my trees contained very high levels of arsenic and cadmium, I immediately tested my soil and garden greens, using techniques recommended by OSU and at a certified lab.

The results were very concerning- my organically amended soil was normal according to prescribed safe levels by the DEQ, but my garden greens came back at unsafe levels for cadmium and lead, according to the standards of the state of CA and the WHO.

This has been explained to me by a plant pathologist from Cornell who specialized in the effects of pollution on plants, Dr. Bob Amundsen. Dr. Amundsen has found that aerosolized particulates of heavy metals can become embedded in plant stomata through respiration- just as the rootless moss breathed in these particulates. I have an older child who has suffered lifelong from serious asthma and who has developed a heart problem called Postural Orthostatic Tachycardia, or POTS syndrome.

POTS can be caused by alcoholism, lupus and a few other factors for which he has been tested and does not have - the only causative agent left likely was his exposure to aerosolized particulates of heavy metals on a daily basis in our neighborhood, as well as through his diet from my garden greens.

POTS is a chronic syndrome for which there is no cure and can be very debilitating. It is characterized by super rapid heartbeat, fatigue, dizziness, fainting, and nausea.

My 20 year old kid now has a walker to help him cross his school campus because it is exhausting and he often feels like fainting.

I truly hope you will work vigorously to tighten regulations for our kids who are the living filters for industry pollution.

Thank you.

Jen Davis

Organization: Bee Friendly Portland

2332 se Brooklyn At

Portland, OR 97202

(503)234-0331

Weallneedbees@gmail.com

Attachment:

Comment categories linked to this comment: 42, 239, 374

Comment #608

Comment Period #1

Name: Ellen Saunders

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The stench coming from Intel and perhaps others along Evergreen is so toxic that I have trouble breathing every time I drive through the Brookwood, Evergreen intersection. This must STOP. Neither DEQ nor Intel will responded to my many complaints.

Ellen Saunders

47950 NW Dingheiser Rd

Manning, OR 97125

Attachment:

Comment categories linked to this comment: 51, 97, 251

Comment #609

Comment Period #1

Name: Mitch Gould

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I live in the neighborhood poisoned by the two oil re-refiners in North Portland. For many years, we've been periodically choked by heavy bombardments of toxic, stinky fumes burned off by their processing. They deliberately sabotaged equipment mandated to scrub some of the pollution out of their emissions. The DEQ or the EPA has also found these criminals are also harboring PCBs in direct violation of federal law. Our health, our lives, and our properties are being sold out so these ruthless people can make a buck. Your constituents have begged and pleaded with the DEQ for years, but unfortunately, the DEQ will not crack down on this illegality.

Draft Air Program Rules have been watered down and include significant alterations from the original program. We want those alterations from the Cleaner Air Oregon program restored to the Draft Air Program Rule!

Sincerely,

Mitch Gould

7551 N Woolsey Ave Portland, OR 97203-5834

msantinegould@yahoo.com

Attachment:

Comment categories linked to this comment: 97, 171, 246, 248

Comment #610

Comment Period #1

Name: Traylor Champion

Organization: Georgia-Pacific LLC State: Georgia

Number of commenters: 1

Comment text: Mr. Westersund,

Please find attached comments from Georgia-Pacific LLC on Oregon's proposed Cleaner Air Oregon rule. We are submitting these comments online as well.

Thanks for the opportunity to comment.

Traylor Champion

Senior VP, Environmental Affairs and Product Safety

Georgia-Pacific LLC

Office 404-652-4776

Mobile 404-281-3219

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/87734982-0a70-4e90-b61e-02f7b465067d>

Comment categories linked to this comment: 11, 37, 127, 173, 175, 179, 245, 291, 309, 326, 367, 370, 377, 378, 380, 381, 386, 403

Comment #611

Comment Period #1

Name: Curtis Lesslie

Organization: Ash Grove Cement Company State: Oregon

Number of commenters: 1

Comment text: Please replace previous comment with this submittal.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/c04f1ae2-8e98-4642-ba07-cc56bc0ee0e7>

Comment categories linked to this comment: 22, 38, 122, 170, 177, 179, 259, 279, 280, 309, 326, 381

Comment #612

Comment Period #1

Name: Steve Lanigan

Organization: State: Oregon

Number of commenters: 1

Comment text: Dear Cleaner Air Oregon Coordinator Joe Westersund,

I am an Oregonian who is significantly concerned about the negative impacts of air pollution upon the health of my community. I live immediately west of Swan Island (a block in from the bluff) and have strong concerns about what sort of industrial emissions are being released and then breathed by my family (and others in our neighborhood). It seems like there is little attempt to monitor air quality so that any illegal emissions can be pinpointed to the offending business.

For far too long, Oregon's regulations have been concerned with protecting the interests of industry and that has to change. Cleaner Air Oregon is a unique chance to lower those negative impacts and create a more sustainable future for future generations. I urge you to safeguard the health of community

members over industry profits by prioritizing public health, strengthen consequences for violating regulations, and take into consideration all sources of pollution to guard against disproportionate impacts on low-income communities and communities of color.

Lastly, it is the responsibility of the agency to meaningfully engage community members and that includes providing accessible information, translation, and childcare services at community engagement opportunities and events.

Sincerely,

Steve Lanigan

4137 N Overlook Blvd Portland, OR 97217-3424

lanoman@mac.com

Attachment:

Comment categories linked to this comment: 8, 53

Comment #613

Comment Period #1

Name: Kelly Campbell

Organization: Oregon Physicians for Social Responsibility State: OR

Number of commenters: 1

Comment text: Please see comments from Oregon Physicians Responsibility attached.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/a2e26974-2de8-4d73-8e66-b3b9872f5319>

Comment categories linked to this comment: 2, 43, 44, 46, 98, 207, 246, 248, 258, 263, 265, 286, 373

Comment #614

Comment Period #1

Name: Lake McTighe

Organization: State: OR

Number of commenters: 1

Comment text: We need health-based air quality regulations NOW: I support Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 171

Comment #615

Comment Period #1

Name: Jim Daniels

Organization: citizen State: Oregon

Number of commenters: 1

Comment text: Please see additional document.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/5e3829bf-64ce-4823-b7c6-c88d36c63136>

Comment categories linked to this comment: 87, 105, 168, 177, 179, 259, 309, 317, 319, 326, 386

Comment #616

Comment Period #1

Name: Kathryn VanNatta

Organization: Northwest Pulp & Paper Association State: Oregon

Number of commenters: 1

Comment text: Comment letter attached.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/14dd36ff-dd37-4860-aa93-9f02578dbac5>

Comment categories linked to this comment: 3, 66, 87, 129, 168, 198, 259, 274, 276, 279, 284, 285, 301, 304, 308, 362, 377, 386, 394, 403

Comment #617

Comment Period #1

Name: Jim Long

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Over the years I've experienced and heard complaints from Oregonians about the discharges from Intel, whether it's the odor or the pollutants that make it difficult to breathe. Oregonians air shouldn't be polluted by corporations that can do better.

Jim Long

10730 SW 72nd Avenue

Portland, OR 97223

Attachment:

Comment categories linked to this comment: 51, 97

Comment #618

Comment Period #1

Name: Nancy Johnson

Organization: 99 Girlfriends State: OR

Number of commenters: 1

Comment text: Clean air in Oregon!

Attachment:

Comment categories linked to this comment: 171

Comment #619

Comment Period #1

Name: Ann Given

Organization: State:

Number of commenters: 1

Comment text: I live on Hayden Island. For the last few years I have been plagued by migraines and flu-like symptoms. This happens usually on the weekends when the oil recycling companies are in full production. I foolishly hoped that the scrubbers added recently would mitigate my symptoms, and gladly they have reduced them, but I am still sick. I was sick all weekend. It's at the point where we are moving out of Multnomah County. If protecting industry is more important to the state than protecting her citizens, then congratulations, you've certainly done that.

I've never been so disappointed in a government. I've never felt more betrayed by a state that purports to respect her citizens. I was worried about the EPA under this administration. It never occurred to me that the state I live in would sell me out faster than Pruitt could ever do.

I've written letters and gone to meetings. I feel like the representatives are only concerned with mitigating lawsuits. This organization literally makes me sick.

Attachment:

Comment categories linked to this comment: 246

Comment #620

Comment Period #1

Name: Sharla Moffett

Organization: Western Wood Preservers Institute State: OR

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/ab5bd91d-a6c4-4473-b41b-041afdb5af99>

Comment categories linked to this comment:

Comment #621

Comment Period #1

Name: Karin Edwards Wagner

Organization: citizen State: OR

Number of commenters: 1

Comment text: I stand with Eastside Portland Air Coalition: Cleaner Air Oregon now!

Attachment:

Comment categories linked to this comment: 171, 374

Comment #622

Comment Period #1

Name: Suzanne Nott

Organization: Retired State: Washington

Number of commenters: 1

Comment text: I lived for many (20+) years in Oregon, and currently have four grandchildren who live in Portland. Caring for the environment and, more importantly, the health of people, must be the first priority when considering how we monitor and improve the ways in which industry...and people...contribute to or detract from providing a safe healthy environment. We are ALL responsible for protecting our people. A good place to start is with monitoring and responding to the major threats facing us, and requiring industrial polluters to clean up their acts!

Attachment:

Comment categories linked to this comment: 8, 171, 246

Comment #623

Comment Period #1

Name: Russell Strader

Organization: Boise Cascade Company State: ID

Number of commenters: 1

Comment text: See attached document for comments.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/4aa01ac7-5050-4b31-82ce-6efc6a0da5cf>

Comment categories linked to this comment: 22, 35, 45, 105, 168, 175, 177, 245, 309, 326, 377, 378, 380, 381, 386

Comment #624

Comment Period #1

Name: Tom Nilan

Organization: Portland General Electric State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/842fb7f6-e0f2-4c07-88d5-fa1e97930084>

Comment categories linked to this comment: 17, 18, 20, 245, 257, 309, 326, 361, 367, 386, 394, 403

Comment #625

Comment Period #1

Name: Rachel Najjar

Organization: The Dalles Air Coalition State: Oregon

Number of commenters: 1

Comment text: I appreciate the initiative of Cleaner Air Oregon, thank you. But, if we're going to do it, let's do it right. Our health and our children's health cannot wait for industry to find a way to save money while investing in pollution controls. We need industry to foot the bill, instead of Oregonians paying with their lives. We need zero emissions for every polluter or they shouldn't be in business. If they can not comply with your new high standards that will save lives, then they should be shut down

until they can find a way to do so. Exemptions that save industry money will be payed for with lives. I'm especially talking about used oil being burned to create a new source and absolutely no more exemptions for creosote! This is not a game, this is Oregonian's lives that are at stake. The lack of regulation right now is not working for anyone and if we want to keep this the beautiful home that we have been gifted with, then you need to step up and create a way that you are the boss to polluters, not the other way around. The guidelines should apply to every business in the state and should be effective immediately, not just the top 80 polluters and not within a span of five years. How many people will suffer or die within that time due to the preventable cause of air pollution? Due to the fact that information obtained from industry by the DEQ has in the past been an estimate or is self-reported by the business, the data that will be used to determine the top 80 polluters will not be even remotely accurate. Amerities/Tronox/Union Pacific is an ACTIVE SUPERFUND site in The Dalles and we have been told that it is not guarenteed that they will be on the list. How does that make any sense? The EPA has determined that Amerities is one of the most hazardous sites in America and is a threat to the environment and the health of the community. Shouldn't this be the number one priority for DEQ right now? I beg you to create these regulations with the highest consciousness for your community. We care about you too and all we want to do is live.

Attachment:

Comment categories linked to this comment: 13, 45, 97, 158, 171, 176, 188, 246

Comment #626

Comment Period #1

Name: Heath Curtiss

Organization: Oregon Forest & Industries Council State: Oregon

Number of commenters: 1

Comment text: Please find attached comments submitted on behalf of the Oregon Forest & Industries Council and the American Wood Council.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/3a484217-b49e-43d3-9242-dcf5f9c09c7c>

Comment categories linked to this comment: 105, 168, 173, 184, 249, 259, 309, 317, 319, 326, 356, 381, 386

Comment #627

Comment Period #1

Name: Wes Lujan

Organization: Union Pacific Railroad State: Oregon

Number of commenters: 1

Comment text: Please see attached letter.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/086caabf-7c36-49bd-b48f-bac86d0d7245>

Comment categories linked to this comment: 11, 122, 129, 180, 245

Comment #628

Comment Period #1

Name: Gerald LeRoy

Organization: State: Oregon

Number of commenters: 1

Comment text: I strongly support:

+ requiring the DEQ to adopt rules requiring that an asbestos survey be performed before a residential building can be demolished

+ updating the models used to determine the carbon intensities of fuels

+ setting health risk limits on pollutants that industrial facilities emit so neighbors and vulnerable people (such as children) are protected from potentially harmful levels of exposure.

+ establishing a program to provide rebates to Oregonians who purchase plug-in hybrid electric and other qualifying zero-emissions vehicles

Attachment:

Comment categories linked to this comment: 171, 257

Comment #629

Comment Period #1

Name: Eric Durrin

Organization: Bullseye Glass Company, Inc. State: Oregon

Number of commenters: 1

Comment text: Bullseye Glass welcomes clear, tough state environmental protection regulation that is fair and evenly applied to all businesses in a non-discriminatory manner.

Bullseye Glass Company (Bullseye) hereby submits the following comments regarding the proposed Cleaner Air Oregon (CAO) rules. Bullseye has been closely following the rulemaking process and we appreciate the opportunity to provide input toward the goal of achieving a protective and workable rule. Bullseye Glass asks DEQ to consider the following comments:

Comment No. 1

The proposed CAO rules define "Reconstruction" as the "replacement of components of an existing source to such an extent that the fixed capital costs of the new components exceed 50% of the fixed capital costs that would be required to construct a comparable entirely new source." OAR 340-245-0020(42). Under the proposed CAO rules, an existing source, upon reconstruction, becomes a new source. OAR 340-245-0030(6). The proposed CAO rules do not specify whether "reconstruction" is evaluated on a per project basis or could occur overtime as multiple components (or the same component) of the source is replaced.

The proposed CAO rules revise and incorporate the Colored Art Glass Manufacturing (CAGM) rules (OAR 340-244-9000 through 340-244-9090). Bullseye requests that DEQ clarify under the revised CAGM rules that re-bricking is not considered "reconstruction" for purposes of the CAO rules and a re-bricked furnace would not be considered a new or modified toxics emissions unit.

Comment No. 2

The proposed CAO rules define "Risk limit" as a "limit in a permit or permit attachment that serves to limit the risk from a source or part of a source. Such limits may include, but are not limited to, limits on risk from the source or part of a source, limits on emissions of one or more air toxics, limits on emissions from one or more TEUs, or limits on source operation."

Bullseye requests that DEQ revise the definition to include "limits on raw material usage." In addition, where the term "risk limit" is used under OAR 340-245-0080, DEQ should ensure that the term "risk" is capitalized consistent with the definition.

Comment No. 3

The proposed CAO rules define residential and non-residential locations to include "areas that are zoned, or documented as planned to be zoned." Areas that are zoned residential but not contain residential structures should not be treated as "residential" exposure locations because the underlying exposure assumption does not exist. Further, the proposed CAO rules do not define the terms "documented as planned to be zoned" or describe who makes that determination. DEQ should not be, and has no authority, to make land-use determinations. Further, many municipalities engage in long-range comprehensive planning including theoretical redevelopment of areas from commercial/industrial to residential and relocating commercial/industrial to other areas including currently residential zoned areas. In completing a Source Risk Assessment under OAR 340-245-0080, sources should be evaluating actual, current exposures--not potential future exposures or what may be shown in a future comprehensive plan. Only current, verifiable structures should be used to define and verify residential and non-residential locations. Evaluating hypothetical receptors has no basis and will lead to highly exaggerated risk levels that mislead the public.

In addition, a source may own one or more residential units directly adjacent to its facility for use on a temporary basis for visiting management, employees or customers or may have purchased adjacent residential properties as a buffer. Under the proposed CAO regulations, these properties would still be considered to be a residential exposure location because they are zoned residential. These units should not qualify as a "residential exposure locations" under the regulations. Bullseye requests that DEQ clarify that any properties within the control of the source, with or without a structure, and regardless of zoning, should be excluded if the source has control of the occupation of the premises, regardless of zoning.

Comment No. 4

The proposed CAO rules allow a source to perform ambient air monitoring and use that information to supplement its risk assessment. OAR 340-245-0080(1)(a)(F). DEQ conducted extensive ambient air monitoring in southeast Portland and in other areas in Portland. A source should be able to use DEQ's extensive ambient air monitoring data in its risk assessment without following all of the OAR 340-245-0240 requirements. Bullseye requests that DEQ include a new section under OAR 340-245-0080 that allows a source to use ambient air monitoring data previously collected by DEQ to supplement its risk assessment.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/fde9625c-bf13-462c-90d6-75f32c0f4171>

Comment categories linked to this comment: 6, 96, 124, 126, 135, 218, 287, 321, 326, 330, 333, 343, 361, 387, 401

Comment #630

Comment Period #1

Name: Sally Wentz

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Please work to improve air quality in Oregon. We can't afford to go backwards!

Sally Wentz

47460 sw ihrig rd

forest grove, OR 97116

Attachment:

Comment categories linked to this comment: 51

Comment #631

Comment Period #1

Name: Thomas Wood

Organization: Oregonians for Fair Air Regulations State: Oregon

Number of commenters: 1

Comment text: Attached please find comments submitted on behalf of Oregonians for Fair Air Regulations

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/600203ad-7c46-482c-85e9-e55253f16ac5>

Comment categories linked to this comment: 6, 11, 24, 25, 37, 44, 45, 59, 66, 79, 96, 105, 117, 129, 160, 167, 168, 193, 199, 259, 269, 277, 278, 284, 287, 288, 290, 291, 294, 301, 302, 303, 306, 308, 309, 310, 315, 317, 318, 322, 326, 347, 349, 359, 361, 367, 386, 393, 394, 400, 403

Comment #632

Comment Period #1

Name: Eric Durrin

Organization: Bullseye Glass Company, Inc. State: Oregon

Number of commenters: 1

Comment text: Comment No. 5

The proposed CAO rules allow a source to request a PTE or a risk limit to demonstrate compliance with the applicable Source Risk Action Levels. OAR 340-245-0080. Bullseye requests that DEQ clarify that requesting a PTE or risk limit for purposes of demonstrating compliance with the applicable Source Risk Level Action does not trigger the Risk Reduction Plan requirements under OAR 340-245-0220. If a source does not meet applicable Source Action Risk Levels, a source can voluntarily request a PTE or risk limit and avoid the Risk Reduction Plan process. As currently drafted, it is not clear whether requesting a PTE or risk limits automatically triggers the Risk Reduction Plan requirements. We do not believe this was DEQ's intent.

Comment No. 6

As currently drafted, it is unclear whether the source or DEQ decides which Source Risk Assessment level will be performed. The discretion should be with the source, not DEQ. OAR 340-245-0200 (Modeling Requirements) and 340-245-0210 (Comprehensive Health Risk Assessment Procedure) should be revised accordingly. Bullseye requests that DEQ revise the first sentences of OAR 340-245-0200 and OAR 340-245-0210 to read:

(1) If the owner or operator of a source elects to [perform modelling]/[conduct a Comprehensive Health Risk Assessment]

Comment No. 7

Under proposed OAR 340-245-0080, DEQ requires that the Source Risk Assessments be completed using "pre-existing PTE." For De Minimis sources, the proposed rule requires that the source assess air toxic emissions at the "capacity to emit of each TEU." The "capacity to emit of each TEU" is not defined and theoretically could be greater than "Pre-existing PTE." The purpose of the program should be to assess actual risk--not theoretical risk or require a source to propose a reduction plan or a TBACT Plan to address a theoretical risk. Bullseye requests that DEQ revise OAR 340-245-0080 to determine risk based on actual emissions or (at the discretion of a source) a projected maximum, not a pre-existing PTE or

"capacity to emit." By evaluating risk based on actual emissions, DEQ, a source and the public will be better informed in their decision making process. Further, it is not clear how emissions are to be evaluated when the toxic emissions units are connected to a common exhaust or emissions control device. Emissions and associated risk should be determined at the point where air toxics are emitted to the ambient air and any evaluation should take into consideration any emissions control equipment or other operational restrictions that could limit emissions. Prior to submitting a Source Risk Assessment, DEQ and the source should first complete the steps under OAR 340-245-0340 and agree on the emissions inventory and modelling information that will be used in the Source Risk Assessment. This will ensure that the results of the Source Risk Assessments are representative of the actual risk associated with the source. Failure to first agree on an accurate emissions inventory and/or modelling, will lead to unrepresentative results. The submittal deadlines under OAR 340-245-0050 should be revised, as appropriate, to allow the source and DEQ to first agree on the emissions inventory and modelling before any risk assessment is performed and submitted.

Comment No. 8

The proposed CAO rules establish presumptive Toxics Based Available Control Technology (TBACT). OAR 340-245-0330(2). The CAGM rules expressly require colored art glass manufacturers to install specific emission control devices. Bullseye requests that DEQ include under OAR 340-245-0330(2) as presumptive TBACT, emission control devices installed pursuant to the CAGM rules.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/cbf6d5cb-4f2e-472b-8542-27da7c4b4ef1>

Comment categories linked to this comment:

Comment #633

Comment Period #1

Name: Eric Durrin

Organization: Bullseye Glass Company, Inc. State: Oregon

Number of commenters: 1

Comment text: Comment No. 9

The proposed CAO rules allow DEQ to request from any source an emissions inventory and modelling information. OAR 340-245-0340. Under the proposed regulation, a source has 30 days (subject to a 60-day extension) to submit the requested information. As a preliminary matter, a source and DEQ should first agree on a plan of what will go into the emissions inventory. Not all sources are identical and the prescriptive requirements under OAR 340-245-0340 may not apply to all source. Second, the proposed rule seems to only allow the use of reported emissions factors to determine emissions. Sources should have the option of using (or completing) stack testing to determine actual emission rates. Lastly, there

is no connection between OAR 340-245-0340 and completing a Source Risk Assessment under OAR 340-245-0080. As discussed above, DEQ and the source should first reach agreement on the emissions inventory and modelling before completing the Source Risk Assessment. This will result in more accurate data regarding actual risk.

Comment No. 10

The proposed CAO rules allow DEQ to request from any source an emissions inventory and modelling information. The information that can be requested is not just "emissions data" but includes production, fuel and material usage rates; projected maximum daily and annual production and process rates; operating schedules and other information. There are no provisions under the proposed CAO rules to protect confidential business information. OAR 340-245-0340 should be revised to include a reference to OAR 340-214-0130 (Information exempt from Disclosure).

Comment No. 11

The proposed CAO rules allow DEQ to provide a notice of deficiency to an inventory report and, upon receipt of a revised and resubmitted inventory, modify the inventory report as "DEQ deems appropriate." A source should have a right to challenge DEQ's determination of a deficiency as well as any final decision. The proposed rules should be revised to indicate that any decision made by DEQ under OAR 340-245-0340 can be challenged as a contested case proceeding under OAR 340-011.

Comment No. 12

Tables 3 and 5 of the proposed CAO rules are critical in determining potential risk. There are multiple errors in the tables. For example, the acute non-cancer risk for manganese is reported as less than the chronic non-residential non-cancer risk. As noted in Table 5, soluble nickel compounds are considered less potent than insoluble nickel compounds, yet the chronic risk based concentration for soluble nickel compounds is less than the chronic risk based concentration for insoluble nickel compounds. DEQ needs to get the thresholds risk values and risk based concentrations correct. Before any final rule is published, the threshold risk values and risk based concentrations should be fully evaluated and verified by an independent committee like the existing Air Toxic Science Advisory Committee or a separate, independent group of toxicologists.

Comment No. 13

OAR 340-245-0310 requires that compliance with the acute and chronic Source Risk Limits must be determined monthly. The regulations fail to describe how a source is required to make this monthly determination. It would be unduly burdensome and economically infeasible to require that every source (including de minimis sources) verify and update each month residential and nonresidential exposure locations and then re-run the Source Risk Assessment described under proposed OAR 340-245-0080 to determine compliance.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/82ea0956-f1d1-4c0f-935f-42c7ed54dddf>

Comment categories linked to this comment:

Comment #634

Comment Period #1

Name: Thomas Wood

Organization: Oregonians for Fair Air Regulations State: Oregon

Number of commenters: 1

Comment text: This is a continuation of Oregonians for Fair Air Regulations submittal.....

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/ef9b12ea-4150-4b61-998e-51ddfaa363c8>

Comment categories linked to this comment: 168, 275, 277, 278, 284, 290, 294, 295, 297, 298, 301, 302, 306, 308, 309

Comment #635

Comment Period #1

Name: Faun Hosey

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

Rules recommended by EQC and DEQ will not cause Intel to move. Expect Intel to fight hard to reduce restrictions and expenses, but they WILL comply with stricter emissions rules so that they can operate their massive chip manufacturing plants.

Faun Hosey

13515 NW Jackson Quarry Rd

Helvetia, OR 97124

Attachment:

Comment categories linked to this comment: 51, 97

Comment #636

Comment Period #1

Name: Dan Bloom

Organization: State: OR

Number of commenters: 3

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The Air Rules that the EQC and DEQ recommends to Cleaner Air Oregon for adoption will not cause Intel to move. Intel will fight hard to reduce their operating costs by making the rules less restrictive and therefore less expensive for them to comply

Dan Bloom

815 NE 67th Ave.

Hillsboro, OR 97124

Attachment:

Comment categories linked to this comment: 51, 97

Comment #637

Comment Period #1

Name: Ben Kirsch

Organization: State: Oregon

Number of commenters: 3

Comment text: Our main issues with the proposed rules relate to 1) the ambiguous and potentially expansive power of the DEQ Director in allowing new polluters in heavily-burdened areas, 2) stronger, more meaningful, and mandatory steps in community engagement and consideration of environmental justice communities, and 3) the lack of consideration for background and ambient sources of air pollution, including diesel. Please see our attached comment for more information

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/aa52e462-0e6a-4c5b-b404-1cba9c6e096d>

Comment categories linked to this comment: 8, 46, 73, 75, 82, 110, 140, 235, 258, 262

Comment #638

Comment Period #1

Name: Cheryl Baker

Organization: State: OR

Number of commenters: 1

Comment text: I live on Hayden Island in North Portland. The stench that we have to put up with is literally sickening, and the fact that the DEQ has not addressed this in a reasonable time period if truly

disheartening. I am shocked at the lack of environmental rules/regulations/protections in a state that I had always assumed to be a leader in environmental issues.

- We deserve to know what we are breathing. It's not rocket science. Require monitors on industrial stacks, and conduct unscheduled, unannounced tests.
- Polluting industries needs to pay for their past, present and future pollution, and they must be responsible for mitigating it.
- Our Department of Environmental Quality (DEQ) needs to protect the public from being poisoned by businesses and industry taking advantage of lax regulations.
- Leaders in the DEQ and our Governor need to fight back against the Industry manipulated legislature and DO THEIR JOB, protecting the citizens of Oregon.
- All neighborhoods in Oregon need the same protection from industrial air toxics as SE Portland (around the Bullseye glass factory).
- Industry is externalizing the costs of their manufacturing process on to Portland/Oregon residents and our health is suffering.
- Oregon's exemption loophole allowing oil refiners to use contaminated used oil as a fuel source for their boiler/burners MUST BE DELETED.

PLEASE, DO THE RIGHT THING AND PROTECT OUR CITIZENS FROM INDUSTRIAL POLLUTERS! The Cleaner Air Oregon plan must be as comprehensive as possible, and not just provide meaningless lip service.

Attachment:

Comment categories linked to this comment: 28, 45, 158, 244, 248, 251

Comment #639

Comment Period #1

Name: Sara Petrocine

Organization: OWUC/SDAO/LOC State: Oregon

Number of commenters: 3

Comment text: Thank you for the opportunity to comment. Please see attached comment letter.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/e77020b9-3214-4284-afd8-41c3179f2141>

Comment categories linked to this comment: 18, 19, 27, 30, 41, 45, 146, 155, 167, 171, 173, 257, 339

Comment #640

Comment Period #1

Name: Kirk Hanawalt

Organization: Entek State: OR

Number of commenters: 1

Comment text: RE: ENTEK comments on Cleaner Air Oregon Rules

Dear Mr. Westersund:

The attached PDF are ENTEK's comments on the Cleaner Air Oregon rules for submission on 22-January-2018.

With best regards,

Kirk

Kirk Hanawalt

President - Extruders

541.259.1068

www.entek.com

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/e4c1bb8b-ec92-45fc-b13f-91de8885835f>

Comment categories linked to this comment: 11, 44, 259, 287, 313, 314

Comment #641

Comment Period #1

Name: Kirk Hanawalt

Organization: ENTEK International LLC State: OR

Number of commenters: 1

Comment text: PDF file uploaded on 22-January-2018 @ 15:20.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/add7e85b-0e48-45bc-84cb-03946b91d935>

Comment categories linked to this comment:

Comment #642

Comment Period #1

Name: Jennifer Jones

Organization: Eastside Portland Air Coalition State: Oregon

Number of commenters: 1

Comment text: I have spoken and written to you many times in support of cleaner air legislation, so today I thought I'd take a moment to share a different perspective.

I am the daughter of the pulp and paper industry. My father worked his way up through Mills in northern California and Southern Oregon, finally culminating his career at Simpson in Eureka, CA and then his final years at Pope and Talbot outside of Brownsville, OR.

I grew up in that culture and can still remember my dad coming home to tell me about the "spotted owl" hunts where he and his fellow managers would traipse through the woods to prove they were not endangered. Or the speech he told me about the harmless waste water being disposed of in public waterways. I also remember the long talks about how important it was to clear cut harvestable land. I remember his talks with my well meaning environmental science teacher who asked him to consider the long term environmental and health impacts of the mill he maintained. My father maintained that without the pulp mill jobs our town would crumble.

My father retired years ago now and for his retirement we gave him a plane flight over valley over their home in Brownsville. After that trip we sat down to talk about the experience and my father confided something to me that I'd never heard from him before. He told me of the regret he felt at not being a better steward of the bay when he knew that waste water was toxic. He explained that seeing the naked rivers and the negative impacts to them from clear cutting made him sick. And he told me that if he could go back he would worry less about where his paycheck was coming from and more about how his actions were shaping the world his grandchildren would inherit.

I share this story with you in the hopes that you can see that sometimes when we are in the middle of something it can be hard to see all sides. I want you to know that our world will never lose if you prioritize the health of its' citizens.

Jennifer Jones

SE Portland Resident

Attachment:

Comment categories linked to this comment: 171, 246

Comment #643

Comment Period #1

Name: patty senecal

Organization: Ms. State:

Number of commenters: 1

Comment text: Cleaner Air Oregon comments

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/299ca7a5-f950-4ec8-856c-d9a101aedf82>

Comment categories linked to this comment: 259, 338

Comment #644

Comment Period #1

Name: Lauren McAndrews

Organization: ATI State: PA

Number of commenters: 1

Comment text: Please see the attached letter

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/5dc84c12-5b48-4d5b-818b-4a394ba387e7>

Comment categories linked to this comment: 11, 37, 38, 87, 122, 168, 259, 279, 309, 361, 381

Comment #645

Comment Period #1

Name: Steven Shea

Organization: Oregon Health & Science University State: Oregon

Number of commenters: 1

Comment text: The Oregon Institute of Occupational Health Sciences writes in support of Cleaner Air Oregon. We are a science-based institution with significant state funding located at the Marquam Hill campus of OHSU. Our mission is to promote health, and prevent disease and disability among Oregon workers and their families. We achieve this goal through basic and applied research, education and

outreach. Our Institute performs research at many levels, including basic laboratory science, human laboratory science, workplace interventions and outreach plus education. Current areas of research include: occupational exposures, their adverse effects and prevention; treatment, recovery and prevention of workplace injuries; total worker health; and the effects of sleep and shiftwork on health, safety and productivity. The Institute also participates in doctoral and postdoctoral educational programs to train the next generation of scientists.

The environment has a profound impact on human health. The air we breathe, the food we eat, the quality of our sleep, our activity level, and the likelihood of succumbing to illness or injury are all affected by exposures that occur both inside and outside the workplace. Although workers are not included as a susceptible population (draft OAR 340-245-0100 (1)(g)), we are concerned that workers in businesses using and/or producing toxic chemicals are also at-risk because their exposures can exceed those of persons in neighboring communities. Thus, we ask that you consider including these workers in the susceptible population group. Regardless, reducing the toxicity and release of chemicals used in the workplace, the main goal of Cleaner Air Oregon, will be of benefit for at-risk Oregon workers.

As noted, we are a science-based Institution and thus support taking a "science-based approach to develop a consistent and transparent process for communicating and addressing the risk from industrial and commercial emissions of air toxics, providing regulatory predictability to businesses and communities." Draft OAR 340-245-0005 (1)(c). This includes regular updating of the list of pollutants as new science is reported. Draft OAR 340-245-0420 (1)(a). We recognize that DEQ will have many sources of information to use to assess science, including the scientific literature and regulations from other states, and has already established advisory committees to assess this information, including the Oregon Health Authority and the Air Toxics Science Advisory Committee. However, missing from the draft rules are mention of how often the scientific literature and other information sources should be assessed and guidance on how the assessments should take place. This latter point is particularly important because the assessing groups will be charged with deciding if chemicals should be added to the Air Toxics Reporting List (OAR 340-245-8020, Table 2), or perhaps removed, and/or if changes should be made to the Toxicity Reference Values for listed chemicals (OAR 340-245-8030, Table 3). We suggest the draft be modified to include specific guidance on how to make these decisions including the types of information sources that should be used.

In conclusion, the Oregon Institute of Occupational Health Sciences strongly supports Cleaner Air Oregon because it will improve the health of all citizens of Oregon including its approximately 1.5 million workers.

Sincerely, on behalf of the Oregon Institute of Occupational Health Sciences

Steven A. Shea, PhD

Director, Oregon Institute of Occupational Health Sciences

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/02dc860e-22b5-4cdc-8ae1-59c8bfd891e4>

Comment categories linked to this comment: 171, 319, 335

Comment #646

Comment Period #1

Name: Jennifer Jones

Organization: Eastside Portland Air Coalition State: Oregon

Number of commenters: 1

Comment text: I have spoken and written to you many times in support of cleaner air legislation, so today I thought I'd take a moment to share a different perspective.

I am the daughter of the pulp and paper industry. My father worked his way up through Mills in northern California and Southern Oregon, finally culminating his career at Simpson in Eureka, CA and then his final years at Pope and Talbot outside of Brownsville, OR.

I grew up in that culture and can still remember my dad coming home to tell me about the "spotted owl" hunts where he and his fellow managers would traipse through the woods to prove they were not endangered. Or the speech he told me about the harmless waste water being disposed of in public waterways. I also remember the long talks about how important it was to clear cut harvestable land. I remember his talks with my well meaning environmental science teacher who asked him to consider the long term environmental and health impacts of the mill he maintained. My father maintained that without the pulp mill jobs our town would crumble.

My father retired years ago now and for his retirement we gave him a plane flight over valley over their home in Brownsville. After that trip we sat down to talk about the experience and my father confided something to me that I'd never heard from him before. He told me of the regret he felt at not being a better steward of the bay when he knew that waste water was toxic. He explained that seeing the naked rivers and the negative impacts to them from clear cutting made him sick. And he told me that if he could go back he would worry less about where his paycheck was coming from and more about how his actions were shaping the world his grandchildren would inherit.

I share this story with you in the hopes that you can see that sometimes when we are in the middle of something it can be hard to see all sides. I want you to know that our world will never lose if you prioritize the health of its' citizens.

Jennifer Jones

SE Portland Resident

Attachment:

Comment categories linked to this comment:

Comment #647

Comment Period #1

Name: Dan Kirschner

Organization: Northwest Gas Association State: Oregon

Number of commenters: 1

Comment text: Please see attached

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/1a1265f4-3a96-4097-9d56-95349f5fa2c0>

Comment categories linked to this comment: 199

Comment #648

Comment Period #1

Name: Brett Jones

Organization: EPAC State: Oregon

Number of commenters: 1

Comment text: Oregon needs these proposed Rule changes and Industry needs to learn the cost of doing business without poisoning your neighbors is to filter their emissions. Please support these rules!

Attachment:

Comment categories linked to this comment: 171

Comment #649

Comment Period #1

Name: Nina Montenegro

Organization: Wealth Underground Farm + The Far Woods State: OR

Number of commenters: 1

Comment text: We need health-based air quality regulations NOW: I support Cleaner Air Oregon.

Protect vulnerable communities: Cleaner Air Oregon Now!

Attachment:

Comment categories linked to this comment: 140, 171, 257

Comment #650

Comment Period #1

Name: Joan Findlay

Organization: State: Oregon

Number of commenters: 1

Comment text: I support Cleaner Air Oregon! Please help protect our health.

Attachment:

Comment categories linked to this comment: 171

Comment #651

Comment Period #1

Name: Diana Rohlman

Organization: Oregon Public Health Association State: OR

Number of commenters: 1

Comment text: Please see attached letter for full comments

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/831bdee8-c3d2-445b-aeae-06b23581dd19>

Comment categories linked to this comment: 45, 61, 78, 136, 140, 171, 176, 246, 263, 265, 312

Comment #652

Comment Period #1

Name: Peter Serrurier

Organization: Precision Castparts Corp. State: Oregon

Number of commenters: 1

Comment text: I submit the attached document as comments to the proposed Cleaner Air Oregon rules.
Thank you for your consideration.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/f5adde8d-73f2-4bca-a82b-aac4f5318031>

Comment categories linked to this comment: 278, 290, 302, 309, 318

Comment #653

Comment Period #1

Name: Lauren McAndrews

Organization: Allegheny Technologies Incorporated State: PA

Number of commenters: 1

Comment text: Please see the attached comment letter submitted on behalf of Allegheny Technologies Incorporated and its subsidiaries.

Lauren S. McAndrews

Vice President Environmental Affairs & Sustainability and Assistant General Counsel

Allegheny Technologies Incorporated

1000 Six PPG Place

Pittsburgh, PA 15222

412-394-2974

fax 412-394-2837

Lauren.McAndrews@ATIMetals.com

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/21973c16-b5ed-4561-8a5d-8a85c5977ed2>

Comment categories linked to this comment:

Comment #654

Comment Period #1

Name: Mary Rivard

Organization: none State: OR

Number of commenters: 1

Comment text: It is NOT a real plan with teeth to allow, as proposed, companies to self-report emissions. As usual, Oregon's lack of sufficient TAXING of Corporations seems to limit proper oversight of State regulations.

There must be a way to have State workers followup on emissions tests submitted by companies. Also, NOT tracking road traffic, shipping, and natural gas emissions is NOT doing job needed - to clean up Oregon's air problems.

Attachment:

Comment categories linked to this comment: 92, 200, 235, 238

Comment #655

Comment Period #1

Name: Megan Chrisman

Organization: Oregon Business & Industry State: OR

Number of commenters: 1

Comment text: Mr. Westersund,

Please see attached comments from OBI on the proposed Cleaner Air Oregon rules.

Regards,

Megan

Megan Chrisman | Senior Associate, Legislative Affairs

Oregon Business & Industry

P: 503.576.4879 | E: meganchrisman@oregonbusinessindustry.com

1149 Court Street NE | Salem, OR 97301 | www.oregonbusinessindustry.com

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/47c62425-15a5-48a1-af71-137504dec33c>

Comment categories linked to this comment: 11, 45, 87, 122, 245, 309, 326, 361, 381

Comment #656

Comment Period #1

Name: Megan Chrisman

Organization: Oregon Business & Industry State: Oregon

Number of commenters: 1

Comment text: Dear Mr. Westersund:

Thank you for the opportunity to provide comments on the Cleaner Air Oregon rulemaking. Oregon Business & Industry (OBI) is that state's largest, most comprehensive business association representing over 1,600 member businesses that employ over 330,000 employees. Many of these businesses are manufacturers and are critical regional employers that will be impacted by the outcome of this rulemaking.

Overall, OBI supports the Governor's goals of creating a predictable regulatory program capable of reducing air toxics and protecting public health without harming Oregon's economy and burdening our agencies. Oregon businesses and manufacturers have long partnered with the state to dramatically reduce air contaminants from manufacturing facilities. A success we should all be proud of and demonstrates that Oregon can simultaneously have clean air and a healthy economy through fair and reasonable air regulations.

Unfortunately, the proposed rules do not fairly balance the needs of business, community, and good government. Our members strongly support making the following changes to the proposed rule:

- The excessive, overreaching regulatory standards must be revised. Notwithstanding industry's relatively small contribution to air pollution, DEQ has proposed a costly regulatory program that would do little to improve Oregon's air at a considerable cost to the state and individual businesses by unnecessarily imposing air toxics thresholds that are many times more stringent than similar programs in other states. The costs to the state and its economy of using such stringent regulatory thresholds far outweigh any identifiable health benefits.
- Oregon businesses should not be regulated on the basis of emissions they don't emit, and concentrations at receptors that don't exist. To derive toxicity, DEQ's draft rule proposes to use hypothetical air emissions measured at hypothetical receptors, leading to gross overestimations of risk. Not only should facilities be regulated on the basis of actual emissions measured at actual receptors, but facilities should be encouraged to use air monitoring as an alternative to imprecise modeling.
- Oregon businesses should not be penalized for the actions of their neighbors or for complying with land use laws. DEQ proposes to regulate businesses based on air emissions from their neighbors. This puts businesses in the position of suffering increased regulation simply because they are located near each other in industrial zones as required by Oregon's land use law.
- DEQ's program should be based on likely health outcomes, not unrealistic assumptions about how people act. DEQ proposes to set standards under the assumption that one person may remain in a

single location for 365 days a year over a period of 70 years. The assumption has no bearing in reality and drives highly restrictive regulatory standards.

OBI members continue their commitment to invest in world-class pollution control devices that protect Oregon's greatest assets - employees and communities.

Please revisit the Cleaner Air Oregon regulations. OBI supports the Oregonians for Fair Air Regulations coalition comments and incorporate those comments here by reference. We urge you to make the important changes that produce meaningful results without unnecessary and costly regulations.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/721460f3-9711-4fc5-8ae1-1860661fe860>

Comment categories linked to this comment:

Comment #657

Comment Period #1

Name: David Livermore

Organization: Integral Consulting Inc. State: OR

Number of commenters: 1

Comment text: Please find comments in the attached letter.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/30fbb13f-7765-4e47-ac98-44b4ca50685f>

Comment categories linked to this comment: 31, 236, 271, 289

Comment #658

Comment Period #1

Name: Mike Freese

Organization: Fair Air Regulations Coalition State: Oregon

Number of commenters: 23

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/a300709d-d9e4-4568-b2c4-2e91f89a44c5>

Comment categories linked to this comment: 11, 15, 45, 87, 170, 245, 309, 326, 361, 381

Comment #659

Comment Period #1

Name: Johanna Easter

Organization: Environmental Justice Task Force State: Oregon

Number of commenters: 1

Comment text: I am submitting comments on behalf of Oregon's Environmental Task Force- EJTF, as requested by Chair- Joel Iboa.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/e9f009e9-85a7-465e-b6e3-fe1d3c75bb0d>

Comment categories linked to this comment: 45, 140, 171, 257

Comment #660

Comment Period #1

Name: Keith Iding

Organization: Mr. State: Oregon

Number of commenters: 1

Comment text: I am keeping my comment simple, because I know you have a lot of input to consider.

I worked for the Oregon DEQ Lab for over 20 years in Air Quality Monitoring, helping to assess EPA standards, and it was always frustrating to know that the criteria and toxics numbers we were getting didn't go far enough to ensure public health and safety were protected. I am very much in favor of shifting from national compromised standards to localized health based standards, reflecting actual health impacts and evolving health based data.

Which ever specifics are adopted, I am most interested in shifting to this new partnership opportunity to involve the Oregon Health Authority in a new health standards based monitoring plan. This would be an extremely valuable move for the future of public health, for the sake of our kids and our most frail citizens, as well as the rest of us. Let's put health first over the economics, and find a way to make polluters pay their true costs. Thank you!

Attachment:

Comment categories linked to this comment: 8, 158, 171, 244, 246, 250, 257

Comment #661

Comment Period #1

Name: Margaret Tallmadge

Organization: Coalition of Communities of Color State: OR

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/249f0508-226c-4266-8288-b33c39855135>

Comment categories linked to this comment: 46, 61, 64, 78, 86, 140, 171, 235, 244, 258, 263, 265, 373, 376

Comment #662

Comment Period #1

Name: Keith Iding

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

I want to note that I am a member of the Beyond Toxics group and support their lobbying efforts, but more important I am a retired Oregon DEQ employee who worked in Air Quality here, and strongly urge support of health based monitoring, please adopt!

Keith Iding

2332 NE Clackamas St,

Portland, OR 97232

Attachment:

Comment categories linked to this comment: 11, 51

Comment #663

Comment Period #1

Name: Chris Canote

Organization: South Portland Air Quality State: OR

Number of commenters: 1

Comment text: The possibility of existing businesses and new businesses having different standards is counter to the spirit of CAO in the first place; emissions from existing businesses are why we're in this mess.

The 500 per million risk level is far too high. It reflects the sad state of affairs in which ordinary people have to fight for their health against big businesses and their lobbyists.

OBI's presence in the building NEXT DOOR to the capitol in Salem is shameful, and their influence on the CAO process has been disingenuous. So-called "family businesses" arguing that emission control regulations will put them out of business are willfully ignoring evidence to the contrary (see California) while doing business in one of the lowest business-tax-burdened states in the country.

Attachment:

Comment categories linked to this comment: 123, 171, 237, 246, 263, 265

Comment #664

Comment Period #1

Name: Mary Lu Savara

Organization: State: OR

Number of commenters: 1

Comment text: RE: Oregon deserves health-based regulations to protect people from the impacts of toxic industrial air pollution

Joe Westersund,

I wholeheartedly support adopting Cleaner Air Oregon's health-based regulations to protect people and the environment from the impacts of toxic industrial air pollution. I urge the State of Oregon to adopt strong rules that apply immediately to all facilities statewide and discard the old system of technological fixes. I support requiring reporting and public disclosure for 660 toxic chemicals from all commercial and industrial facilities that emit air toxics. As a precautionary measure, in case DEQ is unable or unwilling to enforce the rules, I want the rules to include a Citizen Enforcement Clause. Most importantly, the DEQ must set lower cancer risk benchmarks of no more than 50 cancers in 1 million and a non-cancer risk level Hazard Index of no greater than 1.

Regulating for health will spur technological innovation and economic development. Other states are already following more comprehensive regulations to protect public health. It's time for Oregon to step out of the Regulatory Dark Ages and adopt strong air quality protection rules.

Thank you.

The State of Oregon must adopt strong rules to curtail unhealthy air for citizens. As I shop in the Hillsboro area, I am aware of intermittent odors. They may not be toxic but toxic can only be measured by sophisticated and comprehensive monitoring.

Mary Lu Savara

48390 NW Deer Court

Manning, OR 97125

Attachment:

Comment categories linked to this comment: 51, 251

Comment #665

Comment Period #1

Name: David Harvey

Organization: Gunderson State: Oregon

Number of commenters: 1

Comment text: See attached.

Attachment: <https://data.oregon.gov/views/gvv7-qhw2/files/d523314e-522f-4f49-8819-94a9bd98fc6e>

Comment categories linked to this comment: 1, 22, 31, 45, 175, 180, 191, 192, 245, 289, 293, 297, 309, 316, 322, 326, 341, 342, 345, 367, 381, 386

Comment #667

Comment Period #1

Name: Andrew Gilpin

Organization: EVRAZ North America State: OR

Number of commenters: 1

Comment text: see attached

Attachment:

<https://drive.google.com/file/d/1YIQUCNI03I6JmcwDrwMnKIJ8A6V39LSK/view?usp=sharing>

Comment categories linked to this comment: 35, 37, 45, 46, 59, 96, 103, 135, 173, 189, 199, 204, 209, 235, 309, 326, 346, 358, 360, 361, 386, 390, 393, 394, 398, 402

Comment #671

Comment Period #1

Name: Timm Slater

Organization: Bay Area Chamber of Commerce State: OR

Number of commenters: 1

Comment text: Mr. Westersund,

Thank you for the opportunity to comment on the DEQ's proposed rules for Cleaner Air Oregon. Please keep us on your notification list for any additional information as the process moves forward.

Sincerely,

Timm Slater

Executive Director

Bay Area Chamber of Commerce

541-266-0868 FAX 541-267-6704

Success is our Agenda!

Attachment: https://drive.google.com/file/d/1DJQT7woOIN3-9y-JPSJ_E8cS5Nnl2ogD/view?usp=sharing

Comment categories linked to this comment: 45, 87, 122, 170, 245, 361

Comment #672

Comment Period #1

Name: Haley Huffman

Organization: Klamath County Board of Commissioners State: OR

Number of commenters: 1

Comment text: Good Afternoon Mr. Westersund,

Attached, please find a letter from Commissioner DeGroot.

Thank you,

Haley Huffman

Administrative Assistant

Board of County Commissioners

541-883-5100

Attachment: https://drive.google.com/file/d/1GQ6hL4-ZJwQpxYbxXFKrFvfZ9_erF--C/view?usp=sharing

Comment categories linked to this comment: 11, 87, 122, 149, 170, 245, 361

Comment #673

Comment Period #1

Name: Justen Rainey

Organization: Oregon Metals Industry Council State: OR

Number of commenters: 1

Comment text: Joe,

Please accept the attached comments on behalf of the Oregon Metals Industry Council.

Thanks,

Justen Rainey

Director of Government Affairs

Public Affairs Counsel | The Nelson Report

503-363-7084 (office)

503-816-3075 (mobile)

www.PACounsel.org

www.NelsonReport.com

justenr@pacounsel.org

Attachment:

<https://drive.google.com/file/d/13FUeSKNofgzckTP1MAQx8ct8OIgFMDI/view?usp=sharing>

Comment categories linked to this comment: 11, 45, 87, 105, 122, 180, 245, 259, 309, 361

Comment #674

Comment Period #1

Name: Gioia Goodrum

Organization: McMinnville Area Chamber of Commerce State: OR

Number of commenters: 1

Comment text: Dear Mr. Westersund:

Please find attached a copy of our testimony regarding the proposed Cleaner Air Oregon rules.

Thank you,

Gioia Goodrum

President/CEO

McMinnville Area Chamber of Commerce

503-472-6196 Office

503-472-6198 Fax

Attachment: https://drive.google.com/file/d/1CETmOdG6jgm1Rk761_tZ9flalfKgZ8ZN/view?usp=sharing

Comment categories linked to this comment: 11, 87, 122, 170, 245, 361

Comment #676

Comment Period #1

Name: Diana Zapata

Organization: State: OR

Number of commenters: 1

Comment text: My name is Diana Zapata and I am writing about my concerns regarding current air quality monitoring in the Portland Metro area.

We moved to Portland 25 years ago in large part to escape the awful pollution and poor air quality in Los Angeles.

It is my hope that existing and older facilities will have the same standards as all the new facilities have to meet.

Also, the "area cap" program should include traffic & diesel emissions. So often I find myself behind a diesel semi that is throwing all kinds of pollution, and I find it alarming that this is allowed. Please get rid of the false base line for diesel emmissions.

Please keep Oregon and Portland in a pro-active position rather than re-active after it is a bigger problem.

Attachment: <https://drive.google.com/file/d/136bBWby0geScRF2YZmOHUs34D6PALyK/view?usp=sharing>

Comment categories linked to this comment: 45, 238, 263

Comment #677

Comment Period #1

Name: Wm Kinsey

Organization: State: OR

Number of commenters: 1

Comment text: DEQ,

A resident of Portland, I am sensitive to Oregon residents incurring impacts of air pollution. I suggest:

Air quality regs should be based on public health, not just technology.

Air quality regs for any area should be sufficiently strict so that you would have no concern about air quality if you and your family lived there. The air quality should be such that you would encourage your child to play outside, and you would not have concern.

Air quality regs should take into consideration all sources of pollution, including mobile sources.

I have heard that air quality in Portland or Oregon approximates 2 cigarettes per day, Non-smokers such as myself will not want imposition of 2 cigarettes per day.

Stricter regs will encourage improved technology, thereby helping, not hurting, Oregon's economy.

Oregon has lax diesel regs, and California and Washington dumb their older trucks for use in Oregon. Oregon should prevent this impact !

I understand Louisville Kentucky has developed good air quality regs, consider this as a model.

Attachment: https://drive.google.com/file/d/1O8v0IEQ-U3ryxqqmTWtA19W_RKUJM4k/view?usp=sharing

Comment categories linked to this comment: 123, 235, 238, 240, 250

Comment #678

Comment Period #1

Name: Luke Harris

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

My name is Luke Harris & I live in the Burlingame neighborhood with my family. I've noticed how bad the air is here even without the threat of hyper-damaging smoke from forest fires. I hope that DEQ can curb toxic emissions from human sources in a meaningful way for my 2.5 year old son who struggles with Asthma since moving here 2 years ago.

Clean air regulation needs to be health based & analyzed by health-educated officials. Mobile sources like cars, trucks & planes need to be included in analysis. we live in the southwest without stationary industry, but plenty of traffic. A plethora of trees in our city gives a fall sense of cleanliness, especially as our roads get more congested.

Please base rules of public health & include all inputs. Regulations need to be tighter. Choosing industry profits over health is wrong & it is not impossible to prosper & succeed while nurturing our community. It requires more work & standing up to industry Lobbyists. Thank you.

Attachment:

https://drive.google.com/file/d/1QUE4g16oMEj_Z2HFMjjVdgnMTVYn0ITe/view?usp=sharing

Comment categories linked to this comment: 235, 237, 246, 248, 257

Comment #679

Comment Period #1

Name: Mabel Reardon-Mayer

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

I'm 5 years old and live in Brentwood-Darlington of Portland, OR. I like to play with my stuffy "Pandy". I like to play with my dog and my chickens in the yard. I have a swing I like to play on and a garden. I grow food in a special garden bed, just for me.

I hope that when you make special rules to protect our air you are making rules to protect me and my dog and my chickens, too. Because we are all important and deserve a safe place to play.

Attachment: <https://drive.google.com/file/d/1pTbgcnG4FrR2jyIP5275scC2UxuxcO3/view?usp=sharing>

Comment categories linked to this comment: 257

Comment #680

Comment Period #1

Name: Katherine Fukugama

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

My name is Katherine Fukugama. I have lived in Portland, OR since 1977 and value my community, city and state. One of the very basic concerns for where I personally live, and for my family and other members of our community, is to have safe water to drink and use and safe air to breath.

I have several concerns for our communities. Governor Brown promised a health-based program, Vs. a program regulated by numbers and statistics about pollution. The program currently proposes a cap of 500 cancer deaths/million people for a large pollution-producing facility. This number should be 1 cancer death/million.

another objection is to DEQ proposing a system in which the DEQ director has final authority to decide if a facility can continue to pollute beyond the permitted limit. This opens the door for unfair influence, i.e., corruption, to influence one person.

Existing facilities should follow the same standards as new facilities. Toxic emissions affect the public from existing and new facilities.

These concerns relate to our public heath, and our quality of life. Please act with conscience and good will for our community, not industry.

Attachment: <https://drive.google.com/file/d/1xUhPrT5hsfyQiTTE59nKkQJAI8i8N2Oh/view?usp=sharing>

Comment categories linked to this comment: 46, 246, 257, 258, 263, 265

Comment #681

Comment Period #1

Name: Frederic Tower

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ Air Quality Regulators,

I have reasonable concerns regarding your "hard cap" limits for an allowable 500 cancer deaths per million per facility. These limits are then amplified not just by the numbers of facilities in the cap area, but also by the mobile & construction additives. A limit of 1 cancer death per facility is practicable and achievable. When the economic impacts of the amplified cancers are added to the social impact, the cost of achieving the lower goals becomes most affordable for Oregon.

The kind of short sightness implicit to high, 500, allowed cancer death per million, brings to mind the short sighted decisions of the past, with impacts like the PERS formulas that traded short term well being for long term economic disasters. Please take the long view in setting the new standards. Thank you.

Attachment:

<https://drive.google.com/file/d/1fBlgZf2yMBN9WzahbtEaiAMg3Rk1biBD/view?usp=sharing>

Comment categories linked to this comment: 258, 265

Comment #682

Comment Period #1

Name: Tom Galey

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

I live in NE Portland. I am concerned about the health effects from the multiple sources of air pollution. We live near I-84 and there are people from all walks of life residing in this area. There are young families with children, senior citizens, and other residents who participate in various activities such as the golf course at Glendoveer and Glendoveer has an excellent walkway in the perimeter of the golf course. There are a few parks in the area where young children do their activities.

With all the air quality in the area, it becomes crucial, from a policy and science perspective, truly health protective regulations would address pollution in the manner that represents the air people actually breathe, cumulatively. I understand that polluters are claiming that these rules will impact their businesses substantially, but the combined pollution from traffic, industry, and more is currently impacting my neighborhood in a very negative way.

I encourage you to consider and prioritize all Oregonians on how we breathe and implement health protective rules.

Attachment:

<https://drive.google.com/file/d/1mK5T54rW2r06qdqi05zwcw4n9J2WHd6dV/view?usp=sharing>

Comment categories linked to this comment: 45, 235, 246, 257, 340

Comment #683

Comment Period #1

Name: Madison Chester

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

I am writing to you as a resident of Multnomah County with some concerns about the Cleaner Air Oregon program.

The program currently doesn't place enough emphasis on public health and instead focuses on industrial standards. The program currently proposes a cap of 500/million cancer deaths 500/million is ridiclsly (sic) high the cap should be 1/million.

Also, the state needs to take into account the affects of diesel fuel & mobile emmissions (sic) for the county. Not taking this into account creates a false baseline for the emmissions (sic) being put out.

Attachment: <https://drive.google.com/file/d/1yn8DudoSBe4qfGwQyYurVNk-ft7-Z-22/view?usp=sharing>

Comment categories linked to this comment: 235, 238, 246, 258, 265

Comment #684

Comment Period #1

Name: Christine Durgan

Organization: State: OR

Number of commenters: 1

Comment text: To whom it may concern:

I am a resident of metropolitan Portland, and in my lifetime I have seen a distressing change for the worse in the quality of our air. Clean air should be a fundamental right of all citizens, and thus I am writing in support of a health-based regulatory program that privileges public health above corporate concerns.

Gov. Brown has promised just such a health-based program. I am concerned that industry pressure will outweigh public input. I am also deeply distressed by the "director discretion" provision that has been proposed. No one individual and particularly one who is not required to poses (sic) public health expertise, should be permitted to determine final emissions limits.

Attachment:

https://drive.google.com/file/d/18fwkxW7M3kt_IU_imnWh4xHzNzd2ifYM/view?usp=sharing

Comment categories linked to this comment: 46, 237, 246, 257

Comment #685

Comment Period #1

Name: Kathrine Klein

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ,

I would like to make some comments about Cleaner Air Program for Oregon.

For several years I taught in the Lents area yet lived in the SW Portland hills area. I don't think there were strong voices in the Lents area compared to SW Portland all areas need to be watched over by DEQ. Look at the air quality of Lents area. Improvement could be made for public health concerns, existing facilities. Air cap is needed! Just because Lents is a low income area your agency has a responsibility to bring the information to the community for their meaningful input.

I expect you to have regulations fair to everyone.

Attachment: https://drive.google.com/open?id=1tz7EknuA04cW54xsiIZiv_jDNqND-hE7

Comment categories linked to this comment: 61, 140, 248, 257

Comment #686

Comment Period #1

Name: Brett Webb Mitchell

Organization: State: OR

Number of commenters: 1

Comment text: Dear DEQ of Oregon,

My name is Brett and I am a resident of Mt. Park/ Lake Oswego. My neighborhood has seen evidence of air pollution from the Portland metro area. There are many highways in the area that contribute to the pollution of the problem.

There are parts of Portland in which the air quality is poor, especially around the Lents neighborhood. I hope that you will consider putting a cap of 500 cancer deaths per million people per facility, beyond which permits will not be granted.

Please be sure that the proposed, new Cleaner Air Oregon achieves this goal. Engaged in this issue I hope you will actually engage us to do what we can do to change the air quality. Thank you

Attachment: https://drive.google.com/open?id=1clINDk_3DhD-W-pLo-VWRYQQZxRmLRo0

Comment categories linked to this comment: 46, 86, 140, 235, 262

Comment #687

Comment Period #1

Name: Jo Ann Tower

Organization: State: OR

Number of commenters: 1

Comment text: To the Director of DEQ,

My name is Jo Ann Tower. I live in SW Portland & I'm retired.

I am aware of the poor air quality in my city & in our beautiful state of Oregon. We desperately need to support Governor Brown's promise of a health-based program to improve & evaluate our air quality.

We urge you to include sources of traffic & construction diesel emissions as part of the "area cap" air quality monitoring.

Look to the state of California for strategic processes as standard for our stat to achieve.

We know, personally, of a 2 year old boy who last year was diagnosed with reactive airway disease. Cleaner air would have prevented this.

Look at how progressive we have been in health care. Let's strive to move forward with excellent air quality. wouldn't it be great that people want to live in our great state for our good air quality?

Thank you for reading this. Please support the Cleaner Air Oregon program.

Attachment: <https://drive.google.com/open?id=1KGf9BgXWMwOavB8s6Nd8wKREfWcMW1Uo>

Comment categories linked to this comment: 45, 88, 171, 238, 257

Comment #689

Comment Period #1

Name: Ronald Buel

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is:

1) Decrease the cancer risk. 500 ppm is too high.

2) Emphasize health, not "jobs".

3) Look more carefully at impact. Study height of smoke stacks and how far pollution carries.

what I like best about the proposed rules is:

Develop you program to protect people's health in reality.

Attachment:

Comment categories linked to this comment: 197, 246, 257, 265

Comment #690

Comment Period #1

Name: Molly Mecham

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: I am 13 years old and I attend Beverly Cleary k-8. I ride the bus to school, we live near I-84 and my dad has really bad asthma. This rulemaking will regulate toxic pollution from industries which will reduce my exposure to toxic pollution and protect my health.

What I like best about the proposed rules is: Reducing industrial toxic pollution.

Attachment:

Comment categories linked to this comment: 29, 235, 257

Comment #691

Comment Period #1

Name: Jeffrey White

Organization: State: OR (Portland)

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: A widening of the "area cap" to include all sources, such as traffic and construction diesel emissions. Likewise, the final authority on facility decisions should be given to a commission that includes environmental and health-based experts and stakeholders.

What I like best about the proposed rules is: That they are supposed to be health-based. My hope is that the rules will truly be health-based.

Attachment:

Comment categories linked to this comment: 45, 46, 257

Comment #692

Comment Period #1

Name: Haile Peveto

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: The hard caps on cancers.

What I like best about the proposed rules is: It is inclusive of communities of color and low-income.

Attachment:

Comment categories linked to this comment: 140, 257, 265

Comment #693

Comment Period #1

Name: Fiona McLary

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is:

- * Lower the cap for cancer risk - 500 per million people is too high
- *Base the program on public health rather than technology
- *Take into account mobile emission sources
- *hold existing facilities to the same standards as new ones

What I like best about the proposed rules is: I am glad the you are acknowledging the problem. I hope that we will soon have a program that protects the public's health. Please act in the public interest & implement such a program.

Attachment:

Comment categories linked to this comment: 171, 235, 250, 257, 263, 265

Comment #694

Comment Period #1

Name: Kelly Ann Cameron

Organization: State: OR (PDX)

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is:

-More atten to cancer rates & risk - health as priority

-Take vehicle emission into account

-Existing facilities should be held to same standard as new ones (high standards!)

What I like best about the proposed rules is: Health-based (people over profits) & it's a start.

Attachment:

Comment categories linked to this comment: 235, 246, 257, 263

Comment #695

Comment Period #1

Name: Adam Brunelle

Organization: State: Oregon 97232

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is:

*Area cap should cover whole state

*The limit per facility is way to high!

*Expand area cap to at least 3 impacted communities with poor air quality, and include diesel emissions

*Do more about diesel.

*No Director discretion

*No concessions to industry.

*Prioritize public health and environmental justice over profits.

What I like best about the proposed rules is:

*They require industry to engage with the communities they impact, and there are limited mechanisms to hold offenders accountable

*They take into account public health

Attachment:

Comment categories linked to this comment: 45, 46, 86, 140, 238, 246, 257, 258

Comment #696

Comment Period #1

Name: Pollyanne Birge

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: The effort hasn't seemed as engaging as it should/could be. I really appreciate the work of many nonprofits helping the cause! "Neighbors for Clean air" is a great example.

What I like best about the proposed rules is: Hmmm...I think there is so much more we could do - all due respect, but let's continue legislation banning fossil fuels!

Attachment:

Comment categories linked to this comment: 26, 373

Comment #697

Comment Period #1

Name: Mary Lou Soscia

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: Industry needs to be accountable and has to be required to reduce toxic pollution.

What I like best about the proposed rules is:

-Engagement of the environmental justice community.

-Area-cap program to include community sources like traffic and construction diesel.

Attachment:

Comment categories linked to this comment: 29, 45, 140

Comment #698

Comment Period #1

Name: Julia DeGraw

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: It need (sic) to address (sic) non-point pollution like cars & diesel trucks. any regs need to address the worst culprits of air pollution in OR.

What I like best about the proposed rules is: That the state is trying at all.

Attachment:

Comment categories linked to this comment: 171, 235, 257

Comment #699

Comment Period #1

Name: Chris Hagerbaumen

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: In this day and age we have the technology to truly put people's health first. We can innovate. Existing facilities should be brought up to date.

What I like best about the proposed rules is: The idea is heal-first, but that concept needs to be turned into reality.

Attachment:

Comment categories linked to this comment: 246, 257, 263

Comment #700

Comment Period #1

Name: Ashley Bonn

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: More events for information & networking - also planting trees

What I like best about the proposed rules is: -blank-

Attachment:

Comment categories linked to this comment: 61, 78, 86

Comment #701

Comment Period #1

Name: Son Stephens

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: I live in the Brooklyn neighborhood of Portland. I am on the board of our neighborhood association and we are very concerned about our air quality, especially with regard to diesel particulates. We are the "center of the bullseye" of the target that Multnomah County is (4th worst of 3100 counties in the nation! www.catf.us). Brooklyn is even more impacted due to the UP rail yard with increasing inter-modal truck traffic using "dirty" trucks.

What I like best about the proposed rules is: - blank-

Attachment:

Comment categories linked to this comment: 235, 238

Comment #702

Comment Period #1

Name: Cassia Schuler

Organization: Lincoln HS student State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: That existing facilities should have to have the same health standards as proposed new facilities. More people should be involved to help set the pollution limit.

What I like best about the proposed rules is: That the area cap program will also include regulating community sources of emissions including traffic. It's good that there is a focus on low-income and communities of color.

Attachment:

Comment categories linked to this comment: 45, 78, 140, 263

Comment #703

Comment Period #1

Name: Chris Smit

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: The DEQ should track the health impacts of pollution and control emissions that pose an undue risk to communities.

What I like best about the proposed rules is: All factories, not just new ones should have stricter regulations to clean up their acts.

Attachment:

Comment categories linked to this comment: 29, 236, 257, 263

Comment #704

Comment Period #1

Name: Quinton Galash

Organization: Lincoln HS student State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: The "grandfathered" in buildings who are not required to be to the same conde as new buildings are.

What I like best about the proposed rules is: Public health!

Attachment:

Comment categories linked to this comment: 257, 263

Comment #705

Comment Period #1

Name: Natalie Swope

Organization: Lincoln HS student State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is:

-the public health should not be measured as 500 cancers per million per facility, there should be another way

-this should regulate diesel emissions.

-the existing facilities need to be held accountable

What I like best about the proposed rules is:

-strong, but needs to be stronger

-good that Gov. Brown is advocating this, but the EJ communities need their voice

Attachment:

Comment categories linked to this comment: 29, 140, 238, 248, 265

Comment #706

Comment Period #1

Name: Stella Augustine

Organization: Lincoln High School student State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: tighter regulations for new facilities, especially schools!!

The cap of 500 cancers per million people why is it ok to allow 500 people to get cancers??

What I like best about the proposed rules is: -blank-

Attachment:

Comment categories linked to this comment: 258, 265

Comment #707

Comment Period #1

Name: Jacob Gortmaker

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: I don't think the director should have the final say in decisions. There needs to be more transparency. Also, the cancer regulations are problematic.

What I like best about the proposed rules is: I like that it is asking for regulations rather than solely pressuring large corporations.

Attachment:

Comment categories linked to this comment: 46, 258

Comment #708

Comment Period #1

Name: Giovani Florencia Borges

Organization: Lincoln High School student State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: Facility emission: we cannot accept even 1 cancer per million due to pollution. There is no sense on using dirty stuff like we keep doing.

What I like best about the proposed rules is: Health-based program in which human health is the driver for regulatory action - not corporate and industry pressure.

Attachment:

Comment categories linked to this comment: 246, 257, 258

Comment #709

Comment Period #1

Name: Odelia Zuckerman

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: There need to be more regulations for those responsible for pollution. The ways corporate powers are held accountable needs to change. This program should help people, not produce money.

What I like best about the proposed rules is: The fact that social justice is incorporated into the proposition.

Attachment:

Comment categories linked to this comment: 29, 140, 246

Comment #710

Comment Period #1

Name: Guido

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: to include community source traffic & construction diesel emissions in the area cap for the DEQ proposal.

What I like best about the proposed rules is: that existing facilities should have the same health standards as new facilities

Attachment:

Comment categories linked to this comment: 45, 238, 263

Comment #711

Comment Period #1

Name: Julia Dodson

Organization: Lincoln High School student State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: Director discession (sic) - I think that a committee should be tasked with determining which facilities can pollute beyond the limit, not one single person.

What I like best about the proposed rules is: Existing facilities need to have the same health standards as new proposed facilities.

Attachment:

Comment categories linked to this comment: 46, 263

Comment #712

Comment Period #1

Name: Tim Swinehart

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: to include diesel emissions from transportation in the "area cap" program.

What I like best about the proposed rules is: that it centers human health as the driver for regulation.

Attachment:

Comment categories linked to this comment: 45, 238, 257

Comment #713

Comment Period #1

Name: bella Klosterman

Organization: Lincoln HS student State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: The hard cap on facility emissions is 500 cancers/million/facility but the human life and wellness should be valued more over "corporate success". I should not be one of those 500 people, I deserve to be protected and so do all other Oregon residents.

What I like best about the proposed rules is: Taking environmental justice into account and allowing vulnerable communities to have a real dialogue and being treated as people who can make decisions.

Attachment:

Comment categories linked to this comment: 140, 246, 265

Comment #714

Comment Period #1

Name: Mia Tovar

Organization: Lincoln HS student State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: I just don't think that any type of facility should have the right to pollute an area. All areas should be subject to no air pollution, especially those of low income residents because it's more challenging for them to have an influence.

What I like best about the proposed rules is: "Area cap" to measure the air quality is very important.

Attachment:

Comment categories linked to this comment: 29, 45, 140

Comment #715

Comment Period #1

Name: Jonah

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: that it should be more focussed (sic) on the environment & against corporate/industry pollution.

What I like best about the proposed rules is: the progress made.

Attachment:

Comment categories linked to this comment: 171, 257

Comment #716

Comment Period #1

Name: Ryan Trelstad

Organization: Lincoln High State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: All existing facilities need to be improved to the new facilities standards.

What I like best about the proposed rules is: Public health!

Attachment:

Comment categories linked to this comment: 257, 263

Comment #717

Comment Period #1

Name: Grace

Organization: Lincoln HS State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: The authority to decide if a facility can continue to pollute beyond the permitted limit should not be given to one individual.

What I like best about the proposed rules is: The proposal to cap air pollution in communities surrounding industrial facilities

Attachment:

Comment categories linked to this comment: 45, 46

Comment #718

Comment Period #1

Name: Chani Daly Wells

Organization: Lincoln HS State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: All facilities should be held to a same an (sic) higher standard, that doesn't put anyone or anything in danger.

What I like best about the proposed rules is: It's a start, and pressing all the points to what they need to be.

Attachment:

Comment categories linked to this comment: 171, 257, 263

Comment #719

Comment Period #1

Name: Adam McInroy-Edwards

Organization: Lincoln HS student State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: More regulation on pollution limit

What I like best about the proposed rules is: that they cover different areas

Attachment:

Comment categories linked to this comment: 28, 257

Comment #720

Comment Period #1

Name: Cate Marcus

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: the facility emissions, which has a hard cap of 500 cancers per million people. This will disproportionately affects (sic) lower income people, who live closer to facilities.

What I like best about the proposed rules is: that Gov. Brown promised Oregonians a health-based program in which human health drives regulatory action.

Attachment:

Comment categories linked to this comment: 140, 257, 265

Comment #721

Comment Period #1

Name: Kevin

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: Factory emissions are way more intense than they should be and we should not allow any factories (new or not) to pass a given threshold of emissions

What I like best about the proposed rules is: I like systemizing (sic) the DEQ to hold them more accountable.

Attachment:

Comment categories linked to this comment: 257, 263

Comment #722

Comment Period #1

Name: Gabe Servo

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: That one person can decide weather (sic) a facility can keep polluting

What I like best about the proposed rules is: Th cap of 500 cancers per million score is going to be changed

Attachment:

Comment categories linked to this comment: 46, 265

Comment #723

Comment Period #1

Name: laura McLary

Organization: State: Oregon

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: "Director discretion" - too little oversight, too narrow for making good, health-based decisions.

What I like best about the proposed rules is: Health-based focus! I'm very concerned about smelly paint odors from Swan Island in my neighborhood. More than odor, I'm concerned about negative impacts on health.

Attachment:

Comment categories linked to this comment: 46, 248, 257

Comment #724

Comment Period #1

Name: Carter Van Vleet

Organization: State: OR

Number of commenters: 1

Comment text: What I think needs to be changed in the Cleaner Air Oregon program is: The fallacy that the only option (sic) is either jobs or regulations, and that we can't have both.

What I like best about the proposed rules is: DEQ has more accountability.

Attachment:

Comment categories linked to this comment: 123, 171, 245

Comment #725

Comment Period #1

Name: Rachel Najjar

Organization: State: OR

Number of commenters: 1

Comment text: For one reason or another, we all depend on the railroad. But, what is the price that we pay to preserve the ties that keep the train on the tracks? Of course we don't want people to lose their jobs and I assure you that they won't, if Union Pacific takes the proper course of action. But, if they aren't forced to consider human health, then they won't. That's why we need Cleaner Air Oregon and we need it done correctly. That means that you need to consider our health and not industry's pocket book.

As you know the railroad was given a hardship exemption after creosote was banned due to its harmful effects on human health. Sixteen of the most commonly found compounds in creosote are on the EPA list of primary pollutants. All sixteen of those compounds are known to cause cancer, reproductive harm and immune dysfunction, to impair normal development and to have estrogenic qualities. DEQ allows Amerities to emit 30,000 tons of creosote a year, how is this not a public health threat? Amerities is

self-reporting to DEQ, when we all know very well that creosote is a hazardous, cancerous chemical cocktail that is being emitted freely into the town of The Dalles.

I have met so many people here that have been diagnosed with chronic diseases by doctors that are uneducated about the dangers of creosote. To their surprise when they move away, all of their symptoms magically disappear and they no longer have to take the long list of pharmaceuticals that they thought they would be taking every day for the rest of their life. My family had the same experience. How can that be? Well, when you live in a town that is constantly being poisoned by creosote, you develop creosote toxicity that can mimic many different kinds of neurological and autoimmune diseases. Moving away is the only solution to having a life again. But, what about the people that can't move away? People like Tiffany, who were born and raised here and should by all means be healthy but because she lives in this toxic wasteland, she can barely get out of bed. Your actions have shown me that you don't think that her life matters or anyone that lives in The Dalles does.

It's time to focus on the health risk that Amerities poses to The Dalles. It's not our job to prove that risk to you, it's your job to prevent it. And it's Amerities job to spend the money to ensure that their company is not a threat to the community.

Many of the most common symptoms that I see in people in The Dalles are that of lead and arsenic poisoning. We can't get the medical help that we need to survive, if we don't even know what we are breathing in. We need transparency. That includes a list of all ingredients, the supplier and a production schedule. We need ATSDR to do their health study correctly and use real time data and studies.

Most importantly we need to get on the map. The Dalles is not listed on any of the maps of the most polluted places in America. But, then again how would they be if no one has ever really measured the amount of pollution here? My question is how are we going to have a chance at getting on the list of the top 80 polluters if it is based off of history?

It's time for Oregon to fight for the people of The Dalles. The Dalles is not alone, there are many towns that have successfully proven community deaths from the local tie plant. They have shut down, because it seems there is no safe way to use creosote. You and I both know that Amerities needs to be in the top five of the top 80 facilities with the highest health risk, as well as ELR/ORRICO in Hayden Island.

Which brings me to my next question." Is this company, ELR/ORRICO Amerities supplier"? The same company that is making their neighbors sick from burning used oil to make an even dirtier slurry oil? These are the types of alternatives that you have given Amerities to use interchangeably with creosote. But, we're still paying for the oil business with our lives.

Amerities is still in operation in spite of the fact that creosote was banned nationally because it is so deadly. Because of DEQ negligence, they continue to get away with it. This needs to end now. Health risk is number one and it should be proven that it is not a health risk for permit writing. There should be no renewal and no new permits unless they can prove there is no risk to the public. But, we can't wait five years for Amerities to renew their permit when we know that this is an imminent public health threat. Amerities needs to be ordered a cease and desist effective immediately. Cleaner Air Oregon asks us to be patient, but I don't think that anyone's life should have to be spared in the meantime. Let's be human. Let's enforce the laws on creosote that most of America and the entire world operate on.

Attachment:

Comment categories linked to this comment: 61, 97, 133, 171, 178, 230, 244, 246, 251

Comment #726

Comment Period #1

Name: Tiffany Woodside

Organization: State: OR

Number of commenters: 1

Comment text: I apologize I don't have anything formal as it just it's all overwhelming. I was born and raised in the Dallas I had migraines and other issues growing up. I moved away and my health improved I never really knew why. I moved back with my family and it has been a down word spiral for my health. I've been frustrated with the medical community here because our local health authority has failed to educate our doctors and medical providers on the toxic dump in our backyard we know science proves that these chemicals are directly related to a myriad of health problems. We have a senior center, a hospital and a school that is bombed daily with Amerities toxic chemicals these children, especially parents who don't know and sleep with the windows open like I used to, these kids breathe these chemicals all night; and then they walk to school and they breathe these chemicals walking to school; and then they go to a school where the chemicals were so bad that both of my children were regularly sick until I removed them and homeschooled them. It is insane that Oregon Health Authority and no one else has been here to test our town, do swabs, test our schools, test our hospital, test our facilities. If they did, you would know that we are being poisoned, arsenic, lead, heavy metals, the by-products of the three preservatives being used by Amerities and that's just Amerities. I acknowledge there's cherries there's SAPA, there's all of that, but I moved to the east side of town and my nose is regularly raw, my throat is dry, it's hard to get Oxygen, my blood cells are dying I have very few left and every day is altered by Amerities. I can no longer go outside, my pets no longer go outside, my children have to go thirty minutes out of town to go to school to stay healthy. This is life altering, my whole family is here they have cancer and MS and all the other associated health problems. So all of this sounds wonderful but so far Amerities/Union Pacific has failed to meet any of your criteria for concern for our community. There's a cancer center here we have a ton of cancer I don't know why we can't go to the hospital and get medical codes and find out our cancer rate here, it just seems like nobody wants to.

Most of all I'm scared for the children, again I grew up with headaches, I grew up with all kinds of issues and I look at my children and the parents who don't know and let their kids play outside and just give them their Asthma pump and their ADD medication I feel like the providers prescribe instead of teach preventative measures. I know that my family, while learning about the tie plant, just getting air filters and water filters and when we smell the smell coming inside had a drastic effect on our health. We improved, my kids improved and I think it's everyone's right in the community to know what is happening. Instead there's a very, there's a code of silence and people want to talk about jobs and I do

think jobs are important but not at the expense of our lives. So, I guess that is my biggest fight with Cleaner Air Oregon is health and testing to prove cumulative effect for using the three preservatives. I've been trying to get a phone call back from the Union Pacific for a year to learn of what preservatives are being used so that I can take health measures and get testing that might show that these chemicals are dangerous to my health. I feel like I'm going in circles, I'm overwhelmed, it's been, in eighteen months has been really frustrating.

I've lived above the tie plant for five years and three years going to medical providers trying to find out what was wrong. I don't know if that's more frustrating, not knowing what was poisoning me, or now knowing what's poisoning me and having to stay indoors, spend my money at medical providers and I feel like a loss of quality of life living here and I don't have the means to just get up and go so I feel stuck, I feel poisoned and I feel like nobody is listening and I don't honestly have hope based on what you guys are saying and the criteria that Union Pacific has not met yet to be concerned that we will not fall on that list of eighty and I do not believe The Dalles has five years to wait for any sort of aid, help, testing. I just I don't think we can wait for this I think this is an emergency in town. I feel like we're being ignored by all agencies. I feel like the complaint written against the governor and bullseye glass very much outlined the repeated failure of Amerities to protect our community and yet be issued a permit by DEQ. I was frustrated to find out that some of these same DEQ employees have been working in our town with this facility for ten years and yet eighteen months ago when I found out I was treated like they just found out about it. I feel like its trickery. And I'm frustrated because there's nowhere to turn. Amerities doesn't return calls; DEQ says they have a permit to poison us; I can't move so, so what do we do? I know that if the agency came in here and swabbed the school and swabbed the hospital and went to flag stone where the old folks think that migraines are contagious that data would probably scare the crap out of everyone in The Dalles. If we took statistics of asthma and cancer, neurological disease here I think it would frighten people in The Dalles. But instead, we're all sick and we're all home and nobody's talking and nobody wants to believe that this odor is toxic because there's been some rumor around The Dalles that somebody is taking care of it and nobody is and willful blindness is killing people of The Dalles. And so I just really think there needs to be education at the very least with a toxic plant in a town like this. There has to be education with a Health Authority. There has to be education for our medical providers. It's unfair for a child to be prescribed ADD medication and Asthma medication at three years old four years old when, if they stayed indoors with air filters and maybe there were preventative measures they wouldn't need those drugs. Those are life altering drugs for the rest of their life and I think there's a lot of it being prescribed here in town. Again my children dramatically improved upon being removed from Dry Hollow; myself improved not having to be a Dry Hollow volunteering, picking them up or running my dog who also was sick in the field at Dry Hollow. So, I'm very concerned that despite my outcry for, most of all, the fear for that school nobody has been up there to test it. I know there's bloody nose, I know their sickness up there and I don't have the money to hire somebody to go test it although I'd like to do that. I'm probably coming upon my ten minutes I thank you. I'm frustrated.

Attachment:

Comment categories linked to this comment: 61, 97, 171, 178, 230, 244, 246, 251, 340

Comment #727

Comment Period #1

Name: Steve Curley

Organization: State: OR

Number of commenters: 1

Comment text: I am Steve Curley my split my time between Underwood Washington and The Dalles. I've been coming to The Dalles to work on Friday nights for twenty five years and back in the day I'd pull off on the, and of course we're not allowed to talk about what we all know which smell we're here about or what poison we're here about, but I pull off on the one exit there by Amerities and it's like, in the summertime it's 'welcome to The Dalles'. And, you know, I walk my dog here and I smell the smell I'm over by the middle school, a block from the middle school, and I go out in the morning to have my coffee on my deck in the summertime and I smell the smell. I can't even go outside and enjoy my coffee in the morning because I smell mothballs and it's an invasion of my airspace. I pay taxes. Don't I, aren't I allowed to have fresh air to breathe instead of mothballs? It's ridiculous and I call Jeff at Amerities and leave a message "I smell it up here I'm at eleventh and whatever" and what's-her-name name takes it very cordial anymore but it's a joke. Nothing seems to get done. They put, they did a new recipe last year, last December it's been a year nothing's changed. As far as I'm concerned I still smell the smell. I've been in my car at Kmart on the interstate, I smell the smell with my windows rolled up. You can't escape it. And the DEQ issues a permit for them to poison us. If they're going to poison the air they shouldn't be here where there's a population they should go somewhere in eastern Oregon and they're going to piss off the wolves or the Coyotes or the rabbits and the squirrels or whatever, and the deer. But nobody's going to complain and the people out there I'm sure can use some jobs and I'm all about jobs but at what expense? So, you know, obviously Bullseye Glass started this thing a few years ago. That's why, you know, in Portland you can't piss off Portland. Well apparently you piss off of us and you get away with it. But Bullseye Glass started this, which is why we're here with Clean Air Oregon, and I really appreciate some initiative towards cleaning things up I just hope there's some teeth to it. You know I don't mind, you know, I drive across the Washington side and I smell Dirt Hugger over there, it's not very not a nice smell but I know it's not going to kill me, I know it's not cancerous. You know it smells like poop but, poop is poop. Poop's not Creosote so look up Creosote, Google it, the third sentence is this "the oil based creosote is cancer causing" the third sentence, it's like, uh. The tar pitch is not cancerous. So I hope there are some teeth to this Clean Air Oregon. I appreciate you doing what you're doing. I appreciate you coming to The Dalles, even if you live here. But, there's got to be something done it's it's not good for for humans. Thank you.

Attachment:

Comment categories linked to this comment: 93, 97, 171, 178, 230, 251

Comment #728

Comment Period #1

Name: Dave Berger

Organization: State: OR

Number of commenters: 1

Comment text: How do you follow that? That's like going on after Jerry Garcia. First of all I found out about this meeting yesterday so this is going to be a little scattered. I want to thank you for being here I really appreciate it. You guys said you're going to do toxic rules you're doing it and that's a great thing and I gotta say at this moment in time it feels like we're the last remnant of American democracy where we can be in a room and try to work on a problem, jointly, regardless of what else happens and that scary too. First off I'd like to address what some of these guys were talking about regarding toxics. You can look at a chart and you can go four/five micrograms of Naphthalene and that's it and that's ninety nine percent safe for cancer and it's all cool. Or you can look at what's going on here and you can talk to the people and you could say wow toxics don't just cause cancer they also cause people to gag and cough on the freeway while they're driving which is actually happened to me. You could, you could talk about the quality of life issues that these guys have faced. You could actually do an epidemiological study and get data on the increased cancers and the increased respiratory ailments in The Dalles. And if you can't get that data then you can send a survey out to people in The Dalles and get responses for what's affecting them and how it's affecting them and then build it into the rest of this stuff. But you can't just look at a chart and pick out a number and say it's all OK because it really really hasn't been OK for twenty years. Secondly, I noticed that some of the stuff you're doing has been with focus groups with twenty three people, some involving industry. Personally, I think that information ought to be published. When they started with the Clean Water Act they realized they couldn't make ph ten, a ph of a certain level illegal because of all the concrete in the United States at a certain level ph and they adjusted that. I think we should know and it should be published, every adjustment that you made in response to industry regarding these regulations. In other words, they're having input and we need to know what it is. Because at least we should have the data. We know we can't exactly know how many millions of dollars they're spending walking inside the swinging door in state or federal government and so we should least know what their impact is just like they publish with the Clean Water Act with, with respect to the concrete industry so that we can evaluate what the heck is going on. Thirdly, automobiles and transport diesel create a tremendous amount of synergistic effects, you cannot look at an air pollution problem from one or two particular industries and not include those in because there's huge human impacts and that's a massive cumulative impact. So to just say "oh we're just going to dismiss it" that that's really not enough because even if you're looking right at the plant I-84 is going right by this plant and I-5 is going by how many others? That really needs to be taken for a second look. Huge cumulative impact from transportation with industry. Fourthly, what I said before regarding arsenic and everything else when you're ranking these plants someone has to be the Lorax and DEQ should be the Lorax. You should look at the effects on flora and fauna and wildlife and actually build that in to the industry that's agriculture, that's fishing, all the other things that Oregonians depend on for human welfare not just human health. Fifth, the railroad thing, now that was amazing sham to say "oh, the creosote plant is owned by somebody else so they don't have the money but the railroad has the money but they don't

own the plant but they buy the ties". Well, guess what? The railroad just guys got a massive windfall from the federal government they are now being allowed to reduce the safety of railroad cars carrying explosive oil and so they're getting a huge windfall. They don't have to spend the money on that so maybe they could be forced to spend some of the money on this and maybe that excuse of they don't have the money, you know, just can't work anymore and it's something you guys need to think about. And I got a sixth one somewhere hiding. Let's see where that might be. Let's see. And that's probably kind of enough for now. And again stuff like cancers per million, that's great, but the effects on human beings' lives is another piece and you should definitely take a good hard look at including that into the law.

Attachment:

Comment categories linked to this comment: 45, 97, 133, 171, 230, 237, 246, 347

Comment #729

Comment Period #1

Name: Joel Kabakov

Organization: CGCC Faculty State: OR

Number of commenters: 1

Comment text: Thank you Bob, Keith and staff, for making this happen, thank you for being here. One of the problems we have in the sound system tonight is because it is very loud air filtration system and. I hear it even now. I wonder why? And I have electronic filters at my house. I want to just, the theme of what I want to say, and I can't come up to the eloquence especially of Rachel and Tiffany, thank you so much. A day in the life: I got a card in the mail, you have a free membership to the health Club Silver Sneakers. I jump in my car and I drive to the water's edge which is walking distance from a Creosote plant. And I noticed as I parked my car a little bit to the left there's a large building which is a dialysis clinic. Just beyond that is a large row of retirement condo walking distance of a Creosote plant. I go to the health club and I work out and then I get in my car and I go home. Then I go play with my seven year old granddaughter, she was born in The Dalles. From zero to seven, that's a life time for a little child. Do I have to wait five years for something to go on, you know, for something to be improved about this situation? How old would my child be then? Twelve years living in The Dalles and she's dealing with situations which I have to say, yes to medicine or to science to be considered anecdotal. I have, you know, boils on my skin, well I actually have two grandkids that have broken out with that. So I don't care about epidemiological studies in a certain way. I don't care about population studies. This is present to me now and my grandchildren. I actually have some notes. So, and I asked for scenario planning to be done with any toxic, any plant, industrial plant that is on a level that works with toxic substances having to do with scenarios. I mentioned that oil train derailment and explosion, is this documented, is the study being done, is the contingency planning done, is the emergency planning done? A tank can rupture all on its own, it's not on schedule it just ruptures, the whole tank ruptures, it emits all the

substance into the air. I'm not saying it's Union Carbide. I'm not saying that it's (*couldn't understand*). But it's The Dalles, something's going to be released in that air and make the unlivable. Has that study been done? Is that study available to the public? Is it a study that's transparent? So you can have a simple breach in a tank. Actually, I've gotten to the, to the end of my list so I just want to thank you again and hope that actually the DEQ and this study gets all the help possible. And I do have another point: I don't think anybody in this room loves to be an activist. I have found myself in my life having to be an activist because I wanted peace when there was war or I want civil rights because they weren't coming. I would have been much happier not being an activist. I could be a conservative college professor, which I've been doing since 1971. That's what I want to do, I want to go to my health club, I want to play with my granddaughter and not be concerned with disasters. Thank you very much.

Attachment:

Comment categories linked to this comment: 97, 171, 188, 230

Comment #730

Comment Period #1

Name: Kris Cronkright

Organization: State: OR

Number of commenters: 1

Comment text: Good evening I want to say thank you so much for bringing Cleaner Air Oregon to The Dalles. It's been very hard to participate in going to Salem for any hearings or anything like that and I have I've submitted some comments but it's always nice to be able to do it publicly so thank you very much. Good evening, my name is Christina Cronkright. I'm here tonight as a representative of myself as well our community group called the Dallas Air Coalition. I've been participating in clean air measures in the community for several years now. I've jumped through every DEQ hoop possible in order to enact change yet change has yet to come for us. I'm tired, so instead of going through the minutia of the Cleaner Air Oregon rules I would like to share a letter with you that I sent to Erin Brockovich several years ago when it became apparent that DEQ had no intention of taking clean air seriously for the people of The Dalles. Except this time I direct the plea to you, rule makers of Cleaner Air Oregon. Our small city of roughly 15,000 has been in desperate need of air quality control for almost one hundred years. The Dalles Oregon is home to one of the few remaining Creosote wood preservation facilities in the country. Industries treating railroad ties with Creosote, on this Union Pacific only, and have been in operation since 1922. For most of these years the operations have occurred with little oversight or regulation. The treatment facility has been owned and operated in the past by JH Baxter and Kerr McGee and is currently operated Amerities Holdings, LLC. This site has been on the national priorities list, a Superfund site, since 1990 due to severe ground water and soil contamination. The plant is located 500 feet south of the Columbia River and is bounded a riverfront park, The Dalles Levy and Interstate 84 to the north; the sites railyard to the south; Three Mile Creek, an undeveloped land to the east; and a

residence and access road to the West. In the beginning the plant was located slightly out of the city's residential area but due to population increase and challenging terrain The Dalles has steadily been growing up around the plant from all sides. My family moved to The Dalles in 2014 to live closer to my husband's job unbeknownst to us, we happened to rent a house that was situated almost directly above the tie plant. We moved at the peak of the hot season and it was one hundred four degrees the weekend we moved in. When Monday came, I was awakened early by overwhelmingly strong Creosote fumes. Having grown up walking the tracks near my childhood home in Michigan I knew immediately what the smell was but I didn't know where it was coming from or why it was happening. I Googled it and came up with an article about a town hall meeting that I had just missed before I moved to town regarding odors from the plant. I read at the bottom that any odor concerns were to be addressed to Jeff Thompson, the plant manager. So I called Amerities West to submit a complaint and was told their policy is to travel to the place of incident. I was thrown off guard but said okay. And when Jeff Thompson his assistant manager arrived, they immediately announced they could not smell anything. I invited them in and we went to the porch facing the plant, it was there that they announced that someone must be paving in the area. Yet many days the surrounding neighborhoods are entirely inundated by Creosote fumes, and depending on the weather in the entire city as well. At this time I started getting migraines often and was feeling extremely lethargic. I was beginning to realize that my life meant nothing in the face of big business. My family lasted in that house for two full months before we broke our lease and moved to the west side of town, which is generally upwind of the plant. At this point in time I was completely naïve, I had no idea of the scope and timing of the situation when I was sent a copy of the report Amerities is required to send the DEQ when they get an odor complaint. The report stated that I was 'new to town'. I had no idea that this had been business as usual in this city since long before I showed up. Almost immediately after my encounter with the plant manager of Amerities I started to learn as much as I could about the issue. To date, I have read just about everything pertaining to Coal Tar Creosote, plant operations, permits, inspection reports, Superfund contamination and containment, and I've given public speeches. I've been interviewed for news reports; I've written letters to the editor; I've met with the mayor; I've helped form a citizen action group; I've started a website; I've participated in countless protests and outreach activities; I've submitted over one hundred odor complaints to the DEQ; and I've tried to educate as many people as I can along the way. So while I'm at it, the main odor component of the many emissions released from the Creosote treatment process is Naphthalene. The USEPA has deemed Naphthalene a B1 classified carcinogen, meaning a probable carcinogen, with exposure pathways including but not limited to inhalation. Various sampling data conducted by environmental consultants for Amerities as well as the DEQ show Naphthalene concentrations in The Dalles can, at times, be exponentially higher than the benchmark levels for cancer risk. Not to mention the toxic fumes are undeniably the source of the pervasive and offensive odor. Most of our schools are located above the plant as is our veteran's home. Children are playing on the playground during school hours when fumes are strong and, I'm told, there is a higher than normal rate of asthma in these children. I fear my son is being allowed to play outside at his preschool during these times. Whereas, if we're home, we stay inside, we shut off the heat and we turn on our multiple air purifiers during odor events. During the hot summer we were held hostage most every weekday morning during prime outside playtime. My experience here has been so surreal I just can't believe this community continues to tolerate the status quo. You'd think the citizens of The Dalles would have demanded action by now but a jobs issue severely stands in the way of progress. Our city officials act as though nothing is happening and a small number of plant worker continue to drive fear into the heart of

the citizens who think that The Dalles still relies heavily on the plant for jobs. Unfortunately jobs in the city are hard to come by and we do have a homeless population so people think that if they complain the plant will close when, in all reality, their complaints could force the appropriate parties to spend the money necessary to implement odor control measures. Things are so heated that, for instance, if someone complains on social media they are bullied, intimidated, alienated, and/or told to move. People who have grown up here claim they can't smell it and I suspect they're also unaware that these are not normal living conditions in most places let alone in a national scene area. I'm concerned that citizens of The Dalles will be unable to move beyond the party lines to understand the truth behind their situation. The eastern Oregon DEQ is the plant's current permit writer as well as the odor investigator and the Superfund site overseer. Amerities West, LLC's. 2015 renewed air quality permit allows for the release of thirty nine tons of volatile organic compounds, or VOCs, a year as well as ninety nine tons of carbon dioxide and thirty nine tons of sulfur dioxide. The plant emits well below these limits however by these standards the plant will never be out of appliance of their limit and the interested parties eastern Oregon DEQ, Amerities Holdings, LLC, Amerities West, Union Pacific Railroad and the City of The Dalles, hell, the state of Oregon will continue to let this happen. At a town hall meeting organized by the DEQ before the recent permit renewal the DEQ unveiled their new nuisance odor strategy. It is designed to investigate, analyze and respond to odor complaints and nuisance odor conditions from suspected permitted facilities. The strategy requires 10 different formal complaints from ten different addresses in sixty days for the strategy to be implemented. The nuisance odor strategy is separate from any permitting process and only attempts to address nuisance odor conditions not permit compliance. If the DEQ can independently prove that the plant is emitting nuisance odors they will refer them to the Office of Compliance and Enforcement, but have yet to do so. Taking all of this into account even if the plant is shown to be emitting nuisance odors even when those odors are a "public health concern" it will not be a part of the equation and it will not be addressed. Instead the Oregon Health Authority tells us that just because we dislike a particular odor our brain causes symptoms such as migraines, dizziness, or stomach problems. As a migraine sufferer I am deeply offended by this stance as if it were smelly socks or a dairy farm I was complaining about. The scope of this issue is enormous and it has many facets. I am for your help so our city can live freely. I am asking for your help because we can't achieve this on our own with the resources available. What is happening here is nothing short of a crime against public health and a crime against the environment. The Dalles is a beautiful, vibrant, welc... well, maybe not so welcoming a city with many wonderful things to offer. But I fear it will continue to be an extremely unhealthy place as long as this industry is allowed to continue without penalty. Fast forward several years, I wrote this several years ago. Here I am still jumping through hoops for DEQ and clean air, via Clean Air Oregon. Except now I'm sick and my family is sick from having to live in the toxic fumes for years. We all have multiple chemical sensitivities and navigating the world is totally different now. We can no longer tolerate being exposed to any scented product as these synthetic fragrances are created with Benzene. Benzene ring compounds same as Coal Tar Creosote. Our systems have reached their limit for toxic exposure and now react to everything synthetic. My 5 year old has to contend with this. If Cleaner Air Oregon was made for anything it was mad for the city of The Dalles which so badly needs a cap on pollution as well as some major changes down in the old Creosote plant. When adopting these new rules ask yourself "will this finally allow for a positive change in The Dalles?" If not, then you haven't gone far enough to protect human health and vulnerable populations. Thank you for your time.

Attachment:

Comment categories linked to this comment: 97, 171, 178, 230, 251

Comment #731

Comment Period #1

Name: Karen murray

Organization: State: OR

Number of commenters: 1

Comment text: We built our dream house on the Hill above Amerities twenty years ago and we're a couple blocks back. I had no clue that we would be able to smell the tie plant when we built, I should've known better. It really drives me crazy when I smell objectionable smells when I'm outside my house and I don't know exactly what I'm smelling, you know, I know about the Napthalene and I taught chemistry to middle school kids before or at least tried to. But, I want to know what, what effect it could have on me what those chemicals could do to me, could do to my health. I don't like the smell of foul smells when I'm outside my house in my yard and I always, we got here late so I'm not sure all the comments that have been made but, it's just objectionable to me and I want to know why more hasn't been done. Now I know some things have been done. And the formula has been changed and, and when it did change I, I would smell something but I wouldn't know if it was the tie plant so it still was objectionable to me and ,you know, we don't smell it every day but it still is something that bothers me. And I know about three weeks ago a musician spoke to the city council and he, he said that he got on the boat at Celilo, he was there to play music for the people on the boat and they went down river and they went by The Dalles and it stunk to high heaven and it was kind of like what's that and it just was really embarrassing. He just kind of ignored it but it was something that... I mean I really think the smell does affect tourism. And I haven't interviewed people on the street but I know it does, because it affects me, and I just would like more to be done. And I realize that there's jobs at stake but there's health at stake and there's people's wellbeing at stake. And Christina just your presentation really laid it out nicely and I'm just kind of flying by the seat of my pants but I just think some more needs to be done. Thank you.

Attachment:

Comment categories linked to this comment: 97, 171, 230

Comment #732

Comment Period #1

Name: Chantal Green

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: Hello, my name is Chantal Green. I live in Myrtle Creek, Oregon and I've worked for Roseburg Forest Products for two years. Roseburg provides thousands of family wage jobs in rural communities across southern Oregon. And these small town (unintelligible) are often the largest employer and serve as the economic lifeblood of the community. As currently proposed the Cleaner Air Oregon rules will be the most stringent air toxics program in the nation and could force facilities to curtail operations, leave the state, or shut down. This loss of jobs would be devastating for thousands of families like mine and the rural communities we live in. We support fair and effective air quality regulations to protect the health of employees in our community in fact Roseburg has spent millions of dollars just in Oregon during the last (unintelligible) years to comply with the federal regulations and control air toxics. But, the Cleaner Air Oregon go far beyond what is reasonable. Additionally, these rules have been heavily influenced by politics not science these rules are targeted by politics in the Portland Metro area and I'd like to reiterate potentially enormous negative impacts these rules could have on rural communities. When jobs go poverty, drug use, and crime rates go up and small Oregon communities suffer. For those reasons I'm requesting that DEQ modify the proposed rules based on the written comments submitted by Roseburg Forest Products. Thank you.

Attachment:

Comment categories linked to this comment: 55, 87, 122, 149, 170, 222, 245, 249

Comment #733

Comment Period #1

Name: Cassandra Jackson

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: So I'm Cassandra Jackson, I also work for Roseburg Forest Products. I've been working with them for a little over three years now. One of the reasons why I chose to work for Roseburg Forest Products is that we share a lot of the same values. RFP is involved heavily within their community, they donate to local charities, they also provide good living wage jobs and strong (unintelligible), they also provide a lot of contributions to the communities with environment and public health. It really does show with the way that we manage our timberlands and our manufacturing sectors as well. So, the proposed Cleaner Air Oregon regulations would make Oregon one of the stringent air toxics programs in the nation and I'm concerned that these regulations will have devastating impacts on our business while making probably little to no improvement to public health. The last thing Oregon needs is businesses curtailing production or closing their doors to unfair and unrealistic rules based on politics. The rule unrealistically targets businesses rather than all sources like emissions and wood stoves as Keith was

saying earlier. And they use hypothetical computer models to assume emissions being released. The assumptions being made in the regulations can have unsettling impacts on how businesses operate in Oregon. I'm in support of fair and effective air regulations to protect the health of our neighbors but I urge you to modify the proposed rules based on the written comments submitted by Roseburg Forest Products.

Attachment:

Comment categories linked to this comment: 15, 55, 87, 122, 170, 192, 222, 245

Comment #734

Comment Period #1

Name: Kristana Becherer

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: I've worked for Roseburg Forest Products for almost eighteen years and before that attended college thanks in part to a scholarship I received from Roseburg Forest Products. I've lived in Southern Oregon for over thirty five years. I consider myself fortunate to live and work in a rural Oregon community. For facilities like those owned by Roseburg Forest Products are the economic backbone of the community. The proposed Cleaner Air Oregon regulations would make Oregon's air toxics program the most stringent in the nation, even stricter than major urban areas like Los Angeles. On the surface this may sound like a good thing, protecting human health, but under the surface the proposed regulations are setting the stage for incredibly harmful effects on human health and the health of Oregon communities. I'll explain, as they are currently written the proposed regulations will put thousands of our local businesses at risk not only in the manufacturing sector but other sectors including forest products, agriculture and energy. With the addition of these onerous regulations and requirements many companies will not be able to afford the additional cost to meet the new requirements and will curtail operations or worse shut down. Other companies will choose to leave the state either way the communities that depend on these businesses will suffer extending from schools, churches and overall public health as unemployment rates increase. When those jobs go away poverty, drug use and crime rates go up these are the unintended consequences of the proposed regulations as they are currently written. In no way is this healthy for any community let alone the rural communities and families that depend on the jobs provided by the effected businesses. For these reasons, I sincerely ask DEQ to modify the proposed rules based on the written comments submitted by Roseburg Forest Products. Thank you.

Attachment:

Comment categories linked to this comment: 55, 87, 122, 170, 222

Comment #735

Comment Period #1

Name: Donnie Evans

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: Hello my name is Donnie Evans. I live in Sutherlin. I've lived in Douglas County for over (unintelligible). I've worked for Roseburg Forest Products for the past 30 years in the Riddle and Dillard facilities. But have been impacted for many years in one way or another by the company's wood products in Douglas County. As a child my family grew the trees that would become raw materials of several of the Roseburg Forest Products mills. Roseburg Forest Products owns mills in Douglas County and has been one of the life bloods of many communities in the county. Roseburg, Winston, Dillard, Riddle are just a few communities that heavily rely on family wage jobs, robust benefits, higher educational opportunities that Roseburg offer, offers me my coworkers and our families. These propose regulations of the Cleaner Air Oregon initiative pose a major threat to the livelihood in many communities, not just in Douglas County, many counties of the State. These regulations as stated will cause many businesses in Oregon to curtail operations, shut down, possibly leave the state because of the costs associated with coming into compliance. Roseburg has spent many millions of dollars on pollution control equipment that meets, in some cases, meet federal air toxics program regulations. As a father of two children with chronic respiratory issues I want and need to live in an area with clean air that's why I chose to live where I do and work in the industry that I do. Implementing these proposed regulations in Douglas County will not greatly impact air quality but will greatly impact economic health of our communities. For the above mentioned reasons I strongly encourage DEQ to reconsider and or modify those regulations in the Cleaner Air Oregon regulations based on the written comments submitted by Roseburg Forest Products.

Attachment:

Comment categories linked to this comment: 55, 122, 149, 170, 222

Comment #736

Comment Period #1

Name: John Whiteley

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: I'm John Whitely, I'm an Oregon native. I live in Myrtle Creek, Oregon. I've worked for Roseburg Forest Products for thirty six years. I'm the third generation in the forest products industry, my grandparents logged. I have some real concerns regarding the proposed regulations. Since nineteen ninety up to two thousand and sixteen there have been two hundred eighty two mill closures in the state of Oregon. This effects one hundred twenty seven rural and urban communities. A loss of jobs due to these closures damages families, businesses, rural communities, erodes tax bases which damages schools and state and federal agencies. Eliminating the source of a living wage leads to increased risk of public and personal mental and physical health and so there are some costs associated with these lost jobs as well. Our industry is well regulated and compliant. The proposed regulations further add burden to the remaining mills. Egregiously and unnecessarily increasing demand on resources as well as increasing costs with no return which decreases the remaining mills viability. I request you modify the rules based on the written comments from Roseburg Forest Products.

Attachment:

Comment categories linked to this comment: 55, 122, 149, 170, 222

Comment #737

Comment Period #1

Name: Anthony Ramm

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: My name is Tony Ramm and I'm an employee of Roseburg Forest Products working at the Riddle Plywood plant in the southern part of Douglas County. I've been in the industry for over twenty five years and with Roseburg Forest Products for about the last three and a half years. At Roseburg Forest Products we exist to make lives better from the ground up and we do that in a lot of ways. One of the first ways we do that is we provide jobs for a lot of people, in the Riddle Plant alone we directly employed 450 employees. This year in 2017, through a United Way, giving campaign the company was able, through the employees, raise over a million dollars to give back to our community. We make life better from the ground up by supporting local businesses. Through contractors and other local businesses that are there to support our employees as well as our company. We make life better from the ground up for our children, many of our children have received scholarships and on an average we provide six to ten scholarships per year to children to attend universities. We at Roseburg Forest Products support reasonable and effective air quality regulations to protect the health of the people that live in our communities and all of our employees. We have a proven track record of supporting reasonable air quality requirements at Roseburg Forest Products as evident by the close to fifty million dollars spent in recent years to control air quality in Oregon. However, the Cleaner Air Oregon initiative as currently proposed goes beyond reasonable and threatens the very existence and viability of our industry to operate in rural communities in Oregon. This puts our communities at risk of unemployment

and poverty which we all know will negatively affect the health and well-being of Oregonians that live in these rural communities. For the economic health and, therefore, public health of communities in Oregon please modify the proposed rules based on the written comments submitted by Roseburg Forest Products. Thank you

Attachment:

Comment categories linked to this comment: 55, 122, 149, 170, 222

Comment #738

Comment Period #1

Name: Sarah Ghotbi

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: My name is Sarah Ghotbi and I live in Roseburg. I have worked for Roseburg Forest Products (unintelligible) for over a year. Roseburg Forest Products facilities have been an integral part of rural communities, providing living wage jobs and benefits. The negative effects of shutting down our business will cause many like myself to leave the area or worse. I personally came to Oregon to work for Roseburg. The trickle down effects of the law would adversely affect local businesses and local organizations (unintelligible). Companies like Roseburg Forest Products give back immensely. Without their assistance (unintelligible) would suffer. Rural communities, like Riddle, are located far away from the greater Portland area and have had very few opportunities to be involved with the process. And though the repercussions of (unintelligible) are great, could be devastating. For the economic health and therefore the public health of these (unintelligible), please modify the proposed rules based on the written comments submitted by Roseburg Forest Products.

Attachment:

Comment categories linked to this comment: 21, 36, 55, 122, 170, 222

Comment #739

Comment Period #1

Name: Tiffany Edwards

Organization: Eugene Area Chamber of Commerce State: OR

Number of commenters: 1

Comment text: My name is Tiffany Edwards and I'm the Director of Business Advocacy for the Eugene Area Chamber of Commerce. We represent approximately twelve hundred businesses in virtually every sector of the economy making us one of the largest chambers in the state. I'm here today to advocate for a better collaboration between the Department of Environmental Quality, Oregon Health Authority and some of the commercial and industrial businesses who have voiced concerns over the draft rule in its proposed form. Improved collaboration will ensure that the result will produce a policy that not only addresses the issues that threaten public health but that it works to preserve the livelihood and investments that have been made by these businesses. These businesses, many of which are our members, collectively employ tens of thousands of workers. They are significant contributors of Oregon's economy and they are very concerned with public health and safety. Many have already made sizable investments to reduce their impact to the air, water, soil and natural resources for which they are dependent. They value the quality of life that we experience here in Oregon which is critical in recruiting and retaining a strong workforce. Earlier this week Governor Kate Brown spoke to business leaders, policymakers and other economic stakeholders at the Oregon Leadership Summit, the topic was Oregon's future and in her remarks to attendees she mentioned some of the companies and products that will be key players in ensuring Oregon's economic vitality in the years to come. She calls special attention to companies that are making significant strides in utilizing our natural resources and pairing them with advancements in technology to produce innovative products such as cross laminated timber. The governor emphasized Oregon's unique opportunity to be positioned as a world leader citing that these are the types of products that will preserve and strengthen our economy and take us into the future. We've heard from some of these innovators and they feel that the draft rule misses the mark but they do believe there is a way to craft a program that addresses public health concerns while preserving their investments and recognizing the commitment to a thriving healthy economy both now and for many years to come. We ask you to take a step back, listen and move forward collectively. Thank you.

Attachment:

Comment categories linked to this comment: 33, 36, 37, 170, 222, 245

Comment #740

Comment Period #1

Name: Mark Misener

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: Hi, my name is Mark Misener and I work for Roseburg Forest Products as the power plant manager. I moved to Roseburg just a little over two months ago and started working there. I moved to this area from Los Angeles, California after spending twenty six years in the U.S. Navy power plant engine. But, I want to tell you this is my home and this is where I plan to retire. I currently live about two miles from our Dillard facility with my wife and my two young kids. We moved up here to get

out the hustle and bustle of Los Angeles and have a place where we can hike, bike ride and enjoy the wilderness. This is one of the most beautiful places we have ever lived. I truly believe that one of the reasons for this beauty is Roseburg Forest Products. My company does care and truly care about the environment and has invested over fifteen million dollars that our power plants alone, just in the last two years, to ensure that we meet the national achievable control technology rules and we are continuing investments to ensure that we are keep our company and our rural community safe. The Roseburg area is a small community and has a lot of hardworking people. My company pays a livable wage with good benefits to all of our employees. If we implement these restrictions as written under the Cleaner Air Oregon legislation I fear that our small and beautiful community will be no more. Businesses with good paying wages will be forced to close their doors and move to other states. Our small community will become a ghost town like Detroit with high crimes and no jobs. This is not the place I want to raise my family. I urge you to please revise the Cleaner Air Oregon proposed rule language based on the written comments submitted by Roseburg Forest Products. Please take our small community, my family, (unintelligible).

Attachment:

Comment categories linked to this comment: 55, 122, 149, 170, 222

Comment #741

Comment Period #1

Name: Todd Payne

Organization: Seneca Family of Companies State: OR

Number of commenters: 1

Comment text: Good evening, thank you for the opportunity to provide public testimony regarding the Cleaner Air Oregon draft rules. My name is Todd Payne I'm the C.E.O. of the Seneca Family of Companies. A local family owned wood products company with roots in Eugene dating back of the 1950s. We currently support approximately four hundred fifty family wage positions, annual payroll and benefits of over thirty five million dollars. I (unintelligible) to follow the rule making process with great interest and concern as these rules will have significant and detrimental impact to businesses across the state of Oregon, especially businesses in rural Oregon. The new regulations will also weigh heavily on attracting new businesses to Oregon, more importantly, keep existing businesses from leaving. Our company has invested over a hundred million dollars in the last seven years in new manufacturing equipment, technology and product lines to remain competitive in the national marketplace. Not a small investment for a company of our size. A portion of this investment was dedicated to new air emission control equipment technology now, the real question facing us, will these recent investments be good enough to meet the proposed unrealistic standards contained in the draft rules. I strongly encourage you to more fully understand these impacts prior to adopting the rules next year. Companies both big and small will be caught up in the sweeping regulatory change and disproportionately for those located

in pre-established industrial areas. These impacts are real and have been shared with you to promote anything different is really a concern. Let me end by saying we all want and promote clean air for all Oregonians, to be successful though will require regulatory changes based on science and not politics. Let's return to a more honest, transparent, factual process one that will be a win/win for this state, it's citizens and the business community. Thank you.

Attachment:

Comment categories linked to this comment: 33, 45, 122, 170, 222, 245, 249

Comment #742

Comment Period #1

Name: Kevin Tuers

Organization: State: OR

Number of commenters: 1

Comment text: My name is Kevin Tuers, I live in Lane County and work in the local forest products industry. Our industry relies on our manufacturing base and our manufacturing base competes globally. The written rules should not be more stringent than neighboring states. The limits that, in in the new rules, which are based on unrealistic computer models and parameters are lower than many other states, will hurt our manufacturers. Limits in this proposed rule should be increased for both and existing and new equipment. Thank you.

Attachment:

Comment categories linked to this comment: 87, 122, 170, 192, 222, 259

Comment #743

Comment Period #1

Name: Justin Alberts

Organization: Seneca State: OR

Number of commenters: 1

Comment text: Hi, my name is Justin Alberts and I work at Seneca, a Lane County local manufacturer. (Unintelligible) of my livelihood. The manufacturer I work for is located in an industrial zoned area and I'm very concerned that my employer will be forced to curtail or shut down based on other neighboring

businesses. It's highly unfair and also at odds with Oregon manufacturers to only be based on their own, not emissions of others. Thank you

Attachment:

Comment categories linked to this comment: 45, 122, 170, 222

Comment #744

Comment Period #1

Name: Daniel Vance

Organization: State: OR

Number of commenters: 1

Comment text: My name is Dan Vance I'm the sole income provider for a family of 5. I work in a local manufacturing facility. Our company has spent millions of dollars in upgrades including pollution control equipment all based on current regulatory framework. Oregon sudden departure from longstanding framework, which has worked well for years, jeopardizes my job and my family. Oregon should just scrap this rule and continue to rely on federal regulations or not trying to swing the pendulum so fast. Businesses will need time to adjust.

Attachment:

Comment categories linked to this comment: 149, 170, 222

Comment #745

Comment Period #1

Name: Ashley Jones

Organization: State: OR

Number of commenters: 1

Comment text: My name is Ashley Jones. I was born and raised in Lane County. I live and work here for a clean, green, sustainable company that has been here for seventy years. You guys presented this as if it might be surprising business couldn't live up these regulations but I think that they are fairly stringent. We have the cleanest running bio mass innovation and this would affect us. We have one hundred and sixty seven thousand acres of tree farm that clean the air for eighty six thousand vehicles and this would affect us. Our emissions are organic and this would affect us. I have been very excited about the

prospects for rural opportunity for advanced wood products (unintelligible) in mass timber. These new air rules which are based on faulty science could (unintelligible) opportunity before it even starts. The rules need amended so they're not overly strict. I ask you to amend them.

Attachment:

Comment categories linked to this comment: 37, 87, 122, 170, 222

Comment #746

Comment Period #1

Name: Terri Adair

Organization: State: OR

Number of commenters: 1

Comment text: I'm Terri Adair and I've lived in Lane County for a long time. I work for a manufacturer here in the county. This new policy is something where you're putting the cart before the horse right now. You don't seem to have all the answers in place. You're going beyond what the federal government requires and that puts every Oregon business at an uncompetitive (sic) situation. Our Governor is this putting Oregon business in harm's way. And we don't have the science to put this program in place yet. I'm asking as a community worker that we put this on hold and really do our research before we start putting in stringent rules on business and not knowing how it's going to impact business.

Attachment:

Comment categories linked to this comment: 33, 37, 87, 122, 170, 222

Comment #747

Comment Period #1

Name: Jason Young

Organization: ARAVCO State: OR

Number of commenters: 1

Comment text: Thank you for the opportunity to comment. My name is Jason Young, I'm a lifelong Oregonian. Me and my family have lived in the Eugene community for the last seventeen years. Also employed the wood products industry as an environmental manager so I have a very unique role and perspective on these the regulations that are being proposed. As an environmental manager I work hard

to ensure that my facility complies with local, state and federal regulations. And as a father and having a family I have a vested interest in Cleaner Air Oregon proposed rules from the perspective of a father, community member and an employee in a wood products facility. And also as a scientist, I have a degree in chemistry that I got from Western Oregon and have been in a number of different industries over the years. I think there was little doubt left in our minds, most of us, after we learned about the negative effects of pollutants from art glass manufacturers in the Portland area was obvious to me that revealed that there are serious gaps in our regulation that facilities could be in compliance with their air regulations but yet they were still able to pollute around the community. So, in a sense, I applaud DEQ's undertaking of air toxics reform and looking into a progressive risk based program as the basis for the Cleaner Air Oregon. But, with that being said, as the process proceeded I realized that it was being rushed and my current concerns were only compounded as I began to review the proposed rules as they've been published. They are proposed rules that are far too complex and will be difficult at best to implement and extremely challenging to comply with. My facility's already looking into this and are already hiring folks to help us with modelling because we want to know what models are going to look like before we ever enter the process. And at this point my concerns are validated. We hear we're going to be challenged we're going to be spending a lot of money on compliance and one of the other folks on. The street are aware of rest of us that are on the ministry of already spent billions of dollars for compliance. And we're going to be spending millions more down this road this is definitely going to impact the viability of businesses and this is going to impact the profitability. You know, the company I work for, ARAVCO, is a great company work for. They value sustainability, commitments to this to make a big investments they have a commitment to the communities, but I also know that they're going to make the best business decisions for the company. So, when they look at Oregon and they start making a decision in this area that they're going to be able to do business in my concerns are that they may start looking elsewhere for future investments. You know, with only a few changes to the rules, the implementation process could be streamlined, costs could be mitigated to a reasonable level and, again, improve our air quality so that all of us can breathe easier.

Attachment:

Comment categories linked to this comment: 37, 87, 122, 171, 222

Comment #748

Comment Period #1

Name: Scott McIntyre

Organization: State: OR

Number of commenters: 1

Comment text: Thank you for the opportunity, I'm Scott McIntyre. I'm here on behalf of the timber industry and it turns out, I just figured out the other day, I traded my only life to be in the industry. So, forty one years this year. I'm glad to see the Springfield chamber here tonight. I just want to throw a few

pieces of information out there, just from a perspective standpoint. The timber industry supplies so many good paying jobs and I think, if we agree, we can align on that. How the communities actually start with good paying jobs and tax revenue generation and just to take you back for a minute, for those in the room who lived through the spotted owl situation, you've really got out of hand really quick. The northwest timber industry was decimated by eighty nine percent. In communities like Sweethome, where I was born, in 1958, Oakridge, other places. They were just decimated with methamphetamine labs, addicts; a further drain on tax revenue. Oregon is about twenty billion dollars in debt headed for twenty five billion by the year 2025 or possibly even 2020 we won't get into all those reasons tonight. But, what I like to say about the timber industry is it's a hundred percent solar powered, a hundred percent renewable, a hundred percent recyclable, it sequesters carbon (the stuff that'll kill you), and makes oxygen. It's the best story on the planet. I know there are a lot industries that are going to be affected by this, other than the timber industry, but I would really implore you to consider bringing the unintended consequences portion of the conversation to the forefront because that's what happened during that whole spotted owl thing. And I think, you know, things like stewardship and a strong bias for action in those types of things is really what's really going to make a difference. Thanks for the opportunity.

Attachment:

Comment categories linked to this comment: 122, 170, 222

Comment #749

Comment Period #1

Name: Jim Munyon

Organization: Seneca Sustainable Energy State: OR

Number of commenters: 1

Comment text: My name is Jim Munyon, I work for Seneca Sustainable Energy as an Operations supervisor for the facility. I've been in I'm an Oregonian and have lived here all my life. Most of it I've served in different areas; worked for different facilities; managed plants, cogeneration. Back in 2009 I came to work here, for Seneca, to help build the best co-gen facility. One of the most stringent air regulation rules were applied to this facility (unintelligible). Our company spent millions of extra dollars to make sure that we met all of the regulations. Most of this facility was built by people, as a community, this state, the Pacific Northwest. If you look at that, people that live here built this plant and we're running ti better than most. We have the most stringent rules, the pollution controls cost several million dollars to install. And I know that Roseburg Forest Products does likewise and all the other industries. OK. The companies I used to work for in eastern Oregon I can look across this and I can attest to where facilities that closed down, what happened. These people are speaking the truth about as far as the drugs; the different things that take place in the communities. Look across, look over into eastern Oregon right now today, look at the Bend area, what's taking place with some of it (unintelligible). La

Grande, Baker City, North Powder, Long Creek, Oregon, these are all rural communities that help serve and help take care of our forests, okay, they have power plants there as well. If you look at a sawmill, what they do in the timber land, they bring that raw material in, okay. They utilize it to the best of their ability, then, guys like me, we take that leftover bio mass, we make electricity. We create heat to dry our lumber, we put it back. But all this is something that was developed before our time, OK. We're just getting better at it, OK. You reach a point where you ask yourself "how far do we go?" We all families, we all have to pay taxes. So think about that when you make these rules and make these changes. I know that there's a lot of people out there that think that co-generation plants put out a lot pollutants. However, if you look at the amount that we produce, emissions, the control technology that we have is fantastic. When you can operate a facility and combust wood and burn it down and re-utilize that byproduct in land management that's a good thing. These rules and regulations that come about could end up costing us our jobs, our livelihood. The Pacific Northwest, folks, is built on timber. Timbers been the driving force of this state and will continue to be so as long as we manage our forest properly. I thank you. I totally got off base here. But, how I look at this, and all of us sitting in this room, can look and see what happens last summer. We had federal forest fires, federal government, we had state fires, all right. Look at that

Emissions that took place there, the DO, the NOx, all that took place. We could better utilize, take that byproduct and utilize it in co-generation facilities. With that being said, I believe that co-generation plants are a great way to reduce and to make it safer for the public. I encourage you to look closer at what co-generation offers to communities. Thank you.

Attachment:

Comment categories linked to this comment: 87, 122, 170, 222

Comment #750

Comment Period #1

Name: Bill Wynkoop

Organization: State: OR

Number of commenters: 1

Comment text: Miles. First of all, thank you to the staff being here you have my sympathy for being in a locked room with us, because I know you do it many times. So, thank you. I'm Bill Wynkoop I'm a forester, I live in Lane County. And the incident in Portland that triggered the proposed regulations should have never happened. We all need to live in safe neighborhoods. That said, these regulations will result in economic despair and ill health for many Oregonians, especially those who live in small towns. When the small town's principal employer closes it's doors because it cannot comply, poverty and illness

follow. I urge you to reexamine what you're doing and use a more reasoned and balanced approach for protecting us. Thank you.

Attachment:

Comment categories linked to this comment: 21, 122, 222, 245, 257

Comment #751

Comment Period #1

Name: Myles Wendlandt

Organization: State: OR

Number of commenters: 1

Comment text: My name is Myles Wendlandt, I live in Lane County, Oregon (unintelligible). I'm extremely concerned about the new air emissions regulations because of all the problems that occurred in downtown Portland. What works for Portland won't necessarily work in other parts of Oregon. If Portland wants to be the most aggressive rules in the country with their manufacturers, that's OK, but it's not OK for the rest of the state.

Attachment:

Comment categories linked to this comment: 21, 170, 222, 249

Comment #752

Comment Period #1

Name: Butch Hughes

Organization: Seneca State: OR

Number of commenters: 1

Comment text: My name is Butch Hughes, I work for Seneca Sawmill shipping, I start my thirty ninth year in in February of next year. I take a lot of pride in what I do and it's really a good company to work for. My family, my computers (?) rely on a healthy manufacturing base. These Cleaner Air Oregon rules' unrealistic computer models to estimate human health effects. If our manufacturers go out of business, health impacts on our communities will be far more grave if you need any air emissions. Please amend these rules to make sure that they aren't overly burdensome. Thank you.

Attachment:

Comment categories linked to this comment: 122, 170, 192, 222

Comment #753

Comment Period #1

Name: Jesse Gillis

Organization: Swanson Group Manufacturing State: OR

Number of commenters: 1

Comment text: I'm Jesse Gillis, I wish I would have written something before this, but. I guess I'll start with I'm the father of a beautiful five year old boy and I want more than anything for him to grow up in a healthy stable world. But after briefly reading your proposal wording, I strongly urge you to back off and kind of reconsider what you're trying to do right now. I don't see, from you guys, I'm not seeing strong evidence to support the modeling. Regulations that kind of impose on our economy, pretty much. I'm really concerned about the economic impact, something I can hear statewide. About the cumulative effects of this around us and, with the modeling, I'm concerned, I work at Swanson Group Manufacturing, Springfield Division, right next door we've got Rosboro, down the street we've got Arclin and we're all going to be putting off similar emissions so how are you going to decide who's putting off what and who should be paying what (unintelligible)? I think that you're getting a little bit over your head right now. I love Oregon (unintelligible) state. The damage that I feel this could cause to our jobs in our state, I don't think it's worth jumping into this and saying give us the revenue and we'll figure it out. It would be great if you could bump things proactive for our state but as of right now kind of back off what you're doing.

Attachment:

Comment categories linked to this comment: 122, 170, 222

Comment #754

Comment Period #1

Name: Vonnie Mikkelsen

Organization: Springfield Area Chamber of Commerce State: OR

Number of commenters: 1

Comment text: Thank you and, yes, thank you for staying late for this meeting and giving us this opportunity. I'm Vonnie Mikkelsen, I'm the CEO of the Springfield area Chamber of Commerce. I'm a native Oregonian, I love my state and I love my hometown. I'm currently a resident of Springfield and

really privileged to serve alongside many of the companies that you've heard this evening as well as their employees. The Springfield Area Chamber of Commerce stands with local small and medium sized businesses, employers and their employees who have serious concerns about the Cleaner Air Oregon program, the new rules and regulations under consideration. The Springfield Chamber is comprised of over seven hundred fifty employers located across Lane County primarily in the Springfield, Eugene and surrounding communities. The vast majority of these companies are small to medium sized businesses anchored and invested in our communities. They provide family wage jobs fundamental to our economy and a tax base that sustains our schools, public services and quality of life amenities. They are primarily locally owned and operated entrepreneurial businesses, print shops, dry cleaners, food processors and wood products industry manufacturers and they will carry a disproportionate burden of the Cleaner Air Oregon program's costly regulations putting their businesses and our economy at risk. We firmly believe that Oregonians can achieve both clean air and a healthy economy with fair and reasonable air quality regulations. Instead, the rules and regulations as proposed risk adversely impacting our local jobs and quality of life with little to no impact on improving air quality and human health. Many of our wood products manufacturers are already invested in environmental control technology, as you've heard, to protect air and water from potential contamination over and above current regulations. Despite the fact that industrial sources now account for less than fifteen percent of air pollutants the proposed regulations unrealistically target our employers rather than all sources of emissions. Moreover we are concerned about the costly and burdensome impacts on our two regional hospital as these rules and regulations have the potential to curtail lifesaving backup power generation. Our concerns are based on multiple conversations with employers of all sizes and sectors that tell us the proposed regulations and fees along with the additional permitting fees and consultant costs are an undue hardship for their businesses. It will, at best, curtail current operations and at worst push employers of all sizes to look elsewhere to operate or shut down altogether removing good paying jobs from our community. All of us support the goal of protecting the health of workers employed in manufacturing facilities and protecting our communities from potentially harmful pollutants. We urge the Department of Environmental Quality to consider fair, balanced and science based rules and regulations that ensure protection of a healthy economy alongside (unintelligible).

Attachment:

Comment categories linked to this comment: 15, 18, 19, 122, 170, 222, 245, 249

Comment #755

Comment Period #1

Name: Mysti Frost

Organization: Beyond Toxics State: OR

Number of commenters: 1

Comment text: Thank you my name is Mysti Frost and I'm with a nonprofit called Beyond Toxics. My story will be a little bit different than everybody else's here tonight. I was a paralegal for a worker's compensation firm for three and a half years and I just want to testify tonight that, let me start over. We're a statewide environmental (unintelligible) organization that works to protect human and environmental health. Our executive director served as a Cleaner Air Oregon advisory, on the Cleaner Air Oregon advisory committee. We are thankful for the continued emphasis on environmental justice and community health protection for the Oregon rules and would like to see the DEQ continue to focus on reducing the impacts of toxic air health. We especially like that the basis of Cleaner Air Oregon is changing from a technical regulatory structure to a health protective (unintelligible) structure. We absolutely support the polluter pays structure because it focuses on protecting the health of millions of Oregonians. Residents who are breathing unhealthy air and developing long lasting problems. We have commented on some aspects of Cleaner Air Oregon and recommend the following three items: Emissions inventory; we support the collection of accurate data however we believe that the emissions inventory is not quite stringent enough. Facilities should be expected to provide hard data on what chemicals are brought on site to use in the manufacturing process as well as the environmental rate of each one of those chemicals. All of this data should be made available to the public. Two, small businesses exemption. No business should be exempt from the CAO based on their number of employees. Exemptions should only be given for facilities that fall beneath minimum pollutant levels. This is because some of the big polluters have a very small workforce. Pollution impact does not correlate to the size of the workforce. And number three, director conclusion (sic) we appreciate community and local government will be included in the director consultation and would like to encourage this positive relationship to continue. Thank you very much and I thank you for all of your hard work and dedication to making Oregonians healthy.

Attachment:

Comment categories linked to this comment: 13, 46, 132, 133, 140, 158, 171, 222, 250, 257

Comment #756

Comment Period #1

Name: Phil Plaza

Organization: State: OR

Number of commenters: 1

Comment text: Thank you for allowing me the opportunity to add my brief comments this evening. My name is Phil Plaza and I live in Alsea.... and I am a survivor of cancer. Upon my initial diagnosis the doctors told me that I had a 50-50 chance of survival. So 11 years have gone by and last year I finished the last CAT scan of my lungs.... and I was told there was no need for me to come back for a yearly CAT scan. The dark nodules in my lungs had not increased in size. I guess as they say, I was good to go. Did I get this cancer from my 5 years in the Marine Corp as an aviation electronics operator sitting next door

to the huge radar emitting antenna called an MPS 16? Or did I get this cancer from working for 2 years on the dry chain at a lumber mill with no breathing protection. Or perhaps it was from spraying what are now known cancer producing pesticides while working 5 years as the manager on a large apple and pear orchard in Washington State. I have never smoked cigarettes so that definitely wasn't the cause ... unless it was second hand smoke. But for me it did not matter what caused the cancer. I got it. Indeed the year of recovery was one cost but the hundreds of thousands of dollars in medical expenses, including radiation and chemotherapy, is why I am speaking here this evening.... I am one of the fortunate ones ... I had great medical coverage. So I think about the many known and unknown sources of cancer today. Cancer is supposed to be very democratic, it does not discriminate upon whom will get cancer. However when the CDC puts out its statistics, it should be noted that the effects of downstream or downwind toxic cancer producing agents, which are released from unregulated source points, such as industrial sites, well then cancer is not so democratic.

Often the folks living near these unregulated toxic sources of emissions are of the lower economic strata and are frequently the minorities of our population. And often those that can least afford the great medical coverage which I had, are the same folks who suffer the most both financially as well as lacking in quality health care. So it seems to me that this is not just a health care issue but a social justice issue as well. These folks near source point pollution often pay the steepest price for the unregulated release of toxic pollutants.

I believe that investment toward scientific factual accountability, toward the elimination and reduction of toxic emissions, coupled with the implementation of fines is necessary to prevent others from having to go through what my family and I faced. In summary this is not just a prevention issue this is also a social justice issue.

Thank you.

Attachment:

Comment categories linked to this comment: 93, 140, 171, 221, 319

Comment #757

Comment Period #1

Name: Rick McNern

Organization: State: OR

Number of commenters: 1

Comment text: Suggestions for the 2017 DEQ pollution proposals:

1) End averaging of particulate sizes for determining pollution remedies.

For example, one of the H + V fiberglass plants on Crystal Lake in Corvallis Produces 1-3 micron sized particulates, which are more dangerous than larger sizes, and which will be unaffected by the proposed filter, which will only capture particulates over 3 microns. Averaging with the other plant, which produces 12 micron sized particulates does not change this.

2) Promote citizen monitoring of emissions to find plants under-reporting their emissions.

3) Exempting plants with under 50 employees makes no sense in an age of automation.

4) It does not appear that much is being done to reduce diesel emissions. I understand that may not be your venue.

Thank you

Attachment:

Comment categories linked to this comment: 13, 23, 97, 133, 171, 221, 238

Comment #758

Comment Period #1

Name: Reenie Weiss

Organization: State: OR

Number of commenters: 1

Comment text: I'm Reenie Weiss. I live about 4 blocks south of H&V, Hollingsworth & Vose, so I just look through how I live and what I see around me for how to look at your new air quality. So, I would say that I would like to see that the cancer risk action be 10 per million or less and that it be the same for both new and older plants. And, the same as Rick, I want, it doesn't matter the size of the plant, we need to look at how much they're polluting because it could be a very important amount. Then, my understanding is, the under 1 micron is what the plant Hollingsworth & Vose puts out, is considered on this new clean air because it's not soluble and it's a toxin and so, as Rick said, (unintelligible) section. To look at it through those eyes. Thank you.

Attachment:

Comment categories linked to this comment: 23, 28, 97, 171, 221, 258, 263

Comment #759

Comment Period #1

Name: Debra Higbee-Sudyka

Organization: State: OR

Number of commenters: 1

Comment text: Thank you for this opportunity to give input on the Cleaner Air Oregon Draft Rules. Like most Oregonians I support clean air, and the laws that enforce this human right. Up to now, air quality laws have not directly addressed the health effects that large and small facilities can have on their immediate neighbors. This is unacceptable. The Corvallis community should not be exposed to unknown pollution risks and similarly, companies need certainty about what the rules are. Therefore in the proposed Cleaner Air Oregon rules please address the following:

Get the Metrics Right

The allowable number of cancer deaths from toxic emission from existing factories in the draft rules has been increased from 10 people per million to 500 people per million. Please return to the lower limit. Additionally, Regulate For The Least Amount Of Pollutants:

- Regulate for a Cancer Risk Action Level of 10 and Hazard Index of 1 for all facilities.
- Regulate for single emission units instead of the whole plant in sensitive areas adjacent to residential areas.
- Discontinue averaging of haps particles.
- The Hazard Index related to chronic non-cancer diseases for existing factories has increased from 1 to 30 for the new rules. These numbers are unacceptable. They are too high and not health based.

Have a Sufficient Timeline

The time line to bring all companies under the Cleaner Air Oregon is too long. Only 80 of Oregon's 2,500 companies will be included in the first five years. Oregonians need cleaner air now so please revise this.

Ensure Adequate Funding

Cleaner Air Oregon cannot happen without funding and political will. In addition, rules need to be grounded in science, informed by data and health-based. Therefore, the work needs to be funded to meet those standards. Please consider the following regarding funding:

- DEQ and residents should ask legislators for enough funding for the CAO program so that it has enough money to get up and running quickly. We can't afford to wait 10 years to get big polluters into the system.
- Legislators should fund DEQ and OHA with adequate personnel to enact a health-based air quality program
- Funding should come from polluters. Oregon has no other stable funding mechanisms other than fees

Some will say that we need to choose between Jobs and regulation. However this is a false and harmful choice that forces communities to choose between their job and protecting the health of their families.

This argument persists and allows industry to place profits over people. I am hopeful that Cleaner Air Oregon will change this false dichotomy between jobs and people's health, so we can all breathe easier.

Attachment:

Comment categories linked to this comment: 23, 24, 45, 158, 166, 171, 176, 188, 221, 245, 249, 257, 258, 263

Comment #760

Comment Period #1

Name: Melanie Place

Organization: State: OR

Number of commenters: 1

Comment text: My name is Melanie Place. I'm a member of Clean Corvallis Air. Clean Corvallis Air is concerned about Oregon's air quality. Air may be mixed in different concentrations but we all eventually breathe the same toxic air. In Corvallis we breathe considerable fallout from the state's only glass fiber plant. We live under the fallout of combustion of natural gas from three major Corvallis Facilities. Emissions from other local and valley manufacturers and have been assailed frequently over the past year with unexplained sickly odors. The glass fiber plant in Corvallis emits insoluble glass particles in the form of fine mineral wool. These particles are all the hazardous air pollutants list and are being considered as air toxics on the Oregon toxics list. Clean Corvallis Air is concerned because DEQ, under these new rules, would not be adequately regulating the one micron in diameter particles. Instead DEQ averages sizes, size one or smaller and size three or greater microns. These two sizes are manufactured in two separate buildings in the Corvallis glass fiber plant. When DEQ averages these two sizes DEQ comes up with a number above one. This seems to allow DEQ to not require the capture of the smallest particles the most dangerous HAPS that are under one micron in size. The new bag house type pollution control equipment at the Corvallis plant is not designed capture particles smaller than three microns in diameter. Also the environmental justice score for the one mile radius around the Corvallis plant averages above 80. We think that qualifies Corvallis as a community with an environmental justice complement that disproportionately effects people of color.

5 key points:

- 1) Regulate for toxic emission units instead of the whole plant in sensitive areas adjacent to residential areas like here in Corvallis and for facilities with hazardous air pollutants like Hollingsworth & Vose.
- 2) Discontinue averaging of HAPS hazardous air pollutants particles with non-HAPS particles.
- 3) Change the five hundred one million deaths allowable from cancer and change the hazardous index of 3 for permit denial to match the rules for new sources (fifty in one million a HI of three).

4) Eliminate use of ANRALS in place of hazard index; and

5) Treat existing sources the same as new sources for all risk action levels. Clean Corvallis Air supports the majority of the draft rules. However, we disagree with several areas like those I have mentioned. Especially for existing facilities the regulations are not health based. We need existing facilities to be regulated the same as new facilities.

In closing, Oregon is known for saving public beaches, enacting the bottle bill and cleaning up the Willamette River. Other states have now surpassed us with broader bottle bills and better air quality regulations. With Oregon's increasing population our air quality is deteriorating over the past 20 years. Dirty air effects our health and impacts our pocketbooks. We need to enact strong health based standards and consistent enforcement in the new clean air rules. Let Oregon be known foremost as a state that cares about clean air and cares about the health of all its residents not just white Oregonians. So that we can all, again, be proud to be Oregonians and I'll be submitting the rest of my testimony electronically.

Attachment:

Comment categories linked to this comment: 23, 24, 44, 97, 121, 140, 171, 221, 248, 257, 263, 265

Comment #761

Comment Period #1

Name: Marilyn Koenitzer

Organization: League of Women Voters of Oregon State: OR

Number of commenters: 1

Comment text: I'm Marilyn Koenitzer And I am speaking this evening I think I said on my first thing I was speaking for myself but actually I'm speaking for League of Women Voters of Oregon. Although I haven't written any testimony for them yet, I'm going to read a couple paragraphs that I wrote for the legislature in May, we wrote this in May, it went to the legislature. We're very interested in the funding being adequate for DEQ so we can get the whole program enacted and enough people to do the job. We're really grateful that you guys have done all the work you've done, DEQ and OHA, we're really, really pleased with almost everything that's come out, just a few little tweaks. So, we understand that some industries may fear new regulations but we must remember why the governor established Cleaner Air Oregon. Systematic lack of funding for DEQ to monitor, regulate and enforce regulations resulted in unnecessary unhealthy pollution. Our current program relies on industry to provide information related to their permits, most businesses accurately comply but we do know of cases such as Intel with Fluoride and Evanite, Hollingsworth & Vose with Carbon Monoxide, Fluoride and Trichloroethylene where monitoring by DEQ might have provided the data needed to help both businesses and the public to address pollution issues. From our observation of CAO meetings (Cleaner Air Oregon) we believe the DEQ is promulgating new tools a chill such as pollution prevention and has a new mandate to help

business comply with new regulations in cost effective ways. The regulations will have tiers of pollution limits so many industries may not be affected. Most small businesses will submit emissions data with no further impact. We expect the industries located away from dense populations will be largely unaffected but those near dense residential areas, environmental justice communities such as the one we think of in Corvallis, can expect more regulation. League of Women Voters of Oregon believe that businesses are not in jeopardy of having to meet regulations that will cause them to cease operations. League of Women Voters of Oregon members in and many of these businesses and understand the nexus between jobs and providing food on the table and a roof over people's heads. We understand that government services, such as education, depend on income taxes from jobs. It's our intent to support a program grounded in science and formed by data and health based and we very much would like to see the strongest health based rules enacted that you possibly can. Thank you and we will be submitting testimony sometime before four pm on December 22.

Attachment:

Comment categories linked to this comment: 8, 97, 123, 140, 158, 171, 221, 245, 248, 319

Comment #762

Comment Period #1

Name: Peggy Lynch

Organization: League of Women Voters of Oregon State: OR

Number of commenters: 1

Comment text: I'm Peggy Lynch from the League of Women Voters of Oregon and Marilyn just said almost everything. I just wanted to make sure that you all knew we need you in twenty eighteen at the legislature to tell some of the stories that you've told today. Because, although we support this program and there may need to be some modifications, we may have some comments for you, but unless we have the money is not going to happen and it's really, really important, we did not get it in 2017 when we were there. There was 2.5 million in 2016 of General Fund monies given to begin to stand up this program but we need the money and you have a voices to help make that happen. So that's really the message that I was hoping to give tonight. There are will be work on diesel programs that you can be involved in later but unless we have money it will not happen and we need to get the permit fees to begin with. General Fund monies would be wonderful but until we fix our revenue program, revenue situation in Oregon it will be less likely to find some General Fund monies so we absolutely need these permit fees to help us have a Cleaner Air Oregon.

Attachment:

Comment categories linked to this comment: 158, 171, 221

Comment #763

Comment Period #1

Name: Kathleen Miller

Organization: State: OR

Number of commenters: 1

Comment text: I've not read all the rules and plan to submit written comment later. But, I'm a nurse working in Corvallis schools an elementary, middle school and now the high school with medically fragile children. In their Life Skills Classrooms. And currently in our classroom, working with a girl and I work with her brother, and I think she is one of five children who live very close to Hollingsworth & Vose here near Avenue B and 5th. And all five of them are severely neurologically damaged delayed and they're mutes, things like that, and I wonder if studies of increased developmentally...birth defects and stuff like that have been part of the toxicology stuff. It seems like I never remember having Life Skills kinds of kids in my high school which was as big but it's like there was lots and lots of neurologically damaged children in Corvallis.

Attachment:

Comment categories linked to this comment: 97, 221

Comment #764

Comment Period #1

Name: Debbie Radie

Organization: Boardman Foods/Northwest Food Processors Association State: OR

Number of commenters: 1

Comment text: I'm Debbie Rade, I am the Vice President of Operations at Boardman Foods in Boardman, Oregon an onion processing plant. I've been living in the area since 1992. I'm also the chair of the Northwest Food Processors Association out of Portland, Oregon which represents Oregon Washington and Idaho Food Processors. The purpose of the Oregon risk based air toxics permitting program known as Cleaner Air Oregon is to prioritize and protect the health and well-being of all Oregonians yet the program does not prioritize the sources of emissions the DEQ knows to be an issue. The rule was developed in response to Bullseye Glass, an art glass company located in Portland, in response DEQ and the Oregon Health Authority have developed a statewide program that will impact hundreds or even thousands of businesses without any evidence that those companies have uncontrolled toxic emissions. In fact, the program that is contained in this proposal does little to target companies like Bullseye. Instead it targets those companies that are already being regulated by DEQ. Additionally, the program

does not even address the two largest sources of air pollution in the state vehicle emissions and wood stoves. Analyze public health risks from air toxics emissions from industrial and commercial sources based on verified science and data. DEQ and the Oregon Health Authority call this program a health risk based program the goal is to understand human health risks from industrial and commercial sources based on verified science and data this program does not achieve that goal. Instead DEQ asks already permitted emissions sources to submit data that will then be inserted into a very crude, inaccurate and misleading formula to determine theoretical risk; that is not a program based on verified science and data. The resulting information generated by this program will mislead the public causing them to draw conclusions that are not true or even reasonable. This will result in loss of credibility for the regulatory agencies; a loss of trust by the public; and potentially serious problems for the companies who report data. Consider similar regulations in other states and jurisdictions and use a science based approach to develop a consistent and transparent process for communicating and addressing risks from industrial and commercial emissions of air toxics; providing regulatory predictability to businesses and communities they are a part of. These rules contain risk standards that go far beyond what other states have ever attempted and they are far from consistent or transparent. No state, not even California, has attempted to implement an air toxic rule with as broad a scope or as wide reach. The rule may be science but bad science creates bad outcomes. DEQ's own rule contains multiple inconsistencies and relies on risk assessment factors for many compounds that are incomplete and in some cases do not even exist. Consequently some regulated compounds will have robust risk data available while others will have little or no data at all to use in the risk assessment process. DEQ has no apparent plan to fill these data gaps. Also, this rule provides no regulatory predictability in fact it creates just the opposite. Companies with very minimal emissions that would never trigger their risk levels in the rule can get dragged into a full blown risk assessment process just by being located in or near an industrial area where other companies do business. The area wide program in the rule is poorly designed and unworkable. Reduce exposure to industrial and commercial air toxics emissions while supporting an environment where businesses and communities can thrive. The Cleaner Air Oregon rule does not reduce exposures to air toxics. Instead it puts a higher regulatory burden on companies that are already being regulated. There is no plan in this rule to identify sources of emissions that are not currently permitted. The only way this rule will reduce emissions is to force companies to curtail or stop production, the level of uncertainty does not create an environment where businesses and communities thrive. At the same time the fee structure will create a serious burden for all currently permitted Oregon companies. The regulatory burden of this program when compared to the potential benefits is enormous. The rule has the potential to seriously damage the economy of Oregon for very minimal benefit. The long term goal of Cleaner Air Oregon is that the risk from all existing facilities be below one hundred in one million and hazard index three by the year 2030. Finally, the rule document states that the long term goal of the program is the risk from existing facilities be below one hundred in one million for excess cancer risk in a hazard index of three for acute and chronic non-cancer risks. This stated long term goal is in direct contradiction to the required risk assessment levels in the rule. Table one in the rule document requires existing sources to meet a cancer risk level of twenty five in one million excess cancer risk and a hazard index of one. This rule proposal is inconsistent; nontransparent; based on poorly developed science; and will not deliver the very goals that DEQ and the Oregon Health Authority have set for the program. We urge you to withdraw this rule. Thank you.

Attachment:

Comment categories linked to this comment: 15, 45, 87, 122, 170, 179, 185, 225, 235, 240, 242, 245, 249

Comment #765

Comment Period #1

Name: Tom Lancefield

Organization: State: OR

Number of commenters: 1

Comment text: Good morning I'm here as a private citizen. I have no direct financial interest in any of the industrial facilities that would come under the regulations that are proposed although I have an indirect interest with maybe five thousand dollars' worth of a mutual fund that probably has some ownership of Precision Castparts. I do heat with wood so I'm a polluter. The Cleaner Air Oregon does strike me as a huge regulatory program and it may be massive government overreach or it may be an overdue correction. I can't tell you partly because there is no information presented, that I've seen at least, on the costs and although the DEQ speaker mentioned that they're obliged to conduct cost benefit analysis for any such regulatory programs. But they also can't accurately predict what those costs will be on the employers. So, as this proposal moves forward to the legislature in the in the later months I'm going to be looking for are there going to be any cost estimates and I'm talking about cost estimates on the employers although you can make the argument that there's a cost in people who suffer illnesses that may result from air pollution. But if I don't see financial cost estimates I'll be urging my legislators to oppose the funding part of this package. Speaking of the rules themselves, the ranking of sources for the first eighty facilities, personally I would remove the percent low income and percent minority from that formula. The elderly, I have no idea. I would definitely leave the kids in the population part. I'd probably be happier with this proposal if it were sunsetted it after ten years but I don't expect that. Thank you.

Attachment:

Comment categories linked to this comment: 168, 170, 183, 229

Comment #766

Comment Period #1

Name: Perry Chocktoot

Organization: Klamath Tribes State: OR

Number of commenters: 1

Comment text: Perry Chocktoot, Klamath Tribes. I initially wanted to make comment on the LNG pipeline but that's on the agenda for later. But, while I had the chance, I do want to express my appreciation on the enhancement of these draft rules and further enhancement needs to occur.

For my people that have been on the landscape of Oregon for thousands and thousands of years; have watched the State of Oregon change; the landscape change; watched the trees go away and the waters be poisoned for our fish. The air that we're talking about is the same as the water, it is all life and it is a very part of what we refer to as the circle of life because what we breathe out the trees breathe in and what the trees breathe out we breathe in. So the pollution of that air that conduit between us and the trees is very important and it's very important to protect. We do not support some of the larger businesses in the state of Oregon because they do impact our lives, impact the animals' lives and for us as Native Americans we have to be that voice for the winged animals and the fish and the Deer and the Elk they're subjected to this air pollution also and so we applaud the draft enhancement and we ask that it even be enhanced even more. For us in Oregon, specifically the indigenous peoples, it is very heart wrenching to watch Oregon turn into the Oregon desert because that's what's happening. You fly over Oregon and you see the trees are gone; you see that the haze on the horizon like when you drive into L.A. the haze from the pollution down there. We don't want Oregon to turn into another L.A., we want Oregon to be green. What happened to that label that we always had Oregon was a green state? It's gone now, we're almost the brown state now. Referring to the stagnant air there are so many impacts to us pollution wise we've got Fukushima impacting it; we've got air pollution impacting; over harvesting of timber impacting it. When is it going to quit? One of our tribal elders said a long time ago that we are just a strand in the web of life, what we do to ourself we do to everybody and ourselves in that web of life and as time goes on we forget when he said it. It was Chief Seattle that said it. Because he's gone and lot of the people are gone look at the Columbia River, now look at the Columbia River now. So, I ask for further enhancement of these clean air rules until we can actually breathe that good air that not long ago we breathed. The first European came here in the 1820's, look how fast it went away. Thank you very much.

Attachment:

Comment categories linked to this comment: 171, 229, 248

Comment #767

Comment Period #1

Name: Susy Bautista

Organization: Capaces/Turno State: OR

Number of commenters: 1

Comment text: Good morning, my name is Susana Bautista and I was planning on giving testimony in regards to the impact of pesticides, an issue that deeply impacts me and my family. I'll be submitting those later to you all.

I encourage the Environmental Justice taskforce to look more into it and demand a stronger buffer zone for protection of farm workers. Today I'm here to demand DEQ to provide a stronger program that considers how air pollution disproportionately impacts low income and communities of color. It is the agency's responsibility to bring the information to the community for their meaningful input and not vice versa. Effective public engagement of EJ communities require prioritization of the areas most impacted by the air pollution and the breakdown of all information in accessible language and advance notification for community members. Language translation is critical for spoken and printed material along with child care services, food and transportation assistance for those who need it. Thank you.

Attachment:

Comment categories linked to this comment: 61, 78, 140, 229, 252

Comment #768

Comment Period #1

Name: Ivan Bautista

Organization: Turno/Capaces State: OR

Number of commenters: 1

Comment text: Good morning. My name is Ivan Bautista the son of Feliciano Bautista and Antonia Lopez, both farm workers. Throughout the years of my parents working in the fields their conditions around them have been affecting their physical health. I myself live in a community where there is not only contamination from cars, factories but also from pesticides. The current rules are based in technology but how is this helping my family breath in cleaner air. I ask that the rules be based in a model that takes into consideration the health impacts of the individuals living in such communities like my parents. I also ask the information be showed meaningfully especially when it deals with our health. If DEQ wishes it for individuals to participate it must be provided to them the information necessary to do. We deserve to know what we breathe. Thank you.

Attachment:

Comment categories linked to this comment: 11, 61, 86, 229, 235, 250, 257

Comment #769

Comment Period #1

Name: Lisa Arkin

Organization: Beyond Toxics & CAO Policy Advisory Committee State: OR

Number of commenters: 1

Comment text: Hello, for the record Lisa Arkin Executive Director of Beyond Toxics and I served as a member of the Cleaner Air Oregon policy advisory group and I first want to just thank the DEQ staff for the hard work they've done to create these rules. You know, I gave them a lot of grief throughout the whole advisory committee process and I think that they have listened to many sources and have sought real solutions through very specific rules but also the adoption of environmental justice principles which I think is important for the task force to hear. And, I want to start with what I thought would be my last comment but since we're short on time I want to urge the Environmental Justice taskforce to make a significant contribution to helping the DEQ adopt these rules and implement them by sending a strong message to the governor and the legislature to fully fund the implementation of Cleaner Air Oregon. Let's not forget that in two thousand and seventeen funding was blocked and we don't want that to happen again. This is a polluter pays model which is very much an environmental justice keystone principle. And let's ask the legislature to allow the DEQ to charge the adequate fees to run an effective Cleaner Air Oregon program. I also want to address the comments made about impacts, economic impacts, well good health is a real realized economic benefit that will result out of these rules. And when the companies innovate to clean up their pollution to install new control equipment that's an investment in the future we know that science and medical research continues to reveal more and more about the health impacts of chemicals we have not yet found a chemical that was safer than was originally thought. We tend to find that they are more hazardous than was originally thought when they were introduced so Cleaner Air Oregon must be able to expand to include new scientific data about chemicals and the innovations that businesses made are an investment for the future of their workers and the surrounding communities. In terms of some specific aspects of the program, I think that it's great that Cleaner Air Oregon is eliminating many gaps in the current regulatory structure. One of those was reporting emissions, up until this time industries did not have to report what they were emitting so the inventory is very important because reporting is the key to the health risk assessment which is central to Cleaner Air Oregon. So you have data about what's being emitted into our air, we can't really make a health risk assessment thus, the reporting should be less self-reporting and more based on tangible data. What goes in comes out so we have to know what goes into a facility; we have to know where it's going (is it blowdown is it fugitive?); is it being captured in a catch basin? As we've read in the media a lot of pollution was falling into the cisterns or whatever they were and poisoning groundwater. Well, that's part of air pollution as well it's not just a ground water problem. Also, we want to make sure that the community engagement is robust. So, as an EJ task force of think you need to look at the rules there and make sure that communities, while they are being encouraged to be engaged, are not also being overly burdened with trying to respond to reams of documents and many, many meetings. That's a burden for a community as well so there needs to be resources out there to help those communities deal with that. As a community organizer I know how much it takes to prepare for a community meeting, to prepare for a public hearing, to bring everyone up to a level where they understand the data

so let's make sure that Cleaner Air Oregon provides resources for community not only burdens of engagement. And the last thing is the director consultation there were some questions about that. I think as long as there is a lot of transparency and it is not politicized it's an okay thing but there needs to be leadership at the director level. Leadership to make sure that we continue to require facilities to reduce their emissions and not be at a standstill place so if a permit is granted it can be up to the director to make sure that they are continuing efforts to reduce pollution over time so we're not just stuck at one place. So I want to urge you to support the adoption of the rules and I'm so glad to hear that other commissions will join together with you to support the adoption thank you very much and thank you to the DEQ staff. Thank you.

Attachment:

Comment categories linked to this comment: 43, 65, 92, 123, 133, 158, 171, 229

Comment #770

Comment Period #1

Name: Judy Turner

Organization: Selmet Inc. State: OR

Number of commenters: 1

Comment text: Good morning, first I want to thank DEQ and the Oregon Health Authority for the monumental task for putting these proposed rules together. With that said, myself and a number of other industry representatives have some specific comments that may help in furthering the goals of protecting Oregon's citizens. But also making it tenable for industry to comply with the regulations.

1. The time clocks to complete levels 1-4 Risk Assessments all run concurrently rather than in series. If they ran in series so that the assessments can be achieved at the lowest appropriate level and there is time for the facility to respond if there is a discrepancy between the Facilities output and DEQ's determination. And that's even in the pre-assessment protocols where we're just trying to find out where we are in the ballpark.
2. In order for facilities to meet the very tight deadlines DEQ is proposing for submission of the various documents, at least one, preferably both of the following changes DEQ needs to make in order for the rules to be tenable:
 - a. DEQ needs to commit to and be accountable to the timeframe for their response or, as appears in other regulations, if there's a no response equals a 10 day approval (like a notice to construct a minor project if there's no response then after 10 days it's approved). Something similar to that.
 - b. Stop the clock while DEQ responds, so that there isn't a "do over" required after a there's a 45 day lapse. Currently, from what we've all looked at, there is no approval deadline that DEQ is responsible for and thus the approval process could be derailed if there are any resource allocation restrictions for DEQ.

3. Changing the language of, currently it says something like "potential or future planning zones" and it could be replaced with "established and current planned zoning". While the ideology is sound, the burden of proof should not be on the regulated facility to predict changes to land use changes for specific lots and perform onerous and exhaustive research on one or more city/town master plans. The only thing that would mitigate this is for the municipality to send or post detailed information to the regulated facilities. Responsibility could and should be assumed by the city to have the information available during the public comment period.

4. Reliable meteorological data is not available for many locations in Oregon. Does DEQ have a plan to facilitate collection of this data and disseminate it? One option would be for DEQ to promulgate acceptable preapproved MET data for the various regions to use for dispersion modeling.

5. Exempt public and private infrastructure improvements for drinking water and waste water treatment plants to protect public health.

6. During natural disasters fuel oil used for backup generators would exceed PTE and potentially, the way we've read the draft proposed rules, that would pull a facility into the program.

7. One 600 HP generator could also exceed PTE under normal use for proposed limits on diesel particulate and PAHs, especially Anthracene.

8. If a facility is located in a multi-source Risk Action Level Area, then even if they have only a General or Basic permit, or even no permit at all, it would be exceedingly difficult for them to expand their business. And so there's a tremendous economic impact to facilities and small businesses especially.

So, those are my talking points I really appreciate the opportunity to be able to present them. Thank you.

Attachment:

Comment categories linked to this comment: 18, 19, 45, 171, 197, 229, 326, 402

Comment #771

Comment Period #1

Name: Carroll Johnston

Organization: State: OR

Number of commenters: 1

Comment text: Hello, I'm Carroll Johnston. I applaud the Cleaner Air Oregon draft rules for being the huge step forward that they are, and I urge you to not make them one iota less protective of the health of Oregonians as a result of industry pressure or for any other reason. They should be ratcheted tighter as appropriate in the future.

My first general comment is the general ambient air content that include things like Diesel exhaust and other things that are not covered by these rules should at least be considered when looking at the total burden in a given area. Even if they're not able to be regulated they should be counted in the real life effects that are occurring in the people who are breathing air in that area.

The second area, current methods of having industries do self-measurements (via a contractor or whatever) of their toxic emissions are far from comforting. In addition to periodic air monitoring at industry sites being done directly by DEQ, there should also be other indices used to raise the alarm that a probable toxics health problem needs to be investigated.

These could include:

- a) Moss studies similar to the ones that revealed the heavy metals emissions around the art glass factories in Portland,
- b) Expanded studies of toxic body burdens in wildlife to include more than just the current studies of mercury in fish so that other toxins and/or other animals are also included,
- c) A "toxic injury registry" (similar to the Oregon State Cancer Registry) whereby medical personnel would report statistical data (toxin name, suspected place the patient encountered it, etc.) on patients they see who appear to have been harmed by or have elevated blood levels of a human caused environmental toxin, and
- d) Continuous toxic emissions monitoring (already being done extensively in Europe) of as many chemicals as possible in all industry smokestacks where toxins are emitted.

I just have a heuristic frustration question to ask: Since we hold automobile drivers personally accountable for foolish or impulsive decisions that result in injury to a single child, why do we not hold industry executives accountable for deliberate and profit driven decisions that injure dozens, hundreds or even thousands of children? Thank you

Attachment: <https://drive.google.com/drive/folders/1J4iQnjeXKLpZ0NVkCUdmiXG7lJw8t14k>

Comment categories linked to this comment: 8, 92, 171, 229, 235, 238, 248

Comment #772

Comment Period #1

Name: David Like

Organization: State: OR

Number of commenters: 1

Comment text: My name is David Like and I work for Hampton Lumber Mills. I have been looking air quality regulations since 1991 (approximately 26 years) and over that time period I have watched the air quality in Oregon, particularly the Portland area, improve from not meeting the air quality standards to meeting the air quality standards. Our facilities are in rural communities exclusively. We have mills in Willamina, Banks, Warrenton and Tillamook.

I have reviewed the proposed rules and they will result in tremendous cost to Hampton's operations, and as Mark has mentioned before, it's difficult to be competitive in the Pacific Northwest with international forces and my concern is that those regulations are going to push the pendulum further in favor of overseas markets and away from local rural communities in Oregon.

I do not know much about Bullseye but I know that the proposed rules will not capture another Bullseye in the State of Oregon and I'll say that again, they will not capture the current Bullseye in the new proposed rules.

Oregon DEQ's published data shows that 80 percent of air quality problems in Oregon are a result of everyday activities like driving and heating with wood stoves, not a result of industrial or manufacturing as what's being proposed. Air quality programs need to be based upon the health outcomes, not unrealistic standards as proposed. The way the rules are written today, they look at a single person (or community) living outside 24 hours a day, 365 days a year, for 70 years and that's what the risk is based upon. That doesn't occur in Oregon. People in Oregon don't live in the same spot for 70 years, even if they are at risk they don't live for that long.

Air quality regulations really need to be based on scientific knowledge, and there is a lot of that out there, not politics. The DEQ's program goes far beyond what other states have imposed and DEQ currently has not been able to demonstrate that there is a public health crisis related to industrial activities. The proposed rules are NOT the Washington Program We have mills in Washington and the proof is that, if we want to make a change in our facilities In Washington the rules do capture our facilities. If we want to put in a new facility in Washington the risk level is 100 in a million in Oregon it's 10. So we should probably just put a sign on the Oregon border saying "go to Washington, not to Oregon". Our rural communities do struggle extensively and jobs are at a premium and we know that the key indicator of public health is employment. Hampton does support, and always has supported, scientifically based regulations and we see that in the improving air and water quality in the state of Oregon today. We, as a company, have expended millions of dollars putting in air quality and will continue to do so to meet the standards.

We believe, and firmly believe, that it is possible for Oregon to have both clean air and clean water and reasonable air quality standards.

I will end with the final question for DEQ, is, will these proposed rules capture the Bullseyes of the future? Thank you.

Attachment: <https://drive.google.com/drive/folders/1J4iQnjeXKLpZ0NVkCUdmiXG7lJw8t14k>

Comment categories linked to this comment: 21, 87, 122, 192, 229, 235, 245, 249

Comment #773

Comment Period #1

Name: Mark Elston

Organization: Hampton Lumber State: OR

Number of commenters: 1

Comment text: Thank you for giving me the opportunity to speak to you today about my concerns with the proposed rules under the Cleaner Air Initiative. My name is Mark Elston and I'm the mill manager for Hampton Lumber, a sawmill in Tillamook. We've operated our Tillamook mill since 1986, producing mainly kiln-dried lumber products from local forests for U.S. domestic housing construction and repair and remodel suppliers. Today we employ roughly 170 people in family-wage jobs and indirectly support hundreds of additional jobs throughout the county. Good, year-round manufacturing jobs like ours are, unfortunately, few and far between in rural Oregon. Wood products manufacturing is a sustainable industry that can help address a number of social and environmental issues - we grow trees that absorb carbon from the atmosphere and then capture it in the most environmentally friendly building materials available. 100% of a log is used when manufactured at our mill by creating additional value-added products from wood waste including bioenergy and chips for paper manufacturing. We replant harvested areas to ensure forests and all the benefits they provide will be around for generations to come.

We also take pride in using state-of-art technology to protect our employees, our community, and our environment and we fully support effective, science based air quality regulations that protect human health. I am here today because I fear the rules as proposed under the Cleaner Air Oregon Initiative do not do that but rather, represent an overbroad solution to what is largely an urban problem. The Cleaner Air Oregon rules seek to fix a mistake that happened in Portland by creating a one size fits all regulation, which in the end will harm rural manufacturing businesses like ours and widen the divide between urban and rural communities.

DEQ's proposed regulations go far beyond those of any other state yet they have not shown that there is even a statewide health problem associated with manufacturing. Further, DEQ fails to account for the very real health impacts of unemployment and poverty, which will worsen in communities like mine if manufacturing operations shutter. With tight margins and log supply shortages, we often struggle to maintain operations and our mill cannot shoulder the extensive regulatory costs associated with implementing these rules-to be forced to do so for political rather than health-based reasons is a slap in the face to me, my industry, and rural communities throughout the state.

In the process of making new rules, regulators owe it to the public and to the business community to make sure they get it right. They should target known problem areas and health concerns and fight the urge to over apply regulations because it's easier or politically convenient to do so. There will be consequences if the state isn't more thoughtful about this and the state's overall economic health and rural communities like mine will suffer for it Further, I would like to add that that I believe the rules as proposed would not only harm current wood products operations but future ones as well. While

Hampton does not currently produce cross-laminated timber or (CLT), I can assure you that the threat of expensive and burdensome air regulations would be a major factor in whether or not we enter the CLT market in the future.

Long-term planning is an inherent part of the wood products sector. Our business thinks in decades, not months or even years. Anyone who has ever operated a business could tell you that the promise of debilitating regulation, no matter if it's one year out or five, will affect investment decisions.

We can achieve both clean air and a healthy economy with reasonable and targeted air quality regulations. For these reasons, I sincerely ask DEQ to modify the proposed rules. Thank you.

Attachment: <https://drive.google.com/drive/folders/1J4iQnjeXKLpZ0NVkCUdmiXG7lJw8t14k>

Comment categories linked to this comment: 21, 87, 229, 245, 249

Comment #774

Comment Period #1

Name: Xavier E

Organization: State: OR

Number of commenters: 1

Comment text: Howdy, my name is Xavier E (first and last name spelling not available), I'm 20 years old and I'm not necessarily involved in environmental advocacy. I've spent a large portion of my teenage years in the Brooklyn and Powell area of Portland, Oregon where some of the issues of Bullseye Glass have been encountered and I would bike to school on a daily basis to Cleveland High School. And I, shortly after that, got a job across the street at a little coffee shop. I spent a lot of time in that neighborhood and the longer I was there the longer I recognized that there were a bunch of big transport trucks like freight trucks moving, just about less than a mile, all day, every day. It was a 17 minute commute, one of them was my customer told me about, a 17 minute commute from one end of this freight docking station to the other end, from 17th and Holgate to 21st right off of Gladstone I believe it was. They earned 170 dollars per trip and it was really a sensible thing for those people to be doing but it was also a huge disruptor and challenge in the neighborhood. It was something that gave a lot of people issues with feeling comfortable and safe there having all of these big trucks moving down, all residential neighborhoods. And then, making it difficult for people to breathe and rest easily 'cause those trucks would shake houses, along their transport spaces, all the time. And I wasn't really aware until today of what diesel brings, so what I'd like to see us doing is, perhaps, getting people informed about this in a way that involves letting them know off of their zip codes or in their neighborhood; sending us emails letting us know that there are issues here; because I don't see things being done and I don't want to point fingers at people who aren't doing things. I'm just saying "we're having trouble

getting it done. Let those people know that are being affected by it that they are being affected by it so that way we can do something about it as well". Thank you.

Attachment:

Comment categories linked to this comment: 227, 238, 248

Comment #775

Comment Period #1

Name: Van Ho

Organization: State: OR

Number of commenters: 1

Comment text: I'm Van Ho. I'm not a native Oregonian. I'm originally from Vietnam and the air quality there is, for sure, is worse than the air quality here and I've moved here because I learned that Oregon was a state of trees and green air but I have Asthma. It's in my genes, my grandpa from my mom's side has really bad Asthma and I inherited it from him. So, when I moved here I had really bad Asthma attacks for the first couple of weeks and I want to change that for future generations like my brother. He could have Asthma in his genes too like (unintelligible). So I want the DEQ to something about the air quality here and make it better for future generations like me and my brother. Thank you.

Attachment:

Comment categories linked to this comment: 227, 244, 257

Comment #776

Comment Period #1

Name: Jane Keating

Organization: State: OR

Number of commenters: 1

Comment text: Hi, my name's Jane Keating and I grew up in Oregon and as a young person I remember the air quality in Eugene, because of slash burning and field burning, was so bad that I had to stay inside during summer days. It reminds me of what happened with the wildfires this summer, it was like that all the time and because of community and public input that was changed. So I see there's a possibility here for real change. And I want to thank the DEQ for their hard work. We need to have a system where

public health is our top priority and everything that is measured is right up front whether it's healthy for us as people. I was shocked to find out that my son's school was in some of the worst air quality in the country, the 1% worst at MLC. So everyone around in that whole neighborhood is getting some of the worst air in the whole country and that's not acceptable, I know we can do better. Thanks.

Attachment:

Comment categories linked to this comment: 227, 246, 257

Comment #777

Comment Period #1

Name: Tori Cole

Organization: State: OR

Number of commenters: 1

Comment text: Hi everyone, so, for the record my name is Tori Cole. I'm commenting today as a concerned resident about the quality of the air we all breathe in Portland today. I live in an area that has both small scale industrial uses and heavy diesel pollution from construction and traffic so I know I'm being impacted by the State's failure to ensure clean, healthy air for all of us to breathe. I'm primarily a bike commuter so I'm constantly feeling the respiratory impacts of this pollution. I'm lucky I don't already have respiratory or immune system problems, otherwise, I probably couldn't bike at all in this air quality particularly when there are other air quality issues at stake like inversions or wildfires adding to the problem. This is one reason why I feel very strongly that the Area Cap element of this program should take so called background community sources of pollution from shipping, construction and traffic in consideration. I understand that the program is not designed to reduce diesel pollution, hopefully one day the Legislature will get around to that but it needs to be considered in (unintelligible). We should, under no circumstances, be permitting more pollution from industry in communities that are already being disproportionately impacted by air pollution in all of its forms. It doesn't matter what the source is, the cumulative impact is what we need to be paying attention to when making decisions about where new facilities can be built. This is especially important because we know that what community you live in has a huge impact on your air quality. In our still very segregated society a federally funded study this year found that exposure to air pollution is significantly influenced by race, far more than income, age or education levels. Our government has a moral as well as a legal responsibility to mitigate this disparate impact on people of color. I'm also an Environmental Lawyer who's been following the rules advisory committee since it convened last year, much of it in a volunteer capacity. I think the biggest problem I see with this program is its continued reliance on Agency discretion and its lack of hard limits. To be a truly health based program Cleaner Air Oregon must reflect a conscious policy choice to value human health over short term economic gain for those facilities that pose the greatest risk to human receptors (that's us). The Director should not be empowered the final say of how much pollution is too much. What public health expertise is the Director of DEQ required to have? What clearly laid out and

transparent process will the Director follow to ensure that a community surrounding a facility that has severe health impacts of higher emissions gets something in return? I've seen what this discretion results in when the polluter has sufficient political power. The people of The Dalles, in Oregon, have been poisoned for years by the Amerities railroad tie treatment plant without any relief. And yet, because of the power of that corporation in a small, rural (unintelligible) community, I fear they might not see the changes they so desperately need without more clear and actionable rules. If Director's discretion is to continue, it must include a clear, transparent step-by-step process for the Director to follow. This will result in a more certain regulatory environment for industry as well as for community. Thanks for your consideration.

Attachment:

Comment categories linked to this comment: 45, 46, 140, 227, 235, 246

Comment #778

Comment Period #1

Name: Sarah Taylor

Organization: State: OR

Number of commenters: 1

Comment text: My name is Sarah Taylor and I'm a Midwife and I've been working in Midwifery since 1977 and I'm just here to speak for the next generation of babies and just to say that the total sum air pollution from the Superfund sites, from the trucks, from the trains and from factories are hurting our children for many generations to come, and Michael probably knows that better than me. But, PCBs cause immune and neurological disorders. We are 36th in the world in maternal and newborn health and this year 1000 more babies will be born prematurely. There is no excuse for our country to have such bad birth outcomes. We all know that when we have prematurity we have more problems in school and for the rest of that child's life and there is no way that our state should be ever, ever putting children and babies at this risk. I want people to understand you are hurting women's hormones when that child is inside their mother that child will have problems that will go on generationally and we know that air pollution is causing great damage to unborn babies and I would just say that there is no time to wait. We can have all the drives in the world to have high risk hospitals and yet we have the ability to save those babies' lives and improve children's lives right away. There's no excuse for waiting. Thank you.

Attachment:

Comment categories linked to this comment: 171, 227, 244, 257

Comment #779

Comment Period #1

Name: Michael Heumann

Organization: State: OR

Number of commenters: 1

Comment text: Thank you, my name is Michael Heumann I am an Epidemiologist practicing in Oregon for about 36 years. My area of expertise is Environmental and Occupational Diseases. And what I want to address here is what's missing, so first of all, I want to applaud DEQ. I think the idea of moving forward with the air toxics monitoring is laudable and important of these businesses but it doesn't go far enough, it is step number 1 only, in my opinion. What needs to happen is, in addition to the point source monitoring from any one business or industry needs to be understood in conjunction with the mobile source pollution that people around the plant are being exposed to as well as the construction source emissions. So the previous speaker was talking about the diesel emissions, which is a really important source of pollutants that can affect our health. Its temporary when we have construction but it adds a large amount of pollution from that, but what's not temporary, what's ongoing, are the pollution sources if the industries are adjacent to heavily trafficked streets, or worse, freeways particularly the I-5 corridor or the 205 corridor where we have excessive amounts of traffic now and long delays where we have increases in not only diesel emissions but in all of the emissions that are coming out of the other vehicles (minus the electric cars, obviously). And so, to take a look at and require assessments only of the point source of the industries themselves doesn't go far enough. I can understand that as being important to the businesses themselves and to that extent it's understandable and needs to be done but, DEQ needs to understand, the State needs to understand and the people who live around these facilities need to understand that that's not enough. That alone is not going to protect our health, their health that it needs to be an additive understanding to what all the other pollutant sources are that go into the mix. And with that, I will stop so we can let others go forward. Thank you.

Attachment:

Comment categories linked to this comment: 11, 133, 227, 235

Comment #780

Comment Period #1

Name: Dale Feik

Organization: State: OR

Number of commenters: 1

Comment text: For the record I'm Dale Feik, I'm the Campaign Director for Hillsboro Air and Water and I'm also the Acting Chairman of Washington County Citizen Action Network. I'm primarily speaking for myself but I am the spokesperson for both those organizations. I thank you for having this opportunity to make comment about Cleaner Air Oregon and it's very important that we do get established, effective and strict strong air standard that will protect public health from air toxic emissions, greenhouse gas emissions and Diesel, but I understand this, Cleaner Air Oregon, is not addressing diesel emissions but it should. And so there may need to be lawsuits on that, there needs to be working with the legislators on getting a good diesel program monitoring and Portland Clean Air, with Greg Bourget is Executive Director of that, has done what nobody else has done in Oregon is they got all the diesel trucks in the Portland area, they had them online, they know how much emissions they give out and if you really want to know more than what DEQ has I would really recommend that you get on Portland Clean Air, you can just Google that or you can Google Hillsboro Air and Water. The other thing that we did in Hillsboro Air and Water we went in and spent a lot of hours at DEQ records and we got all the standard general air contamination discharge permits, digitally copied them all and we have them on a dataset and you can access them through our website. Nobody's done that. When David Monroe, who now works for PGE, Dave Monroe was one of the air managers. He then, when we showed David what we had done and showed him just with our little smartphone he said "can we have that?" We said "yeah, we'll share it with you". So we have something that DEQ doesn't have, we have the permits digitally available. And then we also copied the annual review of each of those permits. One of the reasons we did that is 'cause the neighbors, people living around these facilities that give out these toxic emissions, the neighbors need to know what they're living next to and they need to know when their permits are due, so when their hearings, or whatever, they need to know what questions to ask. And so, that is a very good resource for anybody, I highly recommend students, high school, college they're really involved in this stuff, they'd look at that website. Greenhouse gas rules, I did talk briefly with some of the staff in a small group here, and I was really disappointed with the staff at DEQ and also with Dick Pedersen cause he was put under a lot of pressure, he caved in to the pressure and he ended up making a recommendation to the Environmental Quality Commission to do a temporary rule on the greenhouse gas rules for ON Semiconductor industry, those two, Intel and ON Semiconductor Industry were going to be regulated according to the greenhouse gas rules, but, they would have had to do an extensive permit application but they convinced Dick Pedersen and staff to represent the Environmental Quality Commission to do a temporary rule for 6 months without public comment, and by doing that then those industries didn't have to go to that strict rule. That was terrible. And so, because the greenhouse gasses are terr...I mean, you youth want to have an Earth livable in time, and so the Carbon and the Carbon is very important, so anyway, if you really want to get involved, 21 youth, Plaintiffs, suing, now President Trump, it's going to court, learn about that. Google 21 youth. In summary, I respect DEQ staff; you're understaffed; it's hard to keep up with business; and, so do the best you can.

Attachment:

Comment categories linked to this comment: 97, 227, 238

Comment #781

Comment Period #1

Name: John Paul Williams

Organization: State: OR

Number of commenters: 1

Comment text: Good afternoon, I'd like to thank DEQ very much for holding this hearing. My name is John Paul Williams. I am the current Director of the World Beyond Coal campaign. I am also a community representative on the Intel Air Quality Advisory Committee. Among its duties the advisory committee is overseeing the implementation of a facility health risk assessment of Intel's facilities in Washington County. Since the proposed clean air regulations may include facility risk assessments with Risk Action Levels I'd like to describe how that is working at Intel. Intel Semiconductor manufacturing plants near Hillsboro emit more toxic Hydrocarbon emissions than a Petroleum refinery, probably a thousand pounds a day. Many of Intel's angry neighbors claim these emissions are sickening the nearby residents. As part of an out of court settlement Intel submitted to a facility risk assessment. We used the regulations and criteria for our risk assessment as set forth in the regulations of the Southern California Air Quality Management District. These rules set Risk Action Levels at an allowable increase of 25 cancers per million of exposed residents. I suggest the DEQ could consider adopting that particular threshold. Intel's emissions, although grossly large, did not produce excessive human health risks. The total impacts were estimated at only 9 additional cancers per million exposed residents. So I know these proposed regulations probably will not affect Intel. Intel has passed its risk assessment without breaking a sweat under the tough California criteria and it's one of Oregon's biggest polluters. Given this information, a proposed Oregon regulation with a Risk Action Level that exceeds 25 cancers per million would allow unneeded risks to the public, it won't even affect large polluters. Proposers, as I've read, to allow 500 additional cancers as a firm cap on airborne toxicity are far too lenient. Finally, the last time I toured Intel to witness source testing of its air emissions the site was bristling with construction cranes. The construction crews were installing additional scrubbers to reduce emissions of toxic Crystalline Silica emissions. Those construction crews were from Harder Mechanical a local company that provides union wages and benefits to its workers. In other words, requirements for additional controls of toxic air pollution will help create additional family wage jobs in Oregon. Tightening regulations on toxic air pollutions will not cost jobs. Those cranes and the scrubbers they are installing mean less toxic air pollution and more good jobs for Oregonians. One final lesson I'd like to draw from my experience with Intel is that sometimes the greatest risk to the community is not from what is coming out of the stack but it's what's stored in the tanks on the facilities site. If there are new regulations that would require companies to reduce their toxic air emissions we're likely to see companies looking for less toxic alternative chemicals to use in their processes. The use of less toxic chemicals will mean that there will no longer be such a great risk from a catastrophic accident that would involve the rupture of a storage tank or an accident of a tanker car or a railroad car. Thank you very much for the opportunity to make comments.

Attachment:

Comment categories linked to this comment: 97, 227, 245, 258

Comment #782

Comment Period #1

Name: Maureen Valdini

Organization: State: OR

Number of commenters: 1

Comment text: Hello, I'm Maureen Valdini. I've lived in Portland for the past 10 years. In 2011 my 17 month old granddaughter woke up unable to catch her breath. Struggling to breathe at all. The first result was to take her out into our beautiful damp air and see if it cleared, no it didn't clear. She went to the ER at OHSU and in the Pediatric ICU they were able to restore her health and breathing in the course of a week to 10 days of touch and go scariness. The doctors were never able to discover the source of her difficulties. There was no bacteria isolated, there was no virus she was simply suffering from Bronchio-litis (sic) which is the blockage of the tiniest cells in the tiniest parts of a tiny child's lung. They helped her, she's fine today and we are everlastingly grateful, but, meanwhile, now it's obvious and reported that the particulate matter in the city of Portland causes more respiratory disease than anywhere else in the country. And very likely, I believe, the particulate matter in our air occluded her Bronchials and that's unacceptable for my granddaughter and it's unacceptable for the children, the frail elderly and for everyone who breathes our air. Air is life, just like water, we need to protect it. The DEQ should've done this long since and while beginning is great, I'm happy, it's not enough. And the idea that some companies can be tiered in later to observe the minimal regulations that are being put in place now and can benefit from many, many ugly loopholes is simply unacceptable. I cannot have it, I'm here to encourage you to make these regulations stricter, apply them across the board throughout our city and protect all of us including the workers at these companies who are subjected to the thickest and most damaging results of the particles falling out of their chimneys and on to their heads. We've seen results all over the city that are unacceptable. We need to pass these regulations and begin immediately to tighten and enforce them and if companies need assistance to get their compliance with these regulations, of course, the DEQ should assist and direct them. But not, not cooperate in helping them avoid the necessary regulations that this city requires. Let's set things on the right course here in Portland which is a beautiful city that I call paradise. Thank you.

Attachment:

Comment categories linked to this comment: 188, 227, 248

Comment #783

Comment Period #1

Name: Annabelle Ellis Valdini

Organization: State: OR

Number of commenters: 1

Comment text: My name is Annabelle Ellis Valdini and I just want to say that for Oregon we try so hard to keep our environment clean and healthy for everyone and I want to continue doing that in the next years. Thank you

Attachment:

Comment categories linked to this comment: 227, 247

Comment #784

Comment Period #1

Name: Andy Ellis Valdini

Organization: State: OR

Number of commenters: 1

Comment text: Hi, I'm Andy Ellis Valdini and I wanted to second everybody's comments about diesel pollution, particulates and smoke. Our girls want to live a full life and I don't want to increase the chance that they'll have some sort of respiratory disease from diesel smoke. And then, yeah, the implementation I have read, that there's tiered implementation language, about the new rules. If we could immediately apply all the rules to all the companies who are emitting toxics that would make me feel a lot better as an Oregonian. Thank you.

Attachment:

Comment categories linked to this comment: 188, 227, 238

Comment #785

Comment Period #1

Name: Melody Ellis Valdini

Organization: State: OR

Number of commenters: 1

Comment text: My name is Melody Ellis Valdini and I'm here to ask that the DEQ please add more to the proposed regulations. From my understanding the proposed regulations do not apply to diesel smoke and I have 2 young kids that I really worry are gonna get more respiratory issues because of all the diesel trucks that go through our neighborhood. It's my understanding that states like California do protect their citizens from diesel so I'm asking that the DEQ please add a provision that regulates diesel smoke as well. And, just further, I heard that the implementation is going to be kind of weird from this. I heard that not all companies are going to have to go through this and so I'm really hoping that the regulations apply to all of the factories and companies. Because, again, we live in a neighborhood that has industrial region and I really would like those factories regulated as soon as possible. 'Cause, I mean, again, my kids, I have 2 young kids and I really wanna protect them from the poisons that could be in the air. Some days we even smell it in the morning it's really, really gross. I think that's it, thank you.

Attachment:

Comment categories linked to this comment: 28, 29, 188, 227, 238, 248

Comment #786

Comment Period #1

Name: Allan Rudwick

Organization: State: OR

Number of commenters: 1

Comment text: Hi my name is Allan Rudwick and I live in Northeast Portland at (an address). My comment is, primarily, about the things that are not covered by this plan. Specifically, in my neighborhood the primary health concern is diesel emissions and fine particles that are in the air and it seems like this plan is not doing anything for my neighborhood and I'd like to see that changed. From my understanding, trucks that have been banned because they are too polluting in other places are able to come into Oregon, register and start operating profitably with no modifications required at all. This is a travesty and the people in my neighborhood are very angry about this and, although many may not have shown up today, this is on our minds and we would like you to add regulations for the trucking and construction industries that are polluting, primarily diesel emissions that are causing problems. I personally have Asthma and I don't want to have to move but it's been on my mind. Thank you.

Attachment:

Comment categories linked to this comment: 227, 238

Comment #787

Comment Period #1

Name: Vicki

Organization: State: OR

Number of commenters: 1

Comment text: My name is Vicki and I live in Kenton which is a neighborhood that's very close to two offenders APES and ORRCO, I believe one of them changed their names recently. Involving the emissions that these companies have delivered to our neighborhood for the time I've lived in Portland, which is about 7 years now. And I've noticed my health deteriorate in terms of respiratory issues, I have a chronic cough and a throat clearing issue that no doctor, of about 17 practitioners I've seen, can explain. And what I noticed when I went away on vacation for 3 weeks the symptoms disappeared and came back when I returned. So I have every reason to believe that my symptoms are being, at least partially, caused by the air that I breathe in my own neighborhood. I'm very glad that there's being measures taken to bring the reins down on the worst polluters. But my main concern is that the timeframe that it's gonna take to have any change come about, I've seen, I've experienced these two companies be very lax in their adherence to being asked to improve the situation with thermal oxidizers and permits and when they improve the situation basically they're in business to make money and that's what they're doing. And I feel like the DEQ has been too lax in demanding that they maintain health standards in the neighborhood around them and I also have a complaint that DEQ, sort of, pays lip service to callers and concerned citizens when they call in with odorous complaints. And we all know that it doesn't have to be odorous to be a toxic emission but when it is odorous people notice and they do call in. And we're always told that we'll get a call back and we never do. So, I've also been to many hearings, in fact, one was at Oregon Ducks recently where there was many impassioned speeches like the one I'm giving now and much more impassioned even about people's health and I don't feel like there was any follow up to that. And here I am another one, and another one, every time I can speak I will because I think the more people that come forward the better. So, my main complaint right now is that this plan sounds great but it's gonna take too long to implement. 5 years to screen everyone that needs to be screened there's no, they don't even know, they can't even tell me right now if the 2 companies, the offenders that I live nearest are a part of the first set, the second set, or 5 years down the road. Well, you know what? I have a lot of decades behind me and I don't have enough in front of me, so, I don't have the time to wait. I have to decide if I'm gonna move out of the area or if I'm going to wait for conditions to improve. And I look to California, because California has, apparently, this problem under better control, higher standards, higher regulations. And I think it's great that they're looking to California as an example I have a (unintelligible) but I'm frustrated by how long this programs gonna take. I was just told about 270 days to prepare an assessment that a company has, before they're even considered for regulations put upon them and etc., etc. I did notice that Bullseye Glass acted very quickly, probably because they had a conscience and that, because there was a huge uproar from community members. And they acted immediately, in fact, I think they stopped producing some of their most toxic procedures and I know they're making positive change. I think some of these other companies, these other industries, don't care as much and they don't have a conscience and they're just going to continue to pollute us. And I just heard in the other room about a lady with 17 community members in her neighborhood that have breast cancer. That is so alarming. I am now seeing a Naturopath that specializes in air toxics to try to get to the bottom of my condition. But I can only imagine, and I've heard impassioned speeches from so

many other community members that have terrible health conditions based on this so to me there's no excuse for dragging our feet. Okay, if the department isn't big enough, they can only screen 20 per year, maybe they need to get bigger because health is the number one important thing to people. So I feel like, I'm almost feeling like I'm gonna have to take this into my own hands and decide to move, I would not like to move, I love my house, I don't want to move. But, it is a matter of living 10 more years or 10 less years then I'm going to have to move. I just think that, you know, at what point do they pay more attention rather than less attention? So I'm here today to tell them that this is a big concern, health is number one and they need to make it a top burner effort. Thank you very much.

Attachment:

Comment categories linked to this comment: 97, 158, 188, 227, 246, 251

Comment #788

Comment Period #1

Name: Sam Sauter

Organization: State: OR

Number of commenters: 1

Comment text: My name is Sam Sauter, I'm an Architect and property manager. I live in Southeast Portland and I manage a green environmental building a few blocks from Bullseye Glass. One of the things I was noticing in your report was that we do a great job of businesses self-reporting and then moving it up to assessing health risk and going forward. The part that I would love to see included in you process is where we're allowing the public to report how they're feeling. Like, for me, I live in a great neighborhood in Sellwood and there's times where I feel sick and I get dizzy and I'm overwhelmed with fumes. And I'd love to be able to have a way to report that and a way to kind of start reducing those pollutants. And so, like between, the company reporting toxics, having a public reporting toxics and if you have somebody on the eighty worst polluters to it'd be nice if they had a sign out front, similar to what the DEQ does for erosion control. So when you have a construction project you have a sign they put up that says please report erosion control issues and they give you a phone number to do it. So if you have a company that is polluting a lot it'd be nice if we had a way, hey report it, when you smell something that makes you sick and here's who to report it to. So that the company is aware that they could be turned in and that might be motivating. And then we had a similar thing with water hogs a few years ago, where the Willamette Week had a great article, where they were reporting the top worst water users, heaviest water users and most people modified their behavior and tried not to get on that list that were the top 20. And a lot of people didn't want to get on the top 20 and they reduced just out of threat of being on there. So it was a good way to do it. Is there a way to make your data really easily accessible that someone at Willamette Week or another publication could publish it? We could improve people through public pressure and not just, after we come up with a fifty million dollar report saying

“oh yeah we know now after spending fifty million dollars we were poisoning people, now let's change”. And I realize that's the world, we have to wait to get these reports before we can make a change. So that and then the other request would, it would be nice if on the DEQ home page, right up top, instead of four bars down through cascading menus we had a way that said “report pollution issues” with a nice one eight hundred number and an email. Right on top of the homepage. DEQ is dedicated to improving the environment. The department of air quality not the department of protecting polluters. So, and I realize it's a balance there between keeping businesses alive and a balance between not poisoning the populace and poisoning the people that are working for the businesses. A lot of people are so addicted to their money like they're a welder and they're like “hey I gotta pay for my family's needs”, how do they do that even though they're aware they're getting poisoned and you look at old welders and what do they look like; what're their livers like; what're their? Bladder cancer, all kinds of problems. So it's hard to get everyone's needs met when they're like ‘I still need to pay for my family and my housing and I want to keep my job and I realize that my job is poisoning me and the neighbors’ so it's like how do you balance all those ideas. So that was the main concept and so the request is hey, let's make it easy to report, have everything on that home page and then maybe collaborating with groups like local fire departments so that they can go out with, have a place where they could, a library where they can get gear that measures air quality, gear that measures Benzene and Toluene and other things that we can have a faster response team or maybe a Hazmat van that someone can call up ‘hey, we're having a problem come over here and test it because it's going on today or this week’, you know, ‘everyone's sick today’ not ‘well, we got to it in a month. Cause it seems like we're only addressing long term polluters instead of polluters that are polluting this week and I have a need not be polluted every day by different random polluters not just polluters that are polluting for a year, or five, or ten years at a time.

So, thank you for your time and I hope that I'm generally positive in my communication and talking about my needs and not trying to be accusatory. Thanks team.

Attachment:

Comment categories linked to this comment: 80, 171, 227, 245, 251

Comment #789

Comment Period #1

Name: Greg Thelen

Organization: State: OR

Number of commenters: 1

Comment text: My name is Greg Thelen, I'm going to submit some written comments also, on specifically about parts of the CAO but I wanted to share this with you. To the DEQ, thank you for your efforts to make our air cleaner. I have about four and a half minutes of comments here.

A little over a year and a half ago I found out my family and I were being poisoned by the toxic heavy metals in the air and had been for decades by Bullseye Glass, a few blocks from my home. Since then I've spent about a hundred hours in public meetings here in Portland and around the state. I watched and listened as the DEQ met with scientists, health professionals, citizens groups, industry representatives and worked out these Cleaner Air Oregon rules. I testified several times as a taxpayer and concerned citizen at Legislative hearings in Salem. I have kept my eyes and ears open. I've learned a lot and would like to share some truths from my perspective. Truth number 1, the DEQ is largely made up of smart, well intentioned people trying to do a good job in the face of massive, coordinated opposition. Number 2, this opposition comes from business and industry interests which are represented in Salem by the Lobbyists of an organization called Oregon Business and Industry. Oregon Business and Industry is the result of a merger this year of Associated Oregon Industries and Oregon Business Alliance. It has been my observation that that these Lobbyists use their considerable resources and influence to see that no law or regulation will be passed that would put the health of Oregonians before business profit. Observation number 3, a great number of our Oregon legislators are weak, in the sense that they are under the influence of business interests that largely finance their campaigns and they vote accordingly on bills such as funding Cleaner Air Oregon. This is a pattern I have observed over and over, there are exceptions. I applaud the DEQ and Oregon Health Authority for proposing these health based rules. I don't think they go far enough but it's a start. Yet the real question here is how will the rules get enough votes to pass a Legislature in 2018? If Oregon Business and Industry has their way, it certainly will not. So, I'd just like to take a minute here to talk about who or OBI is because I wonder if they really represent the values of the majority of their members. OBI was formed earlier this year when the politically conservative industrial heavies in Associated Oregon Industries joined with a more progressive Oregon Business Alliance whose membership included such beloved businesses as Powell's Books, Neil Kelly, Norm Thompson, Sokol Blosser and Rex Hill wineries and Rejuvenation Hardware. The newly formed OBI now claims to have sixteen hundred members including, according to their website, retailers of all sizes from local stores to multistate companies. Now I am curious, do the owners and managers of all these companies know if they're paying dues to an organization, OBI, that is lobbying against Cleaner Air Oregon? Were they asked their opinion? Did they vote on it? Or, do the industrial heavies still run the show and assume they speak for the rest of their members? Do the employees of Powell's Books, or A to Z Wineworks, or Pacificorps, or Fred Meyer, or New Seasons know whether their company is paying for Lobbyists that are pushing profit over health down in Salem? And finally do we as individuals want to buy products from, and support companies who are, perhaps without knowing it, propping up the same old power structure that thinks it's okay to dump chemicals into our air? I believe it is time we should all ask these questions in the places we work and do business. We should get answers and act now. I know I won't be spending my money at any business that pays dues to Lobbyists trying to block these health based rules. I want this legislation to pass. Again thank you DEQ and thank you for listening.

Attachment:

Comment categories linked to this comment: 227, 237, 257

Comment #790

Comment Period #1

Name: Marny Spoons

Organization: State: OR

Number of commenters: 1

Comment text: Hello, my name is Marny Spoons, I'm from southeast Portland. First, I want to say that there is a lot to appreciate about these rules and I am grateful and supportive of Cleaner Air Oregon. Throughout this process I've been hearing the word "balance" used a lot. Jill Inahara used it again on Wednesday evening to explain why allowable levels of toxics in the proposed rules reach so far above the health expert recommended protective levels of 1 to 10, 25, 50, up to 500, which is just reckless, additional cancer cases per million. We must balance health with the economy, she said. People get sick when they're out of work. When I hear that word balance, set in this context, this is what I think the DEQ is saying, "We are beholden to big business but we aren't supposed to say that. More paid industry lobbyists show up at legislative days than the community members, so we have to do what they say or we won't get funded. We must remain soft on big business while maintaining the optics of being heroes and protectors of the environment and community". So DEQ you've have your mission statement read to you before in public comments but I'm going to do it again. DEQ's mission is to be a leader in restoring, maintaining and enhancing the quality of Oregon's land, air and water. It is not your job to pander to polluting businesses they have tax credits and loopholes and Oregon business industry. Your job is to be the balance against businesses getting too much leeway to pollute vulnerable communities, our beautiful state and our one vulnerable planet. Your job is to be a protector of our air taking the arbitrary clauses away from those risk action levels. Your job is to ensure that these levels start protective and stay protective. Our dependence on extractive status quo economy is a bit of an addiction that puts the illusion of wealth before true abundance. When these businesses cry out about how much their jobs matter your job as a leader is to bring the narrative firmly back to what matters even more our air, our land, and our water. That's what I call balance. Thank you.

Attachment:

Comment categories linked to this comment: 171, 227, 246

Comment #791

Comment Period #1

Name: Glenn Traeger

Organization: State: OR

Number of commenters: 1

Comment text: Hello my name is Glenn Traeger and I live in northwest Portland. I live in a neighborhood that was once a railroad yard and basically, right now, it's the fastest growing and highest density neighborhood in the city of Portland. It's not only it used to be a railroad yard, it's currently, railroad trains are going by, freeway within 100 feet of hundreds of people, of where they live. We have big, busy streets. Streets that, so as the city's changing and growing, we're starting to have residential developments in areas that were never there for hundreds of years. And the residents are being more and more exposed to the pollutants from these not only the point sources, like industries and such, but nonpoint sources like the freeways, railroads, that type of thing. So, I applaud Cleaner Air Oregon, something that's been long overdue and certainly is something that really needs to be worked on and supported. However, I do have a couple comments based on my just quick brief review of the rules. Number 1, the rules need to be rewritten. There's over 100 pages of rules, I don't know if you guys have a chance, go to the website, if you want to fall asleep really fast. Just try to read the first, say, 5 pages of the rules. It's a rat's nest of different small things and pointers and different things. There's no rhyme, no reason, it's the most, literally I've been in (unintelligible) for a number of years, it's one of the most complicated documents I've ever read in my life. Ask anybody, even Cleaner Air Oregon, it is not easy to understand or even follow by any rhyme or reason. So to me that's my most important comment because if you have rules and regulations that nobody understands how are you going to implement it? Or, if you do understand it, there will be a select few, just like the tax code, that'll be able to utilize those rules and regulations. So I say, we're gonna spend all this time and effort, let's make it something that's reasonably understandable to somebody. Even a professional should be able to reasonably be able to understand these and I don't think professionals in the field can adequately say they understand the whole thing. My second comment is that the criteria for measuring air pollutants and their health effects is on a 24 hour basis. For the life of me I don't know why they have to average based on 24 hours. Most computer models, most of them I think, for decades have been using a 1 hour time increment for the modeling. And also I think it's important, not only for the standards, also to get reporting from the people that are discharging pollutants and poisons into the air. We should have to know what the distribution of these pollutants are by requiring them to report them on a 1 hour basis, makes much more sense. Now I'll just give you an example, let's say you have an industry or somebody and he's dumping 24 pounds of pollutants in a 24 hour period. So if you take that 24 hours, divided by 24 pounds, if you're reporting it then they'll saying he's polluting at 1 pound per hour. Right? It's simple division. Let's say, the industry, he doesn't do it on a uniform basis over 24 hours. Now how many industries go uniform over 24 hours? Most of them are maybe 8 hour shifts, sixteen hour shifts. But anyway, on the worst case, let's say that this industry dumps out all these pollutants in 1 hour so that'll be 24 pounds in 1 hour. So, he's reporting based on a 24 hour standard 1 pound per hour. Right? Over 24. But actually he dumped 24 pounds in 1 hour in real life. So don't you think as a public we have a right to know whether or not that industry is discharging it all in 1 hour or 2 or 6 versus this 24 hour when you follow these rules? And then third, and I probably have more comments but I hardly have much time. Like I said, those rules are really complicated, these are first couple things that came to my head. They have a criteria where they screen different industries as they go through the process and a first screening is, they have a thing called a Lookup Table, where they look at how many pounds that the industry is discharging, they look at the smokestack height, then the look at how far, where you're gonna be measuring the concentration. I've been in the technical field for a long time and when I first started we used to use (unintelligible, bibles?) and lookup tables were something we used because we didn't have

computers, we had adding machines, but that was a quick and easy way to do that. Well we're 60 years past that stage. Why can't we use, there's a screening model called screen 3 that's been since the old IBM PC with the old floppy disk, why can't we use something like that? It's really easy to use, in fact, right now you could probably put that model on your cellphone and write a simple app. So, I'm confused, why do we have to go backwards in our analysis instead of going forwards and using the best tools that are available to us. That's it, thank you.

Attachment:

Comment categories linked to this comment: 173, 196, 227, 238, 272

Comment #792

Comment Period #1

Name: Gregory Sotir

Organization: State: OR

Number of commenters: 1

Comment text: Hello everybody, my name is Gregory Sotir and I live at (an address in NE Portland) in the Cully neighborhood of Portland. And I have written comments I'm going to submit at a later date so I'll just summarize and ad lib a little bit. First I want to say I work with Cully Air Action Team and we have a lot of point source polluters in Cully as well as diesel particulate matter, excess of traffic zones as well. But I want to start with saying, in the past couple of years I've seen some real positive changes in the DEQ and I really want to applaud DEQ for creating and advocating for CAO as much as they have. That said, CAO is a great framework but there are some pieces in it that really need to be addressed and I think one of the really fundamental ones is in the concept of self-monitoring of industries. The idea that polluting industries will honestly and truthfully report all of their effluent and ambient metal and gas releases, it takes a lot of trust. And unfortunately, in my own habitat, in my own community I see the trust is not being followed through by industries. So I would encourage DEQ to really look at the single source monitoring done by the industry and verify it and do their own monitoring as well. I know that there are revenue issues with this and I think that a modified permit structure, especially for new polluters, would probably address some of those concerns. And I'll talk about modified fees in a moment but one other observation I'd like to make is that I'm an educator, these days I'm substitute teaching so I travel to a lot of schools in the East County/East Multnomah County area and I'm actually quite surprised at how close Oregon and the county have placed public schools to the polluting sources. I'm actually quite shocked that, often within a mile or two of an elementary school, or a high school, or a middle school there are industries that are releasing high level toxins into the environment or have the potential to do so. I've noticed that during the middle of my early morning jaunts into various schools across the county that nuisance odors are present and it's very, very difficult when one is teaching to actually file a complaint with DEQ so I haven't been able to do that as much as I have in my home environment. But, the fact is that we have children in our communities that are being exposed to these

toxins on a daily basis and it gets normalized. Right? It's all normal, it becomes oh well that's the way things are here, that's the way things are here. And I think that the residents, especially socioeconomically challenged communities in the Portland environs have been taught that this is normal, when in fact it isn't. It causes cancer, it causes a whole host of neurological issues in our children from ADHD to Autism. We as taxpayer have to pay for those costs in a whole range of associated ways from providing (unintelligible) services to students to dealing with healthcare costs at OHSU. And I'm leaving it there. I think the self-monitoring really needs to be addressed because I don't think the companies are being honest in how they're reporting their releases. You know, I was really troubled watching the whole snafu in Washington DC last night and the fact that we have a new federal tax (unintelligible) that will probably starve our state and our agencies from federal funds, needed federal funds for enforcement. So again, I really think that we should start looking at the fees that we're charging polluting industries and I think, as a state, we're really gonna have to start to increase them to make up for the difference for what we're gonna lose from the Feds in terms of tax revenues. Now of course industry is gonna fight this tooth and nail but the tax decrease in DC is directed entirely towards them, as far as I can tell. They have to pay a little bit more if they want to do business in this state because gonna see a loss in that federal revenue for enforcement. And lastly, I want to touch briefly on how Associated Oregon Industries, or whatever new name they've concocted for themselves, have deformed the process of regulatory control in our states. I think that, in terms of CAO, we really, really have to police this and make sure that industry representatives are not deforming the system, are not sabotaging CAO, are not turning it into an industry friendly paper tiger document for environmental protection. I think that the Valero decision right across the river in Vancouver, in Washington State, it shows very, very clearly that the people in the Pacific Northwest want to live in a clean environment regardless of what polluting industries may promise. The Valero decision and other decisions all up and down the Columbia River have shown that the people in this region want a clean environment and whatever the industry reps, or influence peddlers say is going to go against that and they are in the minority. I think there's a real strong need for us as a state and a people to resist the antiregulatory system that is being created by AOI and other forces, out of state forces and I think that the Valero decision and CAO are real strong indicators that we can be successful. But again, we really have to be careful about not letting it be sabotaged. And I would encourage the agency to really look into modifying increasing fees for polluters and also addressing the problems and the inadequacies of self-monitoring by polluting companies. Thanks.

Attachment:

Comment categories linked to this comment: 45, 92, 140, 161, 227, 237, 251

Comment #793

Comment Period #1

Name: Celeste Lewis

Organization: State: OR

Number of commenters: 1

Comment text: I just wanted to thank DEQ for allowing this possibility and thank everybody who came here it's kind of a commitment on a Saturday apparently, given the sparseness of the room. My name is Celeste Lewis, I live at (an address in SW Portland). I'm an Architect in Portland. And I have 2 personal observations I have made in the last eighteen months regarding air quality and I'd like to share those with you. You know, until recently I had my offices at, in the Pearl District at (an address in NW Portland) and it was an older building, if people are aware of Ann Sacks it's right above that, with older windows. And there were three construction sites in that, within a 2 block radius of my office and eventually I had left that office, as of March 2017. Because every day I would have to come in and wash the soot, the diesel soot, off the horizontal surfaces and I'm not a neat freak, I'm just saying that in order to do my job and to keep my drawings clean that's what I had to do. And as an Architect observing people in construction and I'm very much aware of how dirty that is for those people to be working in that environment. In addition, I took up bicycle commuting in this last year now that my daughter's gone off to college. And I'm just exasperated when I think about, that all the best bike facilities are in the worst neighborhoods. In fact, one of the most highly used paths actually goes past Bullseye Glass and you're on the 205 corridor, the I-5 corridor. And finally, I also was a green, part of the Eco School network and I worked for a long time with Portland Public Schools to try and get the diesel engines stopped idling at, bus diesel engines, outside of classrooms. And you know, Portland Public Schools is quite aware of how the diesel buses and their emissions affect classroom behavior and classroom air quality. So I think it's striking that we can get the buses to stop idling in front of schools but the DEQ still isn't looking at replacing the buses, which is really what I want to do. So, regarding CAO, the Cleaner Air Oregon guidelines, I have 4 proposals I urge you to support. The first one is that existing facilities should have the same health standards as proposed new facilities. The public is affected by the toxins whether the facility is old or new. So, the exact same. I'm tired of Precision Cast Parts getting a bye. And any other existing facility. The other thing I really supported in reading a lot of the literature is the area cap program that takes into consideration all pollution sources, such as diesel and construction related emissions and multiple industrial sources impacting the community. And this might, I might be Portland centric but I don't know what it's like in Bend and I don't know what it's like in Medford but we should be making an area cap for each individual community. It should be nothing less than that. And all of this should be taken care of. Additionally, and really importantly given that I'm talking to DEQ, is Cleaner Air Oregon should apply to all companies upon adoption and not be artificially restricted because the agency doesn't have funding to regulate new industries. That would be like saying, as an Architect, okay now our building permit people are so busy anyone that builds a building in 2018, we're not going to regulate you. That just seems absurd to me and I don't know if that's being thought about but that doesn't make any sense. So think about if you had a year of building permitting that you did not go forward with people doing that permitting work because your agency didn't have the money. That to me is a revenue issue and we either need to start taxing those industries who need to be regulated, which is how building permits work, or some other method. And then the last one is, I think we need meaningful CAO input. So a lot of the, I feel like I'm here as someone from SW Portland and I'm gonna be dissed or I should say ignored partially because I live in a cleaner part of the area, a cleaner part of the metro area. Having said that, a lot of these rules are not available in alternate languages, in speaking form and I think the state needs to figure out who are the affected populations and actually go there. And I know it's difficult. I've worked in community planning, it's a lot more effort on a part of it but I feel like, you know, good public policy would make sure the rules would be written with everybody's input

and not just people in the know. And I actually personally attended 2 Salem hearings and I know it wasn't DEQ present, it was with the state Senate, and was never allowed to give my public comment because industry people were present and gave all their comments about how hard it is going to be for them to replace their diesel engine construction equipment. And, especially as an Architect right now, I think construction companies are in a very good position to replace their equipment. And that's it. Thank you very much for your time.

Attachment:

Comment categories linked to this comment: 28, 29, 45, 61, 158, 173, 188, 227, 235, 238, 263

Comment #794

Comment Period #1

Name: Jen Davis

Organization: State: OR

Number of commenters: 1

Comment text: So I'm Jen Davis and I gave birth to and raised two kids within 8 blocks of Bullseye Glass. I (unintelligible) Sustainable Southeast Portland, I'm a therapy expert in Oregon, I'm an expert organic gardener, I grow 16 kinds of fruits (unintelligible) vegetables we've eaten daily from my garden my entire kid's lives. This past Thanksgiving, my daughter, college aged honor student, came home and asked for a walker so she could walk down the street. She has been diagnosed with (unintelligible) syndrome which has many causative agents but one of them is heavy metals poisoning. She's been tested for the other causative agents and none of them have been proven. I can't prove that Bullseye caused this but we do know that she had very bad Asthma when she was young. We had to pull her from school when she was in Kindergarten because she was (unintelligible) such bad Asthma attacks every night. And we did know that this (unintelligible) syndrome could be exacerbated, if not caused, by heavy metals poisoning. So we paid thousands of dollars for medical bills trying to help my daughter. We had no idea how long, how this was going to continue to affect her college work. She had to drop out of a class last semester because she couldn't, at 19 years old, climb 3 flights of stairs because the elevator was broken in the building to get to her class. So, I'm really here to, I'm going to send you a letter, about specific ideas about your rules. But I'm just here to urge you to really ignore these industries that are claiming that they are going to go out of business if they try to protect the public health. Daily Bullseye was emitting aerosolized particulates of heavy metals. Two 55 gallon drums worth every single day. My neighborhood where my children were playing, we were eating food, were believing we were doing the right thing for the earth by growing organically and letting our children play. And it's caused us a huge amount of money so far. The money's not nearly the deal as my child's life which can be shortened by (unintelligible) syndrome. And she's such a hard working kid and makes really good grades and, you know, why is she suffering? Why does she have a walker at 20 years old? And when Bullseye has just slipped through for decades without doing the right thing. So I'm just here to tell you that the industries

will tell you “oh no, we can’t afford to deal with these old particulates” even though California and Washington certainly do. And we are in the bottom 1 percent in the nation for diesel particulates, those industries will say “oh, we can’t afford to filter properly because we’re gonna lose employees”. Well Bullseye actually hired employees after they filtered. Please don’t be fooled by these people. Our air quality is some of the worst in the nation, it’s just gonna get worse with more and more people moving here. And, you know, I really urge you to be strong, take a stand, don’t give in to these pressures of these industry (unintelligible). I am an organic gardener, always outside, wonderful healthy woman now dying of a rare form of breast cancer. Also (unintelligible) from gardening, you know, all these hidden people that you may not meet, you won’t hear them, we don’t have a team of lobbyists, we don’t have a bunch of employees to come and tell you our sad stories. We’re telling you our personal stories. People are really being affected by these toxics. And also, one point I want to make. I sent you my soil and plant tags, I sent DEQ and OHA my soil and plant tags and we heard immediately from DEQ that, oh well, there’s just heavy metals and soils and the soil’s the only thing you need to be concerned about. That’s not correct. I talked to the plant pathologist who studies the effects of pollution on plants for 20 years at Cornell, he taught at Cornell, and he said that the aerosolized particulates of heavy metals became embedded in the stomata of the plants and cannot then be extricated by using a vinegar bath, which is what DEQ employees suggested to me. And, you know, we’re eating that. My eldest kid was, of all of my two kids, eating her greens every day because she was being a good kid and doing what she thought was healthy. And we didn’t know that it was toxic. My soils tested at normal levels for toxins for heavy metals but my plants by California state standards came back with toxic levels for Lead and Cadmium. So, I’ve lost the ability to garden in my yard. I have no, I can’t afford to test every year. That whole lifestyle is gone for me. So, you know, you think about all the losses that people have. A person like myself has lost a tremendous amount and, you know, way more than Bullseye or Precision Cast Parts or these diesel company people ever lose. So I really urge you to be strong and we will stay with you. We’ll stand with you because I know that you care about breathing too. Thank you.

Attachment:

Comment categories linked to this comment: 97, 169, 227, 246, 247, 248

Comment #795

Comment Period #1

Name: Crystal Elinski

Organization: State: OR

Number of commenters: 1

Comment text: My name is Crystal Elinski. I just was walking by and I saw Oregon Convention Center sign so that was very enlightening. I will write to the Secretary of State and say that HINOON is asking for an audit. I’ve noticed the air quality over the last few years, it’s affecting my health. And I’ve lived in lots of parts of the city, but I don’t know. Just reading the papers here I was wondering why there hasn’t

been more assessment and there aren't enough investigation or rules in place. So I'm concerned about a few things. We continue to have pollution from Precision Cast Parts and other companies around the Springwater Corridor area. Up in the north, in the peninsula around St. Johns there's a lot of pollution and really it's, lately it's just a lot of traffic. So I know that as Secretary of State Kate Brown had pushed diesel and that was a problem. It turned out that wasn't really helpful, Ethanol, that Randy Leonard, that didn't help matters. So it just seems like we're pushing through ideas that aren't proven and I'm wondering if we can start to model ourselves on places that have worked on this, it seems like we're just struggling. It's also kind of embarrassing to find out by accident about Uroboros and, what's the other one, the glass? Bullseye. That was, I understand, found by some students or researchers at PSU. They wanted to see how the moss could be used to detect air quality, they weren't specifically led to find out what was going on in that neighborhood. But, then it came out, and I guess there was a class action lawsuit and it seems odd because I'm not so sure it's Bullseye that's the problem it's going to reveal how complicit we all are in not having had taken care of this in the beginning. That we would allow companies to just emit whatever they want, and cars. We have a real habit in this town of idling our engines. And we get stuck in traffic and we sit and idle our engines while we look at our cell phones, or wait for somebody, or say "oh my god it's cold outside", or "oh my god it's cold outside". I'm a bus rider and I just find it odd that people can't survive without running their engines all the time. So maybe we need to do more outreach and PSAs, public service announcements, about what is in our air. We definitely need to control a lot of the air traffic as well. Every day I have about 200 planes fly over my place, right over, 1000 feet. So that's a lot of jet fuel and the work lanes as well, and I know that's even the F-16s. That's a lot of emissions. So, I would like us to look, not just into the companies but, in our entire living situation. What are we dealing with when we have all this traffic and people continuing to live her? So that's just where I'm at, at this moment. I'll do a little more research and maybe write a prepared comment by the 22nd. Thank you.

Attachment:

Comment categories linked to this comment: 227, 235, 257

Comment #796

Comment Period #1

Name: Martin Slapikas

Organization: State: OR

Number of commenters: 1

Comment text: Good morning. My name is Martin Slapikas, I'm the Vice Chair of the Hayden Island network HINOON and I'm here to listen to the comments of any presentations that are gonna be made. I didn't expect to be up here today. I didn't receive this notice until late yesterday. But I wanted to, at least, since it's available, to take the opportunity to let you know that I echo what she just said. HINOON has been, since 2006, complaining about odors and subsequently we find out air pollution that is

manufactured by licensed industrial organizations on the island or near the island (names several companies) take fuel/oil from, let's say your cars, our cars all together, put it in canisters and send it over to these firms and they burn it. They're supposed to burn it to certain standards and emit it pollution free and that is not happening. We've had complaints, apparently over 1,000 of them to the Oregon DEQ about respiratory illnesses on the island and surrounding areas in North Portland. Our concern since, in particular me, I don't know the mechanics of doing it, our concern is the administrative way which this is taken care of. Because these firms have been doing this on purpose for years and the complaints have been noted for quite some time. One of the firms had a thermal oxidizer removed, they removed it for whatever reason we don't know. And the Oregon DEQ did not find out about this 2011 and they did not do anything about it. As much as we would like to have clean air and could support a clean air process we do not believe the Oregon DEQ is capable of monitoring what that program is going to be because had they been monitoring what the current one is now I don't think we would have the kind of issues smelly odor, toxic, contaminated air in and around North Portland. So what we did we wrote up a request requesting the Secretary of State to conduct an audit of the Oregon DEQ. Mainly because, the primary purpose was to answer them why do, why did the Oregon DEQ, and why is it doing selective non-enforcement of rules and regulations that they state that they enforce, should enforce. So we wrote that up, we submitted it in September of this year; the neighborhood associations, eleven of them, to the coalition of North Portland Neighborhood services has supported the request of the Oregon DEQ, the audit for the Oregon DEQ. We have not yet heard whether the Secretary of State has even taken any effort to do the audit, we hope they have. We are awaiting new information from sources for additional, for supplying the additional information that we may find. Sorry for the, I would say, very unpreparedness of my presentation, I did not really expect to be here I didn't think I had the time. I don't know if I'll be able to stay here all the time. The bottom line is, we can't seem to control our own air in a local area in in the city of Portland, certainly on Hayden Island, certainly North Portland, certainly in the city of Portland. I don't know much of the rest of the state. But, I understand that some of that same companies have been misusing the regulations and putting in air pollution down in central Oregon. That's a responsibility of an agency that we should be supporting and we fund. So I thank you very much. The effort of the Oregon DEQ is, the Secretary of State audit. I would ask that you write the Secretary of State and say, hey we support HINOON. That's an acronym: Hayden Island Neighborhood Network. We want the audit done. You know. Let's find out, it's about a 26 page audit and it's on our website: myhaydenisland.com, as to what we were requesting. Thank you very much.

Attachment:

Comment categories linked to this comment: 28, 97, 158, 171, 227

Comment #797

Comment Period #1

Name: Beven Byrnes

Organization: State: OR

Number of commenters: 1

Comment text: In the interest of staying on time and to make sure I get to all my points I hope to cover I going to be reading from a letter that I will also be submitting through your online format. So thank you for having me today. My name is Beven Byrns, I am a lifelong resident of Portland, a mother to four daughters here in college, high school and preschool; and I am the Principal and Executive Director of Bridges Middle School, a 501c3 private school for kids serving learning differences. Our school is located in downtown Portland amid the worst two percent of precincts nationwide for diesel particulate according to the most recent EPA national air toxic assessment released in twenty fifteen. I also volunteer for many community organizations and have done so for the past 25 years. Today I'm here in the role as spokesperson for Portland Clean Air a registered Oregon political action committee and 501c3 working to address industrial pollution in Multnomah and Washington counties. Currently we are the only accessible source of data from 8 government agencies in Portland for Portland stack emitters and unfiltered diesel trucks, that's a problem. I want to tell you three things today who we are, our concern about Portland air quality and how Cleaner Air Oregon rules could and should be improved. Portland Clean Air is a grassroots movement supported by over 2300 Portland donors. We work closely with 27 Portland air pollution focused organizations that communicate regularly with 30,000 residents, that's a large voice of Portland. We all work together for a shared goal to improve the quality of air that we, our neighbors and our loved ones breathe. Over the past three and a half years our volunteers have won data requests from 8 agencies. GIS, data and research gathered by volunteers they then map this data and overlay it onto maps locating and reporting on all stack emitters and unfiltered truck routes in Washington, Multnomah and Clackamas counties. According to this most recent EPA three year assessment I referenced, Portland ranks as the worst city in the US for respiratory distress from air pollution. The worst. In that EPA study, Portland ranks as the second worst in the US for exposure to residential wood smoke. And we rank in the worst one percent of the US for exposure to diesel particulates. Diesel particulates are the worst airborne according to published risk assessments out of the state of California. In short, we have arguably the worst air pollution regulations in the United States. DEQ itself has frequently admitted, including recently, that they do not use human health as a factor in regulating industrial emissions here that is not their job currently. Here's how Cleaner Air Oregon rules can and should be improved. Four areas I'll focus on: one, they need to include mobile sources of air toxics such as diesel particulates in the cumulative risk assessments. This is a gross oversight that it is not included. They need to include a citizen enforcement clause in the event that DEQ is unable or unwilling or unfunded to enforce the rules. They need to make the emissions inventory publicly available and in a user friendly database. And fourth, they need to eliminate the five hundred cancers per million and Director's consultation loopholes. We will be happy to talk with you later if you have questions about that specifically. In closing, I suggest that you join us and you partner with us and you offer additional opportunities to have a conversation after this meeting. The DEQ and the Oregon legislature alone cannot be trusted to do this for us. We the people must do this for us. Until recently, when she resigned in August at the request of Governor Kate Brown, Oregon Health Authority Director Lynne Saxton was literally married to the head of the Association of Oregon Industries the lobbying group that wants less regulation than we have now. Corruption can run deep all the way to the top we are directly holding we, Portland Clean Air residents we represent, are directly holding industry and truck fleet owners accountable and we can help protect residents regardless of what rules are or aren't passed. Portland residents deserve better. Our students and our children deserve better. And together

we can do better. I thank you for your time and consideration, I will submit these comments in writing as well.

Attachment:

Comment categories linked to this comment: 46, 89, 133, 227, 238, 265

Comment #798

Comment Period #1

Name: David Harvey

Organization: State: OR

Number of commenters: 1

Comment text: Thanks for the chance to offer comments on the Cleaner Air Oregon permitting rules. I also appreciate the fact that you're having a meeting in this part of the city. My name is Dave Harvey, I'm the Director of Environmental Health and Safety at Greenbrier and the Environmental Director at Gunderson, a local railcar manufacturing facility. One of the things we say is "the best built cars in America are made in Oregon". When I say I appreciate that you're having a meeting here it's that a significant number of the people that work at Gunderson live in this part of the city. DEQ and EPA regulations and voluntary initiatives by industry have led to substantial improvement in air quality over time. With DEQ's leadership the air quality in Portland has significantly improved over the last 15 years. EPA and the American Lung Association agree with this. The American Lung Association rated Portland air quality as pass, they pretty much gave you a pass or a fail, and rated it better than Seattle's air quality if I just use that as a point of reference. Many parts of the country received a grade of fail. The improved air quality in Portland is similar to the experience that we've had at Gunderson. In our recent air permit renewal we reduced our allowable emissions of volatile organic substances by roughly (unintelligible) with some coaxing by DEQ. We have had our emissions of toxic volatile organic substances reduced and controlled to meet the most stringent requirement of maximum achievable control technology. EPA recently, well 2011, performed a residual risk analysis on the Gunderson barge painting operations and I will quote their findings: "EPA has weighed all health risk majors and information and considered in the risk availability determination along with the costs and economic impacts of emissions control, technological feasibility, uncertainties and other relevant factors in making our ample margin of safety determination. The EPA has found the overall level of risk to be acceptable for the source category and the ample margin of safety determination for this source category indicates that potential controls are not cost effective and technically feasible." That's just one example of the types of work that we do. We've had our toxic emissions reduced and controlled for years, over a decade. EPA has assessed our operations and found our cleaning operations to have an acceptable risk; EPA, not Gunderson. Even so, these new DEQ rules will require us to reanalyze the potential risk posed by those same emissions. With the low ambient benchmarks in the DEQ rules that are not based on sound science it's not clear what the results of our new analysis will be. Gunderson will be forced to

spend a significant (unintelligible) of money on an analysis that could end up with results that will unnecessarily alarm members of the public. In addition, all of our information has been available in our Toxic Release Inventory submitted to EPA annually for the last 20 years. In the inventory that we submitted there weren't any real surprises, it's basically the same information we've been reporting for years and years. The Cleaner Air Oregon permitting rules and their associated rules seem to be targeting companies like Gunderson that have a long standing record of reducing our emissions of air toxics. We have to spend a lot of money on analysis and reporting when we are already well below the limits imposed by EPA for maximum achievable control technology. This does not address the priority risk that DEQ has helped identified in the study of toxic air pollutants in the Portland area or mobile sources and combustion, as from wood stoves, present the primary risk. The (unintelligible) imposed on the Northwest Industrial area was further substantiated by the Forest Service moss study. If you look at those results there wasn't an indication that there was a substantial accumulation in the moss in the area in or around where Gunderson might be, or others in the heavy industrial area. I would argue that the heavy industrial zoning worked. In addition, by being zoned heavy industrial there's little exposure to population, no disproportionate impact on low income, minority or children under 5 years old. By targeting Gunderson and similar sources our jobs are put at risk and DEQ misses the chance to focus on what will really make a difference in the health and safety of the public. Thanks.

Attachment:

Comment categories linked to this comment: 45, 122, 228, 234, 235, 249

Comment #799

Comment Period #1

Name: Chris Wilson

Organization: Gunderson State: OR

Number of commenters: 1

Comment text: Thanks for the chance to offer my comments on the Cleaner Air Oregon permitting rules. My name is Chris Wilson, I am an Environmental Systems Administrator at Gunderson, we're a railcar manufacturer in the Northwest Industrial area. Part of my message to you today is that for reducing emissions of potentially toxic substances takes a very long time. Much longer than the 3 to 6 months identified in the draft rules. For example, we've been working for 3 years on reducing the amount of Manganese in our weld wire. At Gunderson we take protecting the health and safety of our employees and protecting the environment very seriously. Part of my job is to work to reduce emissions of potentially toxic substances from the weld wire we use. The most recent example is Manganese which is one of the substances in the draft Cleaner Air Oregon rules. Like I said, we've been working on reducing the emissions of the Manganese in our weld wire, which is the source of a potentially toxic emission. We are spending time, effort and money or we were spending time, money and effort before these rules were drafted and without being required to do so by OSHA regulations. We were doing that to improve

the air quality in and around our facility. The Manganese in our weld wire is there for a reason, to provide the weld joints of our railcars the strength they need to operate safely. We cannot just snap our fingers to simply eliminate it. Finding the right substitute has taken years and now we may be getting close to having the right formulation to eliminate the Manganese, most of the Manganese. We have to work with our vendors who make the weld wire, we have to sample the durability of the weld over time and we have to work with our customers to make that change. The draft rules suggests that we will submit a plan for how to reduce emissions 3 months after the analysis is complete. This is inadequate to be able to determine the feasibility of the process changes that can be accomplished. Even with a potential extension of time for the submittal, this does not allow the company to be competitive in adjusting its business processes. Realistically it will take at least 1 or 2 years for the processes to be successfully modified. In most cases at Gunderson, the only other alternative is to shut down the process, unnecessarily putting 800 blue collar skilled labor jobs on the line. Thank you very much.

Attachment:

Comment categories linked to this comment: 228, 345

Comment #800

Comment Period #1

Name: Tru Nguyen

Organization: Gunderson State: OR

Number of commenters: 1

Comment text: Thanks for a chance for offering comment on the Cleaner Air Oregon permitting rules. My name is Tru Nguyen and I am the Paint Foreman at Gunderson, a railcar manufacturing facility in Northwest Industrial area. I've worked at Gunderson for over 20 years and have learned my skill as an industrial painter there. I have seen us reducing our emissions of toxic substances over these years and have air permits to reduce toxic substance over these decades. We have trained all our crew on how to meet the requirements in our paint permit and we normally are at the level of 1/3 or 1/2 of our limits. One of the main things we were required to do is to switch most of the paint on our railcar to water based paint instead of volatile organic based paint. In other words, we switched from spray paint stenciling on the railcar and applying decals for the lettering. Not all of the paint can be switched over to water based paint but we still are normally 1/3 of our limits of our air toxics for railcar painting. We go above and beyond what is required by our rule and improve the workplace for the painter and improve the air quality around Gunderson. For example, 4 years ago we worked to switch to Toluene on our main solvent to use (unintelligible) solvent that does not emit air toxics. This took time and effort and the vendor to make sure it would be effective in our workplace and it did. We work this way at Gunderson because it is the right thing to do. The Cleaner Air permits rule and their associated rules to target companies like Gunderson that have long standing records of reducing our emissions, air toxics, we have to spend a lot of money and analysis on reporting when we are already below our limit imposed by EPA

maximum achievable control technology. This does not address the risk that DEQ itself identified in a study of toxic air pollutants in the Portland area. By targeting Gunderson and similar air sources our jobs are at risk and DEQ misses the chance to focus on what will already make the difference.

Attachment:

Comment categories linked to this comment: 228, 235, 245, 249

Comment #801

Comment Period #1

Name: Jessica Applegate

Organization: State: OR

Number of commenters: 1

Comment text: Hi, thank you for the opportunity to give public comment today regarding the Cleaner Air Oregon rules. First of all, I'm just a regular person who lived in a neighborhood that was poisoned for 40 years and I didn't know it. And my kids grew up and went to school there, I was pregnant, I breastfed in that neighborhood and to find out that I was being poisoned and my agencies weren't protecting me and this was all perfectly legal was unconscionable in my mind. And as I served on the rules advisory committee, I've really gone into the weeds and I've learned the rules and I've learned the jargon and the regulation and the loopholes. I think one of the most important things to come out of today is that regular people can make a comment you don't need to know the rules, you don't need, necessarily, a workshop to know all the ins and outs. What you need to do is help us participate and just say you want to stop being poisoned. You want a hard cap. You want to know what it is you're breathing. You want to be able to move into a neighborhood and decide if it's safe for you or your family. I sometimes feel like these regulations were made to keep that public conversation at bay because they know it's complicated and we will be intimidated. And I just really encourage everybody, even if it's just to say "I want to stop being poisoned, I want to know what I'm breathing, I want to know what my kids are breathing", that is the comment. So please don't be intimidated or be held back. If you do want more information, there's great organizations, there's Neighbors for Clean Air, they've been doing this for years, there's our group East Side Portland Air Coalition, and you can go on our Facebook page and steal our talking points if you want, we don't care. I've kind of said a lot tonight, one of the things, on the rules advisory committee, I was supposed to represent several different groups not just my group in Southeast Portland. This isn't just about Southeast Portland or my neighborhood, it's about these rules applying statewide. It would not be fair if just us in Southeast Portland had the protection. So I really want to speak specifically to the people in The Dalles. They are struggling with a company called Amerities and Creosote poisoning and have never had the State of Oregon fighting for them. The railroad company who owned them, Union Pacific, was given a hardship exemption in Oregon in the '80's after Creosote was banned nationally because of its harmful effects. But Oregon did not have a health based system so let these people off the hook. And so, let's enforce these laws on Creosote that

most of America has already enforced and Operates on. Cleaner Air Oregon should be a true statewide health based system and the people in The Dalles must be given priority and Amerities must be in the first 80 facilities to be regulated Under Cleaner Air Oregon as well as the oil re-refineries around Hayden Island formally knowns as APES and ORRCO. These are companies that are relatively small and we're afraid that they might fall through the loophole, but, their toxic impact is huge and we just want to formally request that those companies be included in that first 80 as well. Simply put, you just need to know what we are breathing. We have the fundamental right to not be poisoned, we have the fundamental right to not have these industries use our lungs as their air filters and externalize cost of their production onto public health. And, I just ask everyone to participate and look at stuff on Facebook for East Side Portland Air Coalition or Neighbors for Clean Air if you want more information. Thank you.

Attachment:

Comment categories linked to this comment: 8, 11, 28, 45, 97, 133, 228

Comment #802

Comment Period #1

Name: Adam Brunelle

Organization: Green Lents State: OR

Number of commenters: 1

Comment text: Hey everyone, the organization that I work for is called Green Lents. It's an organization that works in the Lents neighborhood, just basically, if you look far enough that direction, Powell and 82nd out until 112th-ish, basically down to the southern part of the city. And we face a lot of pollution issues from things like diesel, traffic and some industrial facilities that are here, adjacent or directly in the neighborhood. So I just want to go over a couple of points here:

The area cap program. I think it's really important to expand the program beyond just a single pilot community in the first 5 years. There are places where there are a lot of pollutants from multiple different facilities that aren't polluting a lot on their own and then one community is ending up, especially low income communities, especially communities of color, facing a lot more risk if that is not extended to more than one community and we'll just be applying it to a single community. I think that is troublesome to me. And I think we need to consider, as opposed to regulate diesel in these rules, we need to consider diesel and traffic pollution and other types of pollution that communities are experiencing because they are very hazardous and so should at least be considered in the process where possible. Especially under the area cap program since it won't be as hard to do that if a handful of places are the exception to that diesel pollution because the area cap program won't extend over the entire state as far as I can tell. So that's one point, another point related to the area cap is that it has a cumulative risk, and I could be a little bit wrong I'm not an expert on rules, of 75 cancers per million so I'm kind of confused as to why an area cap, which would be for an entire geographical area, has on the order of 5 or more times less than a single facility would be able to emit at the 500 cancers level, I think

that's super confusing. I'd like to see that 500 come down. We've heard a lot of things about how it's not really necessary, most of our facilities run well below it, we might as well just bring it down, because for the facilities that run above it really cause a lot of harm in a very focused area. I would like to also add that I have some concerns, just based on what I've heard about how the community engagement triggers, so it's one thing to say that once you go above a certain risk you're going to have those meetings, and we're going to have 2 meetings. What sort of outcomes are going to come out of those meetings and how are we holding people accountable for the needs of that community and does the community have any say over what happens? Is there any sort of process for the community to get some degree of benefit or results or maybe job preference? What is happening besides the meeting being held because I feel like a facility that a community doesn't want is placed in that community and they had the meetings that they're even worse off than if they didn't go to the meetings if it's going to get approved anyway. So, that's a bit troublesome to me as well given that in our community we have a history of distrust of government processes, distrust in East Portland generally, is a big issue. And I also want to add that moving away from the area cap regarding the existing facilities, I think the 500 number is quite high. I think that they need to be regulated at, at least similar standards if not the same standards. Existing facilities are what necessitated this program. In many cases there are ways to deal with excess emissions that I think we can have similar, at least, standards between them and not 500 versus 25, which sort of seems like, overall, is what the program is proposing, which is just a dramatic difference. I also want to add, as a sort of final comment, I think jobs versus the environment is kind of a false dichotomy. I think that we can have both. I want to thank all the workers who've come out, even the workers who might be on a little bit different side than me. Because we do need the people who are most impacted directly, who are working where there are emissions, have their voices heard. And I also want to add that there's been an argument in the past around, and I've heard this at a couple of these different sessions, that your job, having a job, is a public health positive and so if we do something that might cause jobs to be lost with these rules that, that somehow allows us to have, at least in the lobbying that's happened, allowed us to have a much higher limit for certain facilities, to allow certain facilities to pollute more under the idea that it's going to protect those jobs. I think that the health costs of pollution are very high and so I think the program really needs to take into account what those costs are. It's going to make an argument jobs are really a benefit to health, it's true. But, what if your daughter doesn't have good healthcare and it doesn't cover all your chemotherapy treatments. So, I'll end with that and thanks so much.

Attachment:

Comment categories linked to this comment: 45, 86, 140, 166, 228, 238, 245, 263, 265

Comment #803

Comment Period #1

Name: Greg Bourget

Organization: Portland Clean Air State: OR

Number of commenters: 1

Comment text: Hi my name is Greg Bourget, I work as the lead researcher for Portland Clean Air. I am the Executive Director of Portland Clean Air for the past 3 years. So far 2,365 Portland residents have donated money to the campaign. We also have built relationships with 37 Portland organizations. These are mainly community organizations, neighborhood organizations, excuse me. They regularly stay in contact with about 30,000 Portland residents. These 37 organizations have, by board agreements, put forward 40 individuals who act as spokespersons for the group, they act like a communications conduit and all of us stay in contact with each other. Working with the research team with Portland Clean Air, we pulled the records for the Environmental Protection Agency's National Emissions Inventory; the National Air Toxics Assessment and the Toxics Release Inventory; as well as the Department of Environmental Quality's Air Contaminant Discharge Permit System, which we scanned and put online for the first time; the Fire Marshall's Hazardous Substances Information System; the DMV's entire record system on unfiltered trucks held by government; ODOT's ownership of unfiltered trucks, the entire state database; as well as ODOT's 24 hour truck routes of all highways. We also have the Health Department's assessment of restaurants; the Development Department's assessment of their hoods and their emission codes; and Portland Parks' records on their use of herbicides. We pulled the records from 8 agencies, it took us 3 ½ years to put the entire dataset onto a GIS system, so people for the first time could understand the hazards of industries and toxic sources, biohazards. I think we did this because there were concerns, the EPA found that Portland ranks as the worst state in the United States for respiratory distress from air pollution in their National Air Toxics Assessment. We were the worst city and we were the 3rd worst county. We were also found to be in the worst 1 % of counties for diesel particulate exposure in the country by EPA. A study by USA Today found that Northwest Portland ranked in the worst 2% of neighborhoods for exposure to large stack emissions and North Portland ranked in the worst 1% of neighborhoods for large stack emissions. We were so concerned about these government findings that we, as volunteers, did this research to, data analysis, research, GIS science, and we became the only source of that data. The government agencies don't put this information on their own websites. To be honest, we are now gearing up towards lawsuits. We found that 40 companies, trucking companies, own half of the unfiltered trucks in Washington, Multnomah and Clackamas counties. To be honest, lawsuits seem to be what we are being pushed to because of a lack of action by the DEQ. As you've heard they aren't going to include diesel particulate, which is the worst airborne carcinogen using National Air Toxic Assessment statistics. On diesel trucks, for Portland, they found that if you apply California health assessment standards that the health risks for Downtown Portland would be at 600 cancers per million, also for (unintelligible), and parts of Cully and all of the Pearl. In terms of industry, we're looking at building relationships with industry and citizen action and lawsuits. What we'd rather have is regulatory (unintelligible), in California they simply have regulations. They pass rational laws that include public health as well as industry. And I'm heartfelt (sic) that this would change here. There have been changes, Dave Munroe and Dick Pedersen resigned from the DEQ after the Bullseye Glass scandal that was good. Lynne Saxton was recently fired from Oregon Health Authority, she was literally married to the head of the Association of Oregon Industry, the lobbying group that wants less regulation. So, I'm happy about that. We're happy that Uroboros now has a filter, oh no they're gone, excuse me, they could have had a filter. (unintelligible) has a blue smoke machine; Precision Castparts has spent 15 million on new scrubbers; Clearloop/APES just put on a thermal

oxidizer; Bullseye has a scrubber; and (unintelligible) a million dollar waste treatment program. That's all since Bullseye, there is changes happening. For this work, I think, they need to (unintelligible) than the DEQ is planning. I'm concerned that Cleaner Air Oregon fails to include diesel particulates, which is 5 – 6 times more cancerous than all industry combined here in Portland. I'm concerned that (unintelligible). I definitely want to give you more about public availability of the data. The DEQ was the only agency that fought us to get their data, they wanted to charge us thousands of dollars to access these public records, we had to (unintelligible) a lawsuit to get at them. I'm hoping that DEQ will make these documents publicly available. One thing I'm excited about is the availability of new information which they have declined to do. Portland has some of the worst air in the country because we have some of the worst regulations in the country. I think that it's good to be here tonight to go over better rules. I don't think it's not, I would encourage you to work with us at Portland Clean Air to understand your neighborhood. We have this data so you'll understand it, we have easy to use maps and we'd love to assist you to understand your area and to build relationships with local industry. In my opinion, it's not that industry is the problem, I think regulation and a lack of regulation has been the problem and we're here to help you address that. And Cleaner Air Oregon is a good start but the way that the rules currently work as they talk about these 100, 500 cancers per million, when the EPA looked at how much all industry, all sources combined contribute, excluding just diesel particulates it went no higher than 156 cancers per million for all sources combined. I'm concerned that these limits they are going to set will be too high, so we're going to continue with citizen action, I think that citizen action, ultimately, is how we're going to win.

Attachment:

Comment categories linked to this comment: 133, 171, 195, 228, 238, 244, 258

Comment #804

Comment Period #1

Name: Julie Reardon

Organization: State: OR

Number of commenters: 1

Comment text: Hi, my name is Julie Reardon and I live in the Brentwood/Darlington neighborhood like was said earlier, I've got about 14 industrial polluters within a mile and a half radius of my home. We were identified as a toxic hotspot for Nickel, Lead, Arsenic, Hexavalent Chromium. You know the piece about being working class and blue collar, I can speak to that. My husband is a blue collar worker and a couple years ago his company was purchased, it was a small business and it was purchased by a huge corporation who did away with HR, who did away with health insurance benefits, it's going to be impossible to ever try and unionize that place. And the health insurance got to be so expensive that we don't have it anymore. And for the last two years my husband and I have both been sick and earlier this year we had to sit down and make a decision about who was going to get to see a doctor and he went

because he's the one that has the job and has a paycheck. Another thing is, in my neighborhood we have Precision Castparts and we have McClure Industries and with Precision it's a high amount of Chromium and McClure it's a high amount of Styrene and a study was put out a few years ago that said that a combination of those two toxins in utero and up to the first 2 years of age increases the birth risk of Autism by 55% and within those 2 differences is an Autistic cluster of kids. Working class people, blue collar people and I have yet to get any kind of consideration from DEQ or OHA to recognize that as an issue. They just step over it and call Styrene an odor issue. Another thing, too, is with Precision Cast Parts, you guys are speaking about your company with pride, so not all industrial polluters are created equal. Precision Cast Parts, the 14 million dollars they invested in their water treatment facility, they didn't do it because of Bullseye, they didn't do it out of their conscience, they did it because of a lawsuit and they did it because they were busted after they found 20 ½ tons of toxic waste in an outfall outside of their facility that was dumping into Johnson Creek. There's been the same levels of PCBs and all kinds of toxins. We were supposed to get an answer from DEQ over a year ago, last October, I was told that I would be getting some kind of an answer about what they were going to do moving forward to clean up the creek and actually looking into it, not even cleaning it and I spoke to them earlier this summer at a (unintelligible) meeting for Bullseye and they said maybe next spring they'll look at it. So, I think it's very important to understand that the world that we've created for ourselves is a mess and we're the ones that are left to pick up the pieces and we don't have time to BS, we don't have time to take a hand further down the road. There's been numerous cases where, Bullseye for instance, where they weren't supposed to use what color anymore for their green glass? Hexavalent Chromium. So, they found a new literally green way to make this glass and last year they had the greatest sales and profits the history of their 30 years in business. So, this is an opportunity for innovation, this is an opportunity to not leave the planet in crisis because that's where we're heading. A friend of mine said this beautiful thing where she said "if we can't leave the world in a better place, at least we won't leave it worse than it is right now". So, I want to thank everybody for taking the time to be here, this is a really messy, messy problem and I think that the only way we're going to be able to fix this so that everybody wins is to denounce the dichotomy that the jobs and the environment and public health that these things are mutually exclusive and because we have to figure out a way to make it all to work. Because nothing is going to get better if we don't figure it out and I think also, the way that we normalize these problems, because, everybody here is working beyond exhaustion so they can pay their mortgage, everybody is working beyond exhaustion so they can keep up with the standards of school. We're all exhausted and we're all struggling in our own different ways and I think it's important for us to come together and realize that, Precision is a 37 billion dollar company. What's Gunderson's parent company, what does their profit margin look like? Where is the help from them to make any of these issues better? The funding for this whole program, how many bills were there? There were 4 bills or 5 bills this last Legislative session, there was diesel, there was transparency, there was waste – the beyond toxics, the balancing, the chemical (unintelligible), there was several pieces of legislature that just one by one fell because the industry lobbyists were knocking at the door of our Legislators. And you know the funding for this whole program, the funding for this whole program was shut down because of industry lobbyists. And then they turned around and said "I don't understand why they didn't get any funding, why the bill didn't happen, it wasn't that bad".

Attachment:

Comment categories linked to this comment: 97, 158, 228, 246

Comment #805

Comment Period #1

Name: Alissa Keny-Guyer

Organization: Representative - District 46 State: OR

Number of commenters: 1

Comment text: Thank you. I'm going to be really brief. I really appreciate all the comments that have been made tonight. I want to thank the Gunderson people but I also really want to affirm my thoughts about this permitting process are very aligned with Jessica, Adam, Julie and Greg. I have a public health degree, I've worked on a number of different toxics reduction efforts and a lot of that has been in concert with DEQ and OHA so I do want to thank them and former Senator Jackie Dingfelder, who I believe chaired the committee and all the citizens input into the permitting. So, overall I'm very supportive of it, I share the concern about the 500, that's a very high number. I also share the concern about the diesel particulates and I want to add to that wood smoke particulates. We did have a bill that passed with way less money than we wanted to try to do a wood stove replacement program and wood smoke education for reduction of wood smoke. So those two areas, I don't think should be separated from industrial air pollution since people breathe the same air and I think it should be taken into consideration. That is my main comment about the permit process. I do just want to say to everyone here that I hope that you are connected to OLIS, which is the Oregon Legislative Information System, that's olis.leg.state.or.us and if you go to that website during the session you can follow the bill, I know that Senator Dembrow is going to talk a little bit, maybe not during the open comment period but maybe right after the public comment period, about the process that the bill goes through. It'll go to the committee, it'll go to the Natural Resources Subcommittee of Ways and Means and the full Ways and Means and then the Senate and House. So it's really important that people sign up so that they know how to track that bill, how to track that committee, and how their public input into that process. I think the funding, which is critical. I hope that we fully fund the program, I know that there's a lot of people that would like to make, industries want to make it less restrictive and the public in general is probably going to want to make it more restrictive and more health oriented than it even is now. But wherever we are, where we start, we've got a good start and we need to keep going I think it's critical that we fully fund this. So, I hope that everyone can come together on that. Thank you.

Attachment:

Comment categories linked to this comment: 45, 158, 171, 201, 228, 238, 256, 265

Comment #806

Comment Period #1

Name: Dale Feik

Organization: Hillsboro Air and Water State: OR

Number of commenters: 1

Comment text: I'm Dale Feik, spokesperson for Hillsboro Air and Water that's a project for Portland Clean Air. Greg Bourget is the Executive Director of Portland Clean Air. 2013, September, I started going to all the Environmental Quality Commission meetings in Oregon; K-falls, The Dalles, (unintelligible), Tillamook, didn't make any difference where it was. So, I've been going to all the Environmental Quality Commission meetings, that 5 member board that supervises hiring and firing the Director of DEQ, more importantly makes policy, they're the hearing board, all those people were gone in September when the Governor fired 2 of them and Ted Armstrong resigned so, we have a whole new group and I'm encouraged that those people get involved and challenge sometimes what DEQ recommends to them. I have high respect for practically all DEQ staff Jill Inahara who's back there, if you see her, public comment for Cleaner Air Oregon also the rules and regulations that were promulgated I don't know how many years ago. I made public comment, written comment. Thomas Wood, air permit attorney, leading attorney in Oregon, he represents Intel, he represents the most industrial polluters in Oregon because he wants to protect the profits of those and more so than the air people breathe. I challenged Thomas Wood when he was representing Intel, I took him to court, I was in Multnomah Circuit Court with him and his attorney (unintelligible) attorney, I filed a petition for judicial review. Intel (unintelligible). What I'm saying, though, is you have persons on the Environmental Quality Commission who would lobby hard beyond that (Morgan Rider) the Association of Oregon Industries got her on that. I got to know Morgan and I liked her and I think she gradually changed. But the point I'm trying to make is, those Environmental Quality Commissioners have a lot of power and I'm hopeful that they will stand up for what's right for public health. Thomas Wood wrote a letter, 11 page letter, Rob Davis got a copy of that and put a link in the newspaper, it was a real public service, if you have the chance to read it, read it. He also wrote a letter to Dave Monro (unintelligible) quit DEQ and he works for PGE. I just had a chance to sit down with him tonight. Thomas Wood wrote a letter to Dave Monro, he's an air manager, and he told Dave that Intel broke 3 major air regulations rules. They emitted Chloride for 30 years without a permit and they started building their 2-3 billion dollar plant without a valid construction permit. We activists ended up challenging that and put pressure on DEQ and DEQ finally decided "yeah, they broke the rule and they, other people too". They broke the rule, they fined them 142,000 dollars for those 2 major violations and wrote a Mutual Agreement and Order that Intel had to follow, that's good. But Thomas put in writing in that letter to Dave Monro, he said "we are going to implement a prevention of significant deterioration permit, not an air contaminant discharge permit because Title V Prevention of Significant Deterioration has a much stricter control and Intel has to do many more things to justify what they put in the air. So, but then time went on, they convinced DEQ to do a temporary rule for 6 months and then the rules changed and Intel didn't have to apply the higher standard based upon the greenhouse gas rules. And then Thomas Wood ended up writing another letter to Jill Inahara and ends up saying "we're not going to do all those things. We're not going to do a Prevention of Significant Deterioration". So, my point is industry controls regulations and industry controls many things that DEQ does. It takes us to take action.

Attachment:

Comment categories linked to this comment: 228, 237

Comment #807

Comment Period #1

Name: Alex Mijaves

Organization: State: OR

Number of commenters: 1

Comment text: Hello everybody my name is Ales Mijaves. Just real quick I want to say thank you to everyone from Neighbors for Clean Air because I would not know anything about this process if it wasn't for them and their outreach and all the work that they've done to break down the complicated jargon of these draft rules and explain it in layman's terms so folks like me who live in Tualatin who are just curious to know a little bit more about what's in the air. I'm turning in more public comments online and decided I'd just write a small little poem for you guys instead. So here goes:

As above, so below

As within, so without

As the universe, so the soul

Society and nature and the entire cosmos

Share a symbiotic relationship

The rivers, the mountains, the trees and the bees

All contain the same particles found in you and me

In times like these, it's growing hard to see that all

The world's issues and all of our personal obstacles

Are a direct projection of a grander scheme

So I stand here as a reflection

Asking for your help

We're just a few degrees away

From causing a mass extinction

I'm concerned about future generations

Clean air, clean water, clean food

Are all things we need to live good lives
So please, let's clean up our act and work together
Not just you, the DEQ, the EQC and money crazed guys
But all who's standing in this room
Let's create the new
A city universally designed for all bodies and minds
We can turn the tide and really fix this divide
We are many in body and yet one in mind
Which is why I'm here today to say
As a society we can no longer tolerate
The insanity of having (something) of regulating toxins in the air
It is absolutely ludicrous
This clean air process important
Please create new rules through your heart
I understand the logic and the science and the math but
Look at the past, regardless, it's pretty bad
A process where the poor get the shorter end of the stick
When it's recess their kids go home feeling sick
Get rid of the reasoning that allows you to feel okay with the idea that it's okay to poison the air
For industries who have no care of the people and of the land so long as cash flows through their hand
It's time to jump on the wave of a just transition
Let this be the first grade move encouraging community members to have serious participation in
creating the rules
Why must we only have this commentary period and hope our story persuades you to make the
conscious decision
Especially when the best (something) is about saving jobs and rational science
The people should be with you in making these rules every step of the way
With the animals and plants and children in mind first
We can do this, I know we can but

We have to change our beliefs and what is and factual and fair

Change the perspective, connect to the earth and the symbiotic relationship you share with us

Write these new rules to the highest esteem of good

And lead the way to transitioning our excavating ways to our (something) point

Let's side with nature and all its glory before it's too late.

Thank you.

Attachment:

Comment categories linked to this comment: 140, 228, 244, 319

Comment #808

Comment Period #2

Name: Rebecca Smith

Organization: State:

Number of commenters: 1

Comment text: Innocent Americans sickened with Cancer and Neurological dysfunction from wireless radiation. CLEAR EVIDENCE from the \$25 Million US National Toxicology Program Study and confirming evidence from the very large Ramazzini Institute Study that wireless radiation can cause cancer below our current FCC safety guidelines affecting the type of cells that line our nerves, this set of questions becomes of paramount importance ensuring that 5G Wireless Technology is not rolled out at the jeopardy of our citizens health.~~~~~ Are WE THE PEOPLE going to allow the FCC and Big Wireless to continue to roll out 5G Wireless Radiation:~~~~~ WITHOUT A FCC Safety Standard in Place?~~~~~ WITHOUT FCC Pre-Market Safety Testing of Any Wireless Device?~~~~~ WITHOUT FCC Post-Market Safety Surveying For Proven Cancers and ~~~~Neurological Health Effects Around Cell Towers?~~~~~ WITH The FCC an Industry Captured Agency Overseeing the Health &~~~~~Safety of Wireless Radiation When They Are Not A Health or Safety~~Agency?~~~~~ With The 1996 Telecom Act, Section 704 Used to Legally Ban Citizens & ~~~~Local Governments from Even Considering Health When Placing a Cell~~Tower?~~~~~ Knowing Citizens are Being Left Unprotected?~~~~~ Allow Harmed Citizens To Continue To Be Unable to Legally Protect Themselves and Their Families?

Attachment:

Comment categories linked to this comment: 201

Comment #809

Comment Period #2

Name: Amber Chapman

Organization: State: Oregon

Number of commenters: 1

Comment text: A public meeting should be held on Oregon's east side. The current meeting locations in Portland and Eugene do not allow physical attendance for these rules without burdensome travel requirements. Eastern Oregon contains a variety of pollution sources which will be impacted by these rules. Please hold a public meeting on the East side of the state (Pendleton, Boardman, etc) to allow all Oregonians to attend a meeting without burdensome travel.

Attachment:

Comment categories linked to this comment: 323

Comment #810

Comment Period #2

Name: Kelly Hayes

Organization: Phillips 66 Company State: WA

Number of commenters: 1

Comment text: What is the definition of "Capacity to Emit"?

Attachment:

Comment categories linked to this comment: 114

Comment #811

Comment Period #2

Name: Kelly Hayes

Organization: Phillips 66 State: WA

Number of commenters: 1

Comment text: 340-245-0060(1)(d): what does "potential processes and activities" mean?

Attachment:

Comment categories linked to this comment: 400

Comment #812

Comment Period #2

Name: Alex Macdonald

Organization: State: OR

Number of commenters: 1

Comment text: Please put the public's health first. Always. *Department of Environmental Quality (DEQ) must place requirements on their own response time in the permitting process. This will help close the loophole of putting off compliance until the benchmarks sunset. This strict timeline will benefit industry and public concern by providing clear requirements and timelines. * Please define what "cost effective" means for (best available control technology)T-BACT. This must be an agreed upon term and not another loophole for industry. * We also ask you support lowest achievable emissions rate (LAER) for new facilities. LAER was brought up early on in the CAO process. * The small business exemption must be eliminated. Small business is often a big polluter as we have seen in the case of Bullseye. * Get rid of potential loopholes in the draft rules by eliminating permissive language. Rules should be rules and not loopholes. When using the word "may", DEQ should provide a limitation on the discretion. * Use the most recent and health protective value when examining emissions. Anything less is not health protective. A hazard index (HI) of 1 should be the only hazard index entertained. By definition an HI of 1 is a hazard. Period. * Remember the cancer levels set in SB 1541 are in addition to the already high background cancer levels. In Portland I believe they are already at least 89 in a million. New levels set by CAO will be in ADDITION to that already heavy burden. * Our most vulnerable community members bear the brunt of the additional cancer risk and non cancer risk. Protecting the most vulnerable communities first will benefit all. When the most vulnerable are protected we are all protected. An environmental justice lense must be the primary lense when implementing and enforcing the rules. * Enforcement of rule on potential to emit should be a priority. This will create regulatory certainty for industry as they plan for the future in terms of their emissions controls. It is also a wise land use move and will allow new industry certainty when they are choosing placement of their facility and addresses cumulative impact in a way. It will give the public reassurance. Business is growth driven, to not plan for growth is short sighted when we think about actual emissions to potential emissions. * Since DEQ is now funded the public urgently needs our agencies to utilize the most health protective science available; we have been told that DEQ just doesn't have the resources to do this- but with the funding of DEQ via SB 1541 we disagree. The public will hold Oregon Health Authority (OHA) accountable to their duty to protect public health which means using the most up to date science. * Air monitoring should be

mandatory and done on a surprise basis. Requiring air monitoring is the first step in restoring public trust. If we don't know what we are breathing and how much, how is any rule going to be effective? It will also be a good foil against emissions inventories and a way to see if results line up in terms of what industry says they are emitting and what they are emitting. * Community engagement is paramount to creating a successful program. There needs to be an ombudsman or a person directly in charge of this to ensure meaningful implementation of this aspect of the program. * Transparency in regard to what people are breathing and where emissions and pollution is located should be a top priority. Access to the emissions inventory should be available online in a user friendly format.

Attachment:

Comment categories linked to this comment: 11, 13, 40, 56, 65, 133, 140, 158, 219, 235, 248, 258, 317, 319, 354, 389, 402, 405

Comment #813

Comment Period #2

Name: Melissa Rehder

Organization: State: OR

Number of commenters: 1

Comment text: * Department of Environmental Quality (DEQ) must place requirements on their own response time in the permitting process. This will help close the loophole of putting off compliance until the benchmarks sunset. This strict timeline will benefit industry and public concern by providing clear requirements and timelines. * Please define what "cost effective" means for (best available control technology)T-BACT. This must be an agreed upon term and not another loophole for industry. * We also ask you support lowest achievable emissions rate (LAER) for new facilities. LAER was brought up early on in the CAO process. * The small business exemption must be eliminated. Small business is often a big polluter as we have seen in the case of Bullseye. * Get rid of potential loopholes in the draft rules by eliminating permissive language. Rules should be rules and not loopholes. When using the word "may", DEQ should provide a limitation on the discretion. * Use the most recent and health protective value when examining emissions. Anything less is not health protective. A hazard index (HI) of 1 should be the only hazard index entertained. By definition a HI over 1 is a hazard. Period. * Remember the cancer levels set in SB 1541 are in addition to the already high background cancer levels. In Portland I believe they are already at least 89 in a million. New levels set by CAO will be in ADDITION to that already heavy burden. * Our most vulnerable community members bear the brunt of the additional cancer risk and non cancer risk. Protecting the most vulnerable communities first will benefit all. When the most vulnerable are protected we are all protected. An environmental justice lense must be the primary lense when implementing and enforcing the rules. * Enforcement of rule on potential to emit should be a priority. This will create regulatory certainty for industry as they plan for the future in terms of their emissions controls. It is also a wise land use move and will allow new industry certainty when they are

choosing placement of their facility and addresses cumulative impact in a way. It will give the public reassurance. Business is growth driven, to not plan for growth is short sighted when we think about actual emissions to potential emissions. * Since DEQ is now funded the public urgently needs our agencies to utilize the most health protective science available; we have been told that DEQ just doesn't have the resources to do this- but with the funding of DEQ via SB 1541 we disagree. The public will hold Oregon Health Authority (OHA) accountable to their duty to protect public health which means using the most up to date science. * Air monitoring should be mandatory and done on a surprise basis. Requiring air monitoring is the first step in restoring public trust. If we don't know what we are breathing and how much, how is any rule going to be effective? It will also be a good foil against emissions inventories and a way to see if results line up in terms of what industry says they are emitting and what they are emitting.

Attachment:

Comment categories linked to this comment: 56

Comment #814

Comment Period #2

Name: James Hershiser

Organization: none State: Oregon

Number of commenters: 1

Comment text: I support the Cleaner Air Oregon rules and would like to see Oregon lead the way on eliminating air pollution from toxic chemicals.

Attachment:

Comment categories linked to this comment: 171

Comment #815

Comment Period #2

Name: Angela Crowley-Koch

Organization: Oregon Environmental Council State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/c5f5edc2-d6ba-48a1-ade7-2bfbccd081d9>

Comment categories linked to this comment: 13, 40, 68, 133, 389, 402, 405

Comment #816

Comment Period #2

Name: Savanna Cate

Organization: State: Oregon

Number of commenters: 1

Comment text: I support the (common sense) proposed rules. My father-in-law has an autoimmune disease in his lungs and it's nice to see he has an advocate at the state level. Thank you all at the DEQ and the OHA for working so hard and fighting for a healthier Oregon. We appreciate your efforts.

Attachment:

Comment categories linked to this comment: 171

Comment #817

Comment Period #2

Name: Alyssa Bascue

Organization: Mountain Rose Herbs State: OR

Number of commenters: 1

Comment text: I am writing on behalf of Mountain Rose Herbs, a company which employs 210 people in Eugene, OR. We believe that polluters should take responsibility for contaminants that risk public health, especially those that impact at-risk populations. Cleaner Air Oregon has the power to not only control air pollutants but eliminate hazardous materials at the source so we can deal with the problem at the source. The DEQ should adequately fund and use the TURWRA program for its purpose of reducing toxics before they get into our air and lungs. The DEQ must include strict standards and best practices in this new rule. Lastly, we need the DEQ to put a strict timeline in place to hold businesses accountable for reducing their air pollution. Thank you for taking our comments into consideration.

Attachment:

Comment categories linked to this comment: 171, 188, 210

Comment #818

Comment Period #2

Name: Kim Kelly

Organization: citizen State: Oregon

Number of commenters: 1

Comment text: I am a business owner and I am requesting that the OHA stop pandering to businesses at the risk of the citizens of Oregon's health. Yes, it is important to have a robust business community - but to what end if some in that community end up poisoning the environment? And then the public gets to pay for the clean up after the pollution takes place. Ridiculous!! Make the rules strong and unwavering and business WILL adapt. As a business owner I have had to adapt to government rules over the years and those rules made my business better. We must stop allowing businesses who pollute to do so with impunity and with no future responsibility.

Attachment:

Comment categories linked to this comment: 121, 171, 237, 246, 248

Comment #819

Comment Period #2

Name: Carla Hervert

Organization: State: OR

Number of commenters: 1

Comment text: Oregon needs tighter controls on "allowable" pollution!

Attachment:

Comment categories linked to this comment: 171

Comment #820

Comment Period #2

Name: Richard Barnhart

Organization: Beyond Toxics State: OR

Number of commenters: 1

Comment text: I support all of the critiques and proposals submitted by Beyond Toxics. I put the highest priority on the need to immediately adopt the Oregon Health Benchmarks for 2029, and the need to consider hazardous materials used in manufacturing rather than just the pollution produced.

Attachment:

Comment categories linked to this comment: 371

Comment #821

Comment Period #2

Name: chuck erickson

Organization: State: Oregon

Number of commenters: 1

Comment text: All backyard burn barrels need to be banned statewide. Illegal trash burning in wood stoves needs to be enforced.

Attachment:

Comment categories linked to this comment: 201

Comment #822

Comment Period #2

Name: Katharine Salzmann

Organization: member Eastside Portland Air Coalition State: Oregon

Number of commenters: 1

Comment text: We have been working and commenting on Cleaner Air Oregon for over two years. When you "weight" this particular batch of comments please consider that what the general public wants has not changed: we want you to protect our health and the health of the environment from toxic pollution; we want strong, meaningful enforcement that results in the clean-up and preservation of our most valuable natural resources and that will HOLD POLLUTERS ACCOUNTABLE for decades of

unchecked dumping into our common spaces; we want meaningful community engagement on the ground where we live, where it matters; we want agency transparency and we want to know what exactly you are permitting to go into our air, water and soil > accurate information leads to increased community engagement; we want our children's health and the health of the places where we live, work and play at the center of every agency consideration and action. I believe your team knows the right way to proceed. Please do not do anything to further weaken the health-protective capabilities of the proposed rules. Please anticipate and close any loopholes that may occur due to weak or unclear language. Thank you for all your hard work creating these clean air rules. Thank you for striving to make this an open, transparent and accessible process. I hope DEQ will continue to improve its efforts to put vulnerable and impacted communities at the center of all agency activities. Thank you for taking seriously your mission to preserve, protect and enhance Oregon's land, air and water for future generations. Thank you for treating the legacy and accumulations of human-made pollution with the utmost seriousness and for putting all your muscle and regulatory power into making polluting industries begin to bear the burden of that toxic legacy.

Attachment:

Comment categories linked to this comment: 40, 82, 93, 133, 140, 171, 248

Comment #823

Comment Period #2

Name: Sandra Yardley

Organization: State: OR

Number of commenters: 1

Comment text: I have had to move from three cities because of air pollution caused by fogging for mosquitoes. I am highly allergic to pesticides. The perpetrators tell you that the spray is harmless, but that is a lie. Most of the sprays contain permethrin piperonyl butoxide, the same pesticides as in the shampoos for head lice in children. Is it harmless. No way. My doctor works in emergency rooms. She has told me horror stories about children being brought into the emergency room in convulsions after having their hair washed in the stuff. There is much documentation of this chemical causing liver cancer in cats, and brain lesions in children. There is ongoing research of these chemicals causing birth defects in children. Perpetrators should not be able to poison the air and water by spraying pesticides in the forest just to make the trees grow a little faster. People's health is much more important and Big Timber and Big Chemical Companies.

Attachment:

Comment categories linked to this comment: 201

Comment #824

Comment Period #2

Name: Carroll Johnston

Organization: State: Oregon

Number of commenters: 1

Comment text: Testimony about Cleaner Air Oregon proposed rules: 1. A Hazard Index of 1 should be the upper limit for toxic emissions that will affect children. Any higher value is by definition harmful to the population in general, and children are even more vulnerable than adults. For our own government to sanction industrial child abuse is unconscionable. 2. DEQ should hold itself to timelines of its own to ensure that emissions permits are implemented and updated without allowing industries a loophole to evade compliance with better health standards for longer periods. 3. The term "cost effective" in relation to best available control technology should be defined and not be allowed to be a loophole for industry to avoid lowering their toxic emissions. 4. Small businesses should have toxic emissions rules that are as restrictive as those for large business. The cumulative impact on health of many small businesses can be as much or more as one large business. One high emitting small business can be worse than a well-run large business. 5. Define limits with more specificity so they do not become loopholes for avoiding regulation, as with the use of the word "may". 6. Use the most recent and health-protective values for toxic emission limits. Keep them updated as new science research finds that lower limits are needed. 7. Consider that cancer levels permitted by CAO are on top of already existing cancer levels. We are not starting with a clean slate so the rules should be written and enforced accordingly. 8. Environmental justice for our most vulnerable populations should be front and center as the CAO rules are finalized and implemented. 9. Significant DEQ resources should go into air monitoring, "surprise" tests of toxic emissions, and monitoring of environmental impacts (toxins in soil, moss, wildlife, etc.) to ensure that toxic emissions do not go unreported or undetected as happened with the art glass factories. Continuous emissions monitoring for toxins, as is done in Europe, should be a greater and greater priority goal as time passes. 10. Communications with communities affected by toxic emissions should be a high priority. They should remain well informed about the toxins they are breathing, and DEQ and OHA should do all that they can to ensure that this happens.

Attachment:

Comment categories linked to this comment: 13, 61, 66, 68, 78, 95, 133, 140, 203, 258, 317, 389, 402

Comment #825

Comment Period #2

Name: Lisa Arkin

Organization: Beyond Toxics State: OR

Number of commenters: 1

Comment text: see attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/5c47094b-ecbc-45a9-9de1-46c1825f479d>

Comment categories linked to this comment: 13, 45, 68, 85, 140, 158, 188, 210, 247, 258, 266, 319, 348, 371, 388

Comment #826

Comment Period #2

Name: Jessica Applegate

Organization: Eastside Portland Air Coalition State: Oregon

Number of commenters: 1

Comment text: See attached document

Attachment:

Comment categories linked to this comment:

Comment #827

Comment Period #2

Name: Charlotte MacCay

Organization: Western States Petroleum Association NW Region State: Washington,Oregon

Number of commenters: 1

Comment text: Please see attached comment letter

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/f8bb8123-c420-4242-a7e6-577317a21695>

Comment categories linked to this comment: 168, 249, 381

Comment #828

Comment Period #2

Name: Alan Journet

Organization: Southern Oregon Climate Action Now State: Oregon

Number of commenters: 1

Comment text: See attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/c9326ca5-7aa5-4ce6-8c7d-f59693c7ab3f>

Comment categories linked to this comment: 171, 246, 247, 248, 258

Comment #829

Comment Period #2

Name: Tiffany Woodside

Organization: The Dalles Air Coalition State: Oregon

Number of commenters: 1

Comment text: I Am too busy trying to save my town from your lack of oversight while working WITH the polluter. We need transparency, poper air soil water assessments and HONESTY in general. Polluter pays to protect, rmedaite and settle claims of harm and damage. Our Earth is in a state of EMERGENCY! When you know better, you do better.Life before profit.

Attachment:

Comment categories linked to this comment: 40, 93, 133, 246

Comment #830

Comment Period #2

Name: Robert Kelly

Organization: Mr. State: OR

Number of commenters: 1

Comment text: When, if ever, is Oregon going to require only family size vehicles to pass emission testing when large diesel trucks pollute the air terribly????

Attachment:

Comment categories linked to this comment: 238

Comment #831

Comment Period #2

Name: Vivian Christensen

Organization: State: Oregon

Number of commenters: 1

Comment text: I live in Southeast Portland in a neighborhood that sits near a group of large-scale and small-scale industrial facilities. We are exposed to toxins such as nickel, chromium, and styrene. In 2008, a study conducted by the University of Massachusetts, based on Toxic Release Inventory Data, found that my neighborhood school, Duniway Elementary, ranked in the 3rd highest percentile of exposure to toxins. Put another way, of approximately 128,000 schools in the United States that were examined, only 3,000 schools have worse air quality. In its current form, Cleaner Air Oregon does very little to help neighborhoods like mine. Delaying the time for polluters, except the 80 polluters that have been deemed the top polluters in the state, to adopt the proposed regulations, increasing the cap on cancer to 500 per million people, and increasing the Hazard Index for chronic non-cancer diseases related to industry exposure from 1 to 30 is disingenuous and is NOT what most would call "health-based regulation." This is basically business as usual and does very little to help those who have shouldered the burden of Oregon's unregulated industrial legacy. We can do better than this. Please make Oregon a leader in environmental health regulation. We can no longer afford to be beholden to industry's false claims that increased regulations will cause job loss. Oregonians deserve clean, healthy air – our children are depending on it. Sincerely, Vivian Christensen

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/990c0261-6f97-4ade-ae90-35812a6758a4>

Comment categories linked to this comment: 123, 188, 246, 247, 248, 258

Comment #832

Comment Period #2

Name: Laura Becker

Organization: Northeast Coalition of Neighborhoods State: OR

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/f38bf48f-cd40-4afc-8bd0-05a4505ce761>

Comment categories linked to this comment: 11, 13, 62, 95, 133, 246, 247, 317, 402, 405

Comment #833

Comment Period #2

Name: Devlin Whiteside

Organization: Owens Corning State: Oregon

Number of commenters: 1

Comment text: See attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/68d15d7a-eeb7-4510-a9ad-7de0eae33149>

Comment categories linked to this comment: 122, 249, 297, 302, 379

Comment #834

Comment Period #2

Name: Beth Blenz-Clucas

Organization: State: OR

Number of commenters: 1

Comment text: Clean air regulations like this work. I've seen them create dramatically better air in California despite a huge increase in population since the 1970s. Oregon touts itself as a green state. Let's prove it with better rules on industrial pollutants.

Attachment:

Comment categories linked to this comment: 171, 248

Comment #835

Comment Period #2

Name: mysti Frost

Organization: Beyond Toxics State: OREGON

Number of commenters: 1

Comment text: My name is Mysti Frost. I have lived in the Eugene area for over 15 years. My grandparents moved here in 1980 and bought a farm just outside of Cottage Grove. I am currently an Environmental Justice Community Organizer for Lane County for Beyond Toxics. I have great concerns about the air quality in our State and its effects on children. This is my story: I moved here because I thought Oregon was a clean healthy state to raise my child. Eugene looks very green and healthy compared to my birth town, Billings MT. My father, being a member of the Crow Tribe had a small house just outside the Crow reservation. This house was built by his father when nothing else was built in that area of town. Then, a sugar beet factory was built just a short distance away. I still remember the horrid stench of the air. It would make me gag and run inside my house and close all the windows. It gave me headaches and nausea. Sometime later I developed asthma. My parents, being low income could not afford the expensive asthma medication. As a kid I experienced asthma attacks so severe I thought I would die. I don't wish this on any other child. The desperation I felt as a small child gasping for air, searching all over my house for an inhaler, hoping there would be a bit more medicine left inside accompanied by shame and guilt i felt when i had to inform my parents they would have to scrape of the funds for my medicine again and again for years! This is an experience I could have lived without. As I got older I learned about air pollution and then I investigated air pollution emitted by sugar beet factories. I was not surprised to find that sugar beet factories, along with the horrid stench, emit hydrogen sulfide. It is well documented now, that Hydrogen Sulfide has many human health risks. Asthma being one of them. This is the typical environmental justice story. A polluting industry moves into a minority community, dumps their toxins and never pay the consequences. I am pretty sure that the sugar beet factory will never know the suffering they caused my family and I. Polluting businesses often use job loss as their cover or reason not to invest in cleaner technology. They place the burden on their employees, threatening their jobs if they should have to comply with new regulations. What about the burden placed on my family and I? What about the burden on West Eugene families? In West Eugene we have factories that emit toxic chemicals into the air that rain down on neighborhoods. Childhood asthma in West Eugene is at 14%. Nearly double the state average. Please keep in mind that early exposure can lead to cascading harm over a life time. Children are more susceptible to the harmful effects of chemicals and deserve additional protection from regulators. There is already a precedent for lower thresholds to protect children in toxicology models. We know that you know the science is here to back up the work you need to do. Now the question is a moral one. I was recently nominated and elected to be on the board of directors of LRAPA. I look forward to working with you in the future to protect our children and public health in general. I have attached a document made by Beyond Toxics that DEQ may be interested in. It basically shows Eugene polluting industries, the chemicals they emit and the human health hazards associated with the chemicals. Thank you

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/3c06f675-88c0-4e65-a52b-b6345ab2e5c4>

Comment categories linked to this comment: 140, 171, 246, 247

Comment #836

Comment Period #2

Name: Melody Valdini

Organization: State: OR

Number of commenters: 1

Comment text: I am so upset that I need to even ask the government to give us clean air (that seems like a really basic thing that the government should be doing), but I guess that's where we are. Please give us cleaner air. I have two kids, and we live near the Milwaukie factories and the OR99 with all of the diesel trucks, and the air is so bad sometimes that my kids ask ME to leave the park. My kids need exercise, my family needs to spend time outside without being worried that the industry around us is quietly killing my kids. Please give us clean air- do not prioritize what industry wants, because some of the companies (not all, but some) don't seem to care at all if they pollute their neighbors right into the hospital. Please give us cleaner air.

Attachment:

Comment categories linked to this comment: 171, 246, 248

Comment #837

Comment Period #2

Name: Jessica Applegate

Organization: Eastside Portland Air Coalition State: Oregon

Number of commenters: 1

Comment text: see attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/30d9cdb-e795e-4a54-9339-b8ba1d361b97>

Comment categories linked to this comment: 11, 40, 43, 61, 65, 133, 203, 219, 247, 248, 258, 317, 319, 389, 402, 405

Comment #838

Comment Period #2

Name: Kim Kosa

Organization: State: OR

Number of commenters: 1

Comment text: I urge DEQ to set much more strict standards for emissions and air quality in Oregon and particularly in Portland. As a resident of North Portland, in proximity to many industrial emitters (many of whom do NOT have existing standards enforced by DEQ to a criminal degree), my family and I smell sickening, industrial odors and gases on almost a daily basis. I place frequent calls to DEQ to no avail. Frequently I read news stories about how industrial emitters in N Portland have broken laws, emitted beyond allowable standards, REMOVED required scrubbers, and never been held accountable by DEQ. It's pathetic. I urge you to not only set much more stringent standards for emissions , and also urge DEQ to do a better job of implementing and enforcing the existing ones. Beyond what emissions are "harmful" to local residents, they are a daily nuisance. Thank you.

Attachment:

Comment categories linked to this comment: 217, 248

Comment #839

Comment Period #2

Name: Gregory Sotir

Organization: Cully Air Action Team State: Oregon

Number of commenters: 1

Comment text: Lastly, CAAT reminds DEQ and the State that the health of the local community affected by industrial polluters is the primary purpose of this CAO regulatory framework, and whether the cost for treatment of ailments, or providing wrap-around care for sickened children and other individuals, is borne by the State or the polluter is what is of consequence here. CAAT advocates that the polluter should bear the burden, for if they are knowingly pushing toxins into community airsheds, they must be held accountable by the State. These toxins have created negative health effects, such as asthma in children, and are indicated as causative for cancers, autism, neurological disorders, and many other illnesses and diseases which limit life, cause immense suffering, and cost the State a huge amount in associated health-care costs. The negative effects of airborne pollutant sedimentation and bioaccumulation in Oregon wildlife, local flora and fauna, and home gardens and farms are also of great concern to CAAT. The remedy for these injuries would be best accomplished by:

eliminating the loopholes mentioned above regarding 340-245-0160;	conducting
unannounced, surprise, monitoring visits to industrial polluters;	and, requiring all industrial
polluters to use TBACT filtering and capture devices	for pollutants. Protecting the

health and well-being of the diverse environs and communities in Oregon is an obligation that local industrial polluters must recognize, and commit engineering capacity and resources to, if they want to share the local airshed with the people of Oregon. The Cully Air Action Team thanks the EQC for taking the lead in protecting our health and the health of the Oregon wilds.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/6854163e-18f1-477a-9999-15e36bde2d60>

Comment categories linked to this comment: 65, 92, 158, 214, 215, 246, 248, 374, 397

Comment #840

Comment Period #2

Name: Erik Burke

Organization: State: Oregon

Number of commenters: 1

Comment text: Please strengthen rules for cleaner air.

Attachment:

Comment categories linked to this comment: 171

Comment #841

Comment Period #2

Name: Susan Smith

Organization: Oregon Association of Clean Water Agencies State: Oregon

Number of commenters: 1

Comment text: Please find attached, a letter from the Oregon Association of Clean Water Agencies (ACWA) regarding the proposed Cleaner Air Oregon Rules. Thank you for the opportunity to comment.
Susan L. Smith, Executive Director

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/43f4ea91-25e8-419c-b1b5-de4835d71e74>

Comment categories linked to this comment: 19, 142, 143, 147, 163, 199, 328, 329, 332

Comment #842

Comment Period #2

Name: David Breen

Organization: Port of Portland State: Oregon

Number of commenters: 1

Comment text: See attached comments letter

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/3b168c03-c792-4eee-bcdb-df5a130bff96>

Comment categories linked to this comment: 18, 150, 152, 367

Comment #843

Comment Period #2

Name: Bill McClain

Organization: State: OR

Number of commenters: 1

Comment text: I favor the strongest possible protections for clean air, clean water, clean soil. Mandate accountability. Do not placate the polluter-lobby.

Attachment:

Comment categories linked to this comment: 95, 237, 248

Comment #844

Comment Period #2

Name: James Neu

Organization: 350.Eug State: Oregon

Number of commenters: 1

Comment text:

Attachment:

Comment categories linked to this comment:

Comment #845

Comment Period #2

Name: Jason Hill

Organization: Self State: OR

Number of commenters: 1

Comment text: No one should be allowed to knowingly and needlessly expose our children to dangerous levels of neurotoxins. Jobs are a bs excuse. Many good worthwhile jobs will be created in the effort to protect our children. If you can not gain political support for that, you are probably not as good at your job as you think.

Attachment:

Comment categories linked to this comment: 123, 246, 247

Comment #846

Comment Period #2

Name: James Neu

Organization: 350eugene State: Oregon

Number of commenters: 1

Comment text: Clean Air Oregon Rulemaking Department of Environmental Quality Public Comment; August 5, 2018 Polluters should not be able to contaminate our air at the expense of the public's health. Rules adopted by the EQC must be health based and follow Precautionary Principle, uphold principles of Environmental Justice to protect vulnerable communities, and establish standards to protect children's health. The proposed draft rules fail to include guidance, standards and best practices for protecting at risk and vulnerable populations. The DEQ needs to identify, address and take action to protect the health of the most at risk and vulnerable members of the community who are exposed to air toxics. The DEQ must require community engagement meetings if an owner or operator requests Source Risk Limits greater than any of the Community Engagement Levels. Setting stringent levels for the Toxic Reference Values and the Risk Based Concentrations are the key to achieving health based regulations. However, DEQ has not yet committed to use the lowest protective benchmarks to determine what constitutes compliance with a health based regulation. Therefore, DEQ should establish a Cancer Risk of no greater than 10 in 1 million and a Hazard Index of no greater than HI-1. Cleaner Air Oregon's focus does not

necessarily focus on the control of air toxics. Requirements can also include eliminating hazardous materials brought onsite and used in manufacturing. The EQC should mandate requirements for industrial polluters to implement an upstream toxic use reduction strategy in addition to downstream control technology. Under OAR340-245-0130(6), the DEQ has allowed too much latitude for facilities to implement their Risk Reduction Plans. A polluter could potentially be allowed 5 years to implement their Risk Reduction Plan, while the affected community breaths toxic air. DEQ should limit delay to a 2 year time frame. This will benefit the industry and public concern by providing clear expectations, requirements and timelines.

Attachment:

Comment categories linked to this comment: 43, 66, 132, 138, 140, 247, 248, 258, 319, 348

Comment #847

Comment Period #2

Name: Kelly Campbell

Organization: Oregon Physicians for Social Responsibility State: OR

Number of commenters: 1

Comment text: Comments are attached by Theodora Tsongas, PhD, MS Environmental Health Scientist/Epidemiologist

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/b583d681-f4dd-466a-9b5d-4ae12b04a7d0>

Comment categories linked to this comment: 42, 47, 140, 246, 247, 248, 272, 286, 318, 337

Comment #848

Comment Period #2

Name: W.L. Briggs

Organization: Sustainable and Renewable Oils, LLC State: WA

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/93c93e4c-bb3f-48c3-826e-36b68043b99d>

Comment categories linked to this comment: 12

Comment #849

Comment Period #2

Name: Sahar Osman-Sypher

Organization: American Chemistry Council Diisocyanates Panel State: DC

Number of commenters: 1

Comment text: See attached documents for comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/fb57c42b-17eb-4905-841c-9d7f4fb5fee4>

Comment categories linked to this comment: 315

Comment #850

Comment Period #2

Name: Traylor Champion

Organization: Georgia-Pacific State: GA

Number of commenters: 1

Comment text: letter submitted

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/0a41bb4c-46ac-405e-b84d-5427986a8d4d>

Comment categories linked to this comment: 57, 370, 377, 378, 381

Comment #851

Comment Period #2

Name: Tim Quarles

Organization: SLR International Corporation State: Oregon

Number of commenters: 1

Comment text: Comment letter is attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/9102b2e7-ea4c-493f-bbc9-33ae473e4497>

Comment categories linked to this comment: 7, 9, 114, 116, 129, 130, 150, 152, 194, 331, 367, 384, 392

Comment #852

Comment Period #2

Name: Sahar Osman-Sypher

Organization: American Chemistry Council Diisocyanates Panel State: DC

Number of commenters: 1

Comment text: See attached documents for comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/090379bf-a8b2-455c-8adf-29d495cd2d74>

Comment categories linked to this comment: 315

Comment #853

Comment Period #2

Name: Sahar Osman-Sypher

Organization: American Chemistry Council Diisocyanates Panel State: DC

Number of commenters: 1

Comment text: See attached documents for comments.

Attachment:

Comment categories linked to this comment:

Comment #854

Comment Period #2

Name: Sahar Osman-Sypher

Organization: American Chemistry Council Diisocyanates Panel State: DC

Number of commenters: 1

Comment text: See attached documents for comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/a92f94cc-b42f-413c-9dd1-aa2412d87cd6>

Comment categories linked to this comment: 315

Comment #855

Comment Period #2

Name: Zachery Emerson

Organization: NCASI State: OR

Number of commenters: 1

Comment text: Attached, please find NCASI's technical comments on the proposed Division 245 Rule "Cleaner Air Oregon".

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/75245276-8d63-47b0-9078-ca580623ef37>

Comment categories linked to this comment: 76, 134, 278, 279, 281, 285, 291, 292, 295, 301, 305, 324, 363, 364, 365, 386, 407

Comment #856

Comment Period #2

Name: David Weber

Organization: Beveridge & Diamond State: Oregon

Number of commenters: 1

Comment text: See attached comment letter

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/4b45f0fb-5758-4496-a3a9-3ab939035a0a>

Comment categories linked to this comment: 37, 71, 361, 404, 409

Comment #857

Comment Period #2

Name: Kirk Hanawalt

Organization: ENTEK International LLC State: OR

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/eb7a6cec-3f66-4aae-b090-453760b94d70>

Comment categories linked to this comment: 57, 381

Comment #858

Comment Period #2

Name: Robert Roth

Organization: None; resident and citizen, State of Oregon State: OR

Number of commenters: 1

Comment text: Please see Additional Document

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/0fc1b599-6aef-4aa8-a941-9eb67224742f>

Comment categories linked to this comment: 43, 68, 121, 132, 247, 248, 258, 317, 319, 348

Comment #859

Comment Period #2

Name: Martha Cox

Organization: Columbia Steel Casting Co., Inc. State: Oregon

Number of commenters: 1

Comment text: please see attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/aad02af1-7a3c-499d-9c63-f8a994a318d7>

Comment categories linked to this comment: 7, 9, 68, 114, 116, 129, 130, 147, 152, 194, 331, 367, 382, 384, 392

Comment #860

Comment Period #2

Name: Martha Cox

Organization: Columbia Steel Casting Co., Inc. State: OR

Number of commenters: 1

Comment text: please see attached comment letter

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/6b06e239-b3d2-40aa-aa28-2eda03f4cf4a>

Comment categories linked to this comment:

Comment #861

Comment Period #2

Name: xx yy

Organization: State:

Number of commenters: 1

Comment text: test

Attachment:

Comment categories linked to this comment:

Comment #862

Comment Period #2

Name: David Like

Organization: Hampton Lumber State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/e3b9a8c7-1ee4-43d9-8b2b-b95d78df40f3>

Comment categories linked to this comment: 57, 381

Comment #863

Comment Period #2

Name: Robert Roth

Organization: None; resident and citizen, State of Oregon State: OR

Number of commenters: 1

Comment text: Please see Additional Document

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/1d35f483-46cc-4771-ba33-39087c636b57>

Comment categories linked to this comment:

Comment #864

Comment Period #2

Name: Michael Taylor

Organization: NiPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see attached comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/729e033a-ce87-4cff-8019-439718394180>

Comment categories linked to this comment: 302, 303, 318

Comment #865

Comment Period #2

Name: Virginia Lang

Organization: Oregon Business & Industry State: Oregon

Number of commenters: 1

Comment text: See attachment

Attachment:

Comment categories linked to this comment:

Comment #866

Comment Period #2

Name: Michael Taylor

Organization: NiPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see attached comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/e4172f42-38ad-4959-8048-570230029a80>

Comment categories linked to this comment:

Comment #867

Comment Period #2

Name: Kathryn VanNatta

Organization: Northwest Pulp & Paper Association State: Oregon

Number of commenters: 1

Comment text: see attached letter

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/b1ec1a60-a8c9-462c-909f-ed5c0dadb422>

Comment categories linked to this comment: 11, 37, 60, 69, 71, 77, 105, 106, 109, 111, 112, 114, 115, 116, 119, 120, 122, 125, 131, 135, 141, 147, 148, 151, 152, 153, 154, 156, 168, 177, 187, 208, 235, 245, 249, 259, 276, 326, 344, 350, 351, 352, 353, 358, 361, 365, 367, 368, 385, 393, 395, 396, 4

Comment #868

Comment Period #2

Name: James DeHoog

Organization: Arctic Engineering, LTD. State: Oregon

Number of commenters: 1

Comment text: CAO Progam Rulemaking Comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/6c737bcd-b2e2-49b4-8e81-64bef1dc632d>

Comment categories linked to this comment: 57, 381

Comment #869

Comment Period #2

Name: Kimberly White

Organization: American Chemistry Council State: DC

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/e8c7b5e8-71c9-4c96-8c92-2a9d59735a3d>

Comment categories linked to this comment: 291, 296, 318

Comment #870

Comment Period #2

Name: Lee Fortier

Organization: Dry Creek Landfill, Inc. State: Oregon

Number of commenters: 1

Comment text: See attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/fbc34da3-4c5f-4083-8b9e-22d7f647c96c>

Comment categories linked to this comment: 19, 57, 381

Comment #871

Comment Period #2

Name: Virginia Lang

Organization: Oregon Business & Industry State: Oregon

Number of commenters: 1

Comment text: see attachment

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/89475c63-6e40-4185-a2e0-4e45b2bc679c>

Comment categories linked to this comment: 14, 57, 105, 148, 151, 167, 261, 318, 365, 367, 392

Comment #872

Comment Period #2

Name: Michael Taylor

Organization: NiPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see attached comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/c9ac5cac-be3c-4468-8347-8e6794381f4d>

Comment categories linked to this comment:

Comment #873

Comment Period #2

Name: Craig Smith

Organization: Food Northwest State: OR

Number of commenters: 1

Comment text: File attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/b0866766-4e25-4c56-a4ef-022a986ca0f0>

Comment categories linked to this comment:

Comment #874

Comment Period #2

Name: Craig Smith

Organization: Food Northwest State: OR

Number of commenters: 1

Comment text: Attached are Food Northwest's comments on the Cleaner Air Oregon rule package. Thank you for the opportunity to comment. Craig Smith

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/261a9314-7d83-4056-84a9-db4c8a1e9a75>

Comment categories linked to this comment: 57

Comment #875

Comment Period #2

Name: David Weber

Organization: BEVERIDGE & DIAMOND, P.C. State: WA

Number of commenters: 1

Comment text: Attached is a copy of a comment letter submitted by Beveridge & Diamond earlier today on DEQ's proposed Cleaner Air Oregon rules. Regards David

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/f32744fc-eea7-45fd-9fdc-cb0bf4c8b849>

Comment categories linked to this comment:

Comment #876

Comment Period #2

Name: Ted Wheeler

Organization: City of Portland State: Oregon

Number of commenters: 1

Comment text:

Attachment:

Comment categories linked to this comment:

Comment #877

Comment Period #2

Name: Bryan McCampbell

Organization: PCC Structural, Inc. State: Oregon

Number of commenters: 1

Comment text: See attached letter. PCC Structural, Inc. thanks the state for this opportunity to comment on this rulemaking.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/ecca55d1-af29-43f9-8172-108a2b2a55db>

Comment categories linked to this comment: 57, 381

Comment #878

Comment Period #2

Name: Scott Atchison

Organization: CoorsTek, Inc. State: Oregon

Number of commenters: 1

Comment text: See attached letter

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/7bf6e91d-0bfc-4418-b559-9d64140e4313>

Comment categories linked to this comment: 57, 381

Comment #879

Comment Period #2

Name: Jim Schwinof

Organization: CoorsTek State: OR

Number of commenters: 1

Comment text: Mr. Westersund- Attached are CoorsTek's comments on the Proposed Cleaner Air Oregon Rules from our facility's Plant Manager, Scott Atchison. Comment will also be posted on the public comment site as well this afternoon. Thank you! Jim Schwinof EHS Regional Manager

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/44d18271-d645-4cae-b3c9-959d78ebbbe4>

Comment categories linked to this comment:

Comment #880

Comment Period #2

Name: Reed Hitchcock

Organization: Asphalt Roofing Manufacturers Association State: D.C.

Number of commenters: 1

Comment text: Please find our comments in the additional document attached.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/9e01f6df-a4b6-441b-8a53-072c6e5ed4d4>

Comment categories linked to this comment: 11, 33, 71, 105, 122, 129, 151, 172, 245, 249, 259, 261, 318, 358, 367, 379, 404

Comment #881

Comment Period #2

Name: Aaron Pack

Organization: Arclin USA LLC State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/8a4fdc36-47b6-4c40-9aab-ab5e2f8132b2>

Comment categories linked to this comment: 57, 381

Comment #882

Comment Period #2

Name: Scott Dunn

Organization: Timber Products Company State: OR

Number of commenters: 1

Comment text: See attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/044fda9f-74de-44bf-a3da-a075a0455326>

Comment categories linked to this comment: 122, 381

Comment #883

Comment Period #2

Name: Cameron Krauss

Organization: Seneca Sawmill Company State: OR

Number of commenters: 1

Comment text: See attached document.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/3ad21673-cc28-4647-8299-d7f118e58784>

Comment categories linked to this comment: 57, 381

Comment #884

Comment Period #2

Name: Traci Parker

Organization: Daimler Trucks North America State: OR

Number of commenters: 1

Comment text: see attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/e1802421-9b2b-4836-88e6-528d92b1f288>

Comment categories linked to this comment: 105, 148, 151, 261, 318, 358, 367, 381, 391

Comment #885

Comment Period #2

Name: Drew Gilpin

Organization: EVRAZ Portland State: Oregon

Number of commenters: 1

Comment text: Attached is a copy of a comment letter submitted by EVRAZ Portland on DEQ's proposed Cleaner Air Oregon rules.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/80351d77-85a0-4f49-b2f6-15a9ea8d1fdb>

Comment categories linked to this comment: 57, 381

Comment #886

Comment Period #2

Name: Katharine Salzmann

Organization: member Eastside Portland Air Coalition State: Oregon

Number of commenters: 1

Comment text: Just a reminder and a note for the record: A Hazard Index number of 1 is the definition of health protective. Any HI above 1 will result in often debilitating and damaging health impacts, with particular implications for fetuses in utero, infants & small children, already immuno-compromised people and fragile elders. I understand this will be taken up during phase two rulemaking of CAO during the Technical Advisory Committee setting the HI for chemicals with "developmental, neurotoxic and other serious health effects" as allowed by SB 1541. However, just a note for the record, in the spirit of Cleaner Air Oregon as it was originally conceived: A Health Index number of 1 is the definition of health protective. Any number above 1 is not.

Attachment:

Comment categories linked to this comment: 258

Comment #887

Comment Period #2

Name: Thomas Nilan

Organization: Portland General Electric State: OR

Number of commenters: 1

Comment text: Please see attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/330296c2-0e4b-4493-8f55-8f3891dbc436>

Comment categories linked to this comment: 17, 105, 144, 148, 317, 318, 365, 367, 403

Comment #888

Comment Period #2

Name: Thomas Wood

Organization: Stoel Rives, LLP State: Oregon

Number of commenters: 2

Comment text: Oregonians for Fair Air Regulations Comments on CAO Program Proposed Rules

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/7abfb2c6-e1c1-4287-8265-785c9379c795>

Comment categories linked to this comment: 14, 44, 77, 105, 112, 114, 127, 129, 135, 143, 147, 148, 151, 152, 160, 165, 167, 168, 172, 187, 261, 275, 277, 284, 289, 290, 297, 298, 301, 302, 306, 309, 317, 318, 357, 359, 365, 367, 391, 392, 393, 396, 400, 403, 404

Comment #889

Comment Period #2

Name: Ellen Porter

Organization: Roseburg Forest Products State: Oregon

Number of commenters: 1

Comment text: See attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/dac9e43c-a399-41ca-b65a-45fceb59dfcc>

Comment categories linked to this comment: 57, 381

Comment #890

Comment Period #2

Name: Debra Lowenthal

Organization: State: OR

Number of commenters: 1

Comment text: DEQ needs all rules to be responsive to the public health and public concerns before considering industry effects. DEQ should be definitive about terminology like "cost effective", and best practices, and health standards. Health standards used should be the most recent protective science available and the strictest. Anything else is allowing damage to the public's health and our environment. A Hazard Index over 1 is too much and should not be allowed. You should not allow any grandfathered pollution regulation loopholes.

Attachment:

Comment categories linked to this comment: 246, 248, 258, 319

Comment #891

Comment Period #2

Name: Michael Taylor

Organization: NIPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see attached comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/532a176e-1519-4aa2-9de5-d4b02730fe98>

Comment categories linked to this comment:

Comment #892

Comment Period #2

Name: Jeffrey Hunter

Organization: Perkins Coie State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/05d25ca3-6228-431d-a3d1-41bfd991e479>

Comment categories linked to this comment: 19, 144

Comment #893

Comment Period #2

Name: JL Wilson

Organization: OMIC State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/89d8f875-abf8-4fbc-94e1-cb6115521228>

Comment categories linked to this comment: 44, 71, 105, 151, 172, 317, 391, 392

Comment #894

Comment Period #2

Name: Nolan Roy

Organization: South Coast Lumber Co. & Affiliates State: Oregon

Number of commenters: 1

Comment text: Please See Our Comments on the Clean Air Oregon Rulemaking Efforts.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/49818525-3b87-4329-82c5-550d04ed6ad0>

Comment categories linked to this comment: 57, 381

Comment #895

Comment Period #2

Name: LAUREN MCANDREWS

Organization: ALLEGHENY TECHNOLOGIES State: PA

Number of commenters: 1

Comment text: PLEASE SEE ATTACHED

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/bd7a4f6e-448a-42cc-8979-ea11851776e5>

Comment categories linked to this comment: 57, 381

Comment #896

Comment Period #2

Name: Ron Davis

Organization: Davis Tool, Inc. State: OR

Number of commenters: 1

Comment text: Comments on CAO Proposal, .pdf attached

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/2488b525-0401-49a9-8873-3bb8e107b251>

Comment categories linked to this comment: 57, 381

Comment #897

Comment Period #2

Name: Michael Taylor

Organization: NiPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see attached comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/bede01b0-bdc6-4542-be9d-fedb7c42e327>

Comment categories linked to this comment:

Comment #898

Comment Period #2

Name: Norma Job

Organization: Ash Grove Cement Company State: Oregon

Number of commenters: 1

Comment text: Attached is the Cleaner Air Oregon comment letter from Ash Grove Cement

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/7c925507-e4e1-4956-af84-eadcf2b11a09>

Comment categories linked to this comment: 57, 381

Comment #899

Comment Period #2

Name: Michael Taylor

Organization: NiPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see attached comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/c825bfc0-efc9-46ca-b224-dbbb988c8c8f>

Comment categories linked to this comment:

Comment #900

Comment Period #2

Name: Heath Curtiss

Organization: Oregon Forest & Industries Council State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/9f264d2f-55a4-4c13-9be4-19a8ce92175f>

Comment categories linked to this comment: 57, 381

Comment #901

Comment Period #2

Name: Michael Taylor

Organization: NiPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see attached comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/8087880f-6bee-4119-9039-1b94c0fee230>

Comment categories linked to this comment:

Comment #902

Comment Period #2

Name: Shaun Jillions

Organization: Oregon Manufacturers and Commerce State: Oregon

Number of commenters: 1

Comment text:

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/dad37866-8a55-48fb-953d-89a74d6e21d6>

Comment categories linked to this comment: 57, 381

Comment #903

Comment Period #2

Name: Russell Strader

Organization: Boise Cascade Company State: Idaho

Number of commenters: 1

Comment text: Comments to Proposed CAO Rules

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/aad0100f-57c2-4f06-a2a6-f8ae999257b2>

Comment categories linked to this comment: 105, 148, 168, 245, 356, 378, 381

Comment #904

Comment Period #2

Name: Kevin Green

Organization: Waste Connections State: OR

Number of commenters: 1

Comment text: Comments on Proposed Cleaner Air Oregon Rules

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/d2d01511-9eb6-431c-8af3-27b5d73a4f6c>

Comment categories linked to this comment: 57, 381

Comment #905

Comment Period #2

Name: Michael Taylor

Organization: NiPERA, Inc. State: NC

Number of commenters: 1

Comment text: Please see attached comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/3508df78-3052-441f-a3ae-e64f83779571>

Comment categories linked to this comment:

Comment #906

Comment Period #2

Name: David Harvey

Organization: Gunderson State: Oregon

Number of commenters: 1

Comment text: Comments 1 on Cleaner Air Oregon

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/5b1e9443-0037-48f4-a1df-61f83aff595b>

Comment categories linked to this comment: 22, 191, 192, 245, 289, 293, 297, 341, 342, 381

Comment #907

Comment Period #2

Name: David Harvey

Organization: Gunderson State: Oregon

Number of commenters: 1

Comment text: Attachment to Comment 1 on Cleaner Air Oregon

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/bd6b99c8-88e0-4964-b7b7-7f2caa545fa9>

Comment categories linked to this comment: 31, 151, 192, 284, 327

Comment #908

Comment Period #2

Name: Jason Young

Organization: Flakeboard America Limited dba Arauco North America State: Oregon

Number of commenters: 1

Comment text: see attachment for comments.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/99359921-ee4c-4f06-adc4-10bad69418c1>

Comment categories linked to this comment: 14, 71, 105, 148, 151, 164, 172, 245, 261, 264, 317, 318, 365, 367, 390, 391, 392, 404

Comment #909

Comment Period #2

Name: Kevin West

Organization: State: OR

Number of commenters: 1

Comment text: I support DEQ's efforts to improve Oregon's air quality through the necessary and proper regulation of industrial pollution. I think nothing is more fundamental to good health than breathing clean air. I attended the recent public hearing in Eugene and was surprised (OK, not really) when the few "representatives" of (small?) business complained about the inconvenience of compliance with certain aspects of the proposed regulations. Do they not represent humans who also need to breathe? Business and industry is much more capable of surviving the proper regulation of pollution than people are capable of surviving the pollution business and industry produce.

Attachment:

Comment categories linked to this comment: 171, 246, 248

Comment #910

Comment Period #2

Name: Hannah Clements

Organization: Northwest Environmental Defense Center (NEDC) State: Oregon

Number of commenters: 1

Comment text: See attached comments on behalf of Northwest Environmental Defense Center and Neighbors for Clean Air.

Attachment: <https://data.oregon.gov/views/rgbj-t4rv/files/bd0336ae-6d87-43e4-b900-e25e4ced1bd0>

Comment categories linked to this comment: 61, 64, 68, 78, 235, 239, 319, 348, 405

Comment #911

Comment Period #2

Name: Ted Wheeler

Organization: City of Portland State: OR

Number of commenters: 1

Comment text:

Attachment:

<https://drive.google.com/file/d/1KSJHgcxBpW1kqnSUYVuOgfJxo4nXQMoc/view?usp=sharing>

Comment categories linked to this comment: 68, 140, 236, 317, 319, 399

Comment #912

Comment Period #2

Name: Gary Rehnberg

Organization: East Side Plating, Inc State: OR

Number of commenters: 1

Comment text: Thank you for the work you are doing. Please accept these comments on the pending regulation. Thanks

Gary

Gary Rehnberg | President

Attachment:

<https://drive.google.com/file/d/1w4UkatlY527yqrto9tq4B7HgPMILOFmH/view?usp=sharing>

Comment categories linked to this comment: 14, 151, 167, 245, 249, 261, 365, 367, 391

Comment #913

Comment Period #2

Name: Stephen Dear

Organization: Citizen State: OR

Number of commenters: 1

Comment text: My name is Steven Dear, I live in Elmira, Oregon. There's a story of a monk who went into a town square to protest every day. People came up to him and asked why he protested day after day when he was unlikely to change anything. He replied "I don't protest expecting to change the powers that be. I protest to keep them from changing me." I want to thank Beyond Toxics for its work and leadership day after day. To be honest, I believe that in the end we are all essentially owned by corporations whose behavior you are charged with regulating. Your bosses and their bosses are owned, in the end, by the corporations who are polluting our land and water and air. We do what we can.

Specifically I ask, following Beyond Toxics' lead, that you do the following:

1. Have your work led by impacted and overburdened communities - come what may. I have served on environmental boards, and led community engagement committees. I have seen the phrase community engagement listed and ignored time and time again. The proposed draft rules fail to include guidance, standards or best practices for protecting vulnerable populations. Live the phrase "robust community engagement."
2. The EQC should immediately adopt Oregon's health benchmarks to become effective in 2029.
3. The DEQ should adequately fund and use Oregon's Toxics Use and Hazardous Waste Reduction Act (TUHWRA) program for its purpose of reducing toxics before, as Beyond Toxics says, before they get into our air and lungs! Under TUHWRA the EQC could mandate requirements for industrial polluters to implement an "upstream" toxic use reduction strategy in addition to "downstream" control technology.
4. Do not allow polluters more than two years under OAR 340-245-0130 for facilities to implement their Risk Reduction Plans. There is a potential for a polluter to be granted as long as 5 years to implement their Risk Reduction Plan. Meanwhile a community breathing the air will continue to bear the overburden of exposure to air toxics.

Finally, your job is, essentially, to protect and serve. You are the guardians of the environment. Thank you for your work.

If you ask people what the word crime means they will usually give an example of what we would call street crime. But the biggest crimes are usually unseen. They are corporate crimes: pollution, negligence, racketeering, monopoly. These and other crimes can and do affect massive populations here in Oregon and everywhere, far more than what we usually think of when we talk about crime. The victims are everyone living and dying with the fouled air and water and natural resources. The victims are especially those most vulnerable, those who live nearest the producers of pollution, those who destroy our state and make it look like it's for our own good.

You and the EQC are our protectors. My wife and I live in tiny Elmira, Oregon. Our community needs you to not keep from being changed by the powers that be and do what's right and offer the strongest protections for the people and our natural resources as possible.

We need you to be like that monk. Every day. Stay strong. Make these changes in your work. You know what's right. Let authentic inclusion, engagement, and transparency be your guiding values. Thank you.

Attachment: <https://drive.google.com/open?id=1N0UVpqDFTPRnsffqtaetDUW3z40AhFbQ>

Comment categories linked to this comment: 72, 188, 206, 247, 266, 348

Comment #914

Comment Period #2

Name: Ruth Duemler

Organization: Citizen State: OR

Number of commenters: 1

Comment text: I want to thank the former speaker. He said it so clearly, that we do need help. I started out in the '60's on air pollution in Los Angeles. On my birthday last week it was 108 in Los Angeles, 108, and the pollution, I know, is still there but they've reduced a great deal of it. Even so, with a growing population, it's a serious health problem to many and the medical community in California really worked to reduce emissions on stationary sources. I haven't found that true here in Oregon. I've found Beyond Toxics working hard all the time giving good understanding of what the health effects are; I've found 350; I've found other organizations but we're not being heard, we need to be heard. In California I was chapter chair of the Sierra Club in San Diego and passed several noteworthy campaigns that really helped reduce air quality problems in San Diego County. And then, following my move up here, I understand they had an 80% reduction in emissions from rules and regulations that they put together. This was beginning about 1990 (something). It was a revelation for me to see that much reduction, 80% reduction in emissions in 10 years. And then I move here, and then I hear from Beyond Toxics that people are sprayed with toxic pollution, sprayed with toxic pollution that we know is a health problem. I can't understand how the community as a whole can stand for that, I just do not understand, I do not understand that Seneca, a biomass plant, that's known to have emissions worse, much worse, than coal. If we had a coal plant that was proposed for our community, it wouldn't have been allowed but they allowed Seneca. It's a timber (unintelligible) and when it burns it has higher emissions than coal. I don't see in any of the presentations today the true emissions of the industry in our community. I don't hear from medical community about emissions. I don't hear about the Weyerhaeuser in Springfield, what they've been doing with their high emissions, the highest in our county. Why can we allow this to continue to happen, when we know the health effects of breathing all the high particulates? The one thing that really cheers me up about air quality, since I've been in it since the '60's as I say, and I see here in Oregon we're really a failure in it, this ruling about the Climate Kids. If we have any hope, I guess, we have to depend on the Climate Kids. Anything we can do to help is important.

Attachment:

Comment categories linked to this comment: 97, 223

Comment #915

Comment Period #2

Name: Howard Saxion

Organization: Citizen State: OR

Number of commenters: 1

Comment text: Eugene. My name is Howard Saxion, I reside in Eugene. First of all, thank you for having the hearing in Eugene it's great and I appreciate it. I'm a retired environmental scientist, I was employed by a large consulting firm, I retired about 4 years ago. I've been in Eugene about 5 years so it's kind of surprising in Oregon, it has reputation of being progressive on environmental issues, the weakness of the air toxics program. Most of my career I was the subject matter expert working as a consultant for the Department of Defense in the Air Force

On the (unintelligible) NESHAPs. I'm not bragging but I worked extensively with EPA's Office of Air Quality Planning and Standards on the (unintelligible) NESHAPs starting back in 1993 on aerospace and I worked on boilers and a lot of other rules so I have very good familiarity with the air toxics rules. So, in that context, I want to compliment the DEQ staff on what they've done with this rule considering where it was and where it is now and I guess you probably don't get compliments very often as a regulator but it is sincere. I do have some technical comments and I suggest that the state try to harmonize its rules with various NESHAP rules as they apply. It's not clear to me on compliance dates cause it's kind of confusing because you have, basically, two different rules, you have federal rules that have a totally different compliance scheme which is 3 years after rule is promulgated and then you can apply (but not necessarily get) a 1 year extension so the max that any facility is going to get for compliance is 4 years. So, the state rule its 2 years then maybe you can ask/get a 2 year (unintelligible) and then there's also an out for companies that have a problem with affordability. I'm sensitive to that but we are talking about air toxics and I'm just not sure it's in the public's interest to have extensions, especially, that really go beyond what even the federal requirements are in the Clean Air Act.

The rules aren't very clear to me as far as, according to the Senate bill, that is presumed that if you comply with the federal NESHAP rule that you comply with the state air quality rule. Well, does that compliance also include area source rules for NESHAP rules? Because those emissions standards are quite a bit lower and they might not necessarily meet the TBACT levels. In that regard, a federal NESHAP rule may not even necessarily, for major sources, meet the state's RAL levels. That's just a little of, it leads to confusion when you have a federal air toxics program then you have a state air toxics program.

I do believe that TBACT as it's going to be implemented in the state needs to incorporate, where possible, NESHAP requirements because BACT doesn't necessarily have all the monitoring, test methods, record keeping and reporting compliance certifications that a NESHAP would. I think those are very important. Probably the biggest thing I saw, I worked in a large US Air Force installations, including one in Oklahoma that had 27,000 employees at one site. It's a big industrial facility. The biggest problem was record keeping and reporting. I hope DEQ has the staff to really look at that because that is really key compliance in those housekeeping things.

I complement you on the annual review of TBACT I think that's especially important because of EPA's consistent failure to meet the Clean Air Act requirement for the 5 year risk and technology review. Control technologies, processes, material substitution are ever evolving and allowable air toxics emissions should be reviewed frequently. It's not just a 'once you get a permit you're good forever', I think you need to continue looking at those emission limits because they change every time because processes and control technologies are improved.

One section in the rule discusses emission factors, there's several examples cited, I think the rules should explicitly allow source tests and manufacturer data to be used to establish emission factors. The draft rule cites AP-42 and things like that. Those are notoriously bad to use, I think, they're overly conservative, they're not really real, they haven't been updated in years so I think alternate methods of establishing emission factors by sources is very important.

I know that you're kind of hamstrung as far as rule development by the Senate bill and I know that as far as the whole issue of the multi-source facilities in the area, there's a pilot program I guess that's allowed by the Senate bill. I would hope that DEQ would try to seek legislative authority to expand a multi-source risk assessment pilot project. This issue is not just a concern about colored glass manufacturers in Portland and I know that that provision was, the reason for that, was because of the controversy out there. Where you had a high concentration of sources emitting heavy metals in residential areas. Anyway, I think it's a real concern and I know on NESHAP rules, it's almost a stovepipe thing, you can comply with NESHAP but you don't necessarily have to look at sources beyond the fence line. So this is a problem that definitely needs to be expanded. I know that that's in a future rulemaking that you're going to be looking at and I think it's going to be very critical.

So thanks for being here and letting me comment.

Attachment:

Comment categories linked to this comment: 45, 128, 188, 223, 383, 399

Comment #916

Comment Period #2

Name: Jennifer Dresler

Organization: Oregon State Chamber of Commerce State: OR

Number of commenters: 1

Comment text: Jenny Dresler, Oregon State Chamber of Commerce –

Thank you for the opportunity to testify today in response to the Cleaner Air Oregon rulemaking. My name is Jenny Dressler and I'm here to testify on behalf of the Oregon State Chamber of Commerce. We represent 76 Chambers of Commerce across the state and over 24,000 businesses. I have a lot of folks

here impacted by this. Oregon State Chamber of Commerce supported passage of SB1541 and that received a near unanimous support from the legislature. However, we have some pretty big concerns around some of the aspects of those rules that don't meet or adhere to the agreed upon objectives that were passed by the Legislature earlier this year. Specifically we request the oversight of the Commission to ensure that the proposed rules align with SB 1541. We wanted to highlight 3 concerns this evening:

The first is around Community Engagement. SB 1541 established risk thresholds for regulation of existing businesses but the proposed rules mandate public meetings at risk thresholds less than the regulatory risk thresholds established by the Legislature. These meetings should not be required unless the SB 1541 risk thresholds are exceeded. You also mentioned in an earlier presentation around future protocol development and the need to incorporate community members. I completely agree. I would also encourage you to include the impact on stakeholders, the businesses that are going to be at each and every one of those meetings as you start to develop what those protocols look like.

The second issue I would like to bring up is general impacts to small business. Although through the great comment that I hear (unintelligible) but going through the presentation, and I give a lot of presentations to help small businesses, in particular, gain compliance and talk them through a fee structure and what that looks like. There is a lot of uncertainty of what the costs look like for small businesses and we don't have a lot to tell them except this could cost tens of thousands of dollars even if you're in compliance with all the permits that are required. And it seems a little punitive, quite frankly, to have small businesses and some of our long-time manufacturers in Oregon who are meeting the risk regulatory thresholds, to have those folks subject to those kind of costs. So, I would ask that the DEQ that as they move forward with the rulemaking. Again, with regard to small business impacts in DEQ's draft rules existing businesses are required to obtain a permit if the calculated risk exceeds an arbitrary de minimus threshold. This threshold is far below thresholds for existing businesses set by SB 1541. Air toxics permit requirements should be reserved for facilities that exceed the thresholds set by the Oregon Legislature. That would be consistent with the bill and save small businesses with minimal risk the expense of obtaining a new permit and that could run thousands of dollars and the consultants that are going to be required to navigate the alphabet soup, that is this project, are going to cost at least that much as well.

As a final point, we wanted to just mention the provisions around locations where impacts are assessed. As proposed DEQ's rules would require businesses to assess ambient impacts in places other than where people actually live or congregate. This is inconsistent with the legislation that passed which states the specific risks should be assessed where people actually live. We ask you to look at that and reconsider that proposal.

As a final point, we just want to reiterate that as you move forward and consider public comments that you really look at the regulatory burden that you're putting on businesses across the state, including some of the smallest ones that are going to have an incredibly difficult time trying to figure out how to comply with this.

And we thank you today for the opportunity to testify on behalf of our membership.

Attachment:

Comment categories linked to this comment: 27, 71, 77, 223

Comment #917

Comment Period #2

Name: Mysti Frost

Organization: Beyond Toxics State: OR

Number of commenters: 1

Comment text: Mysti Frost, Beyond Toxics – Thank you DEQ and LRAPA for this opportunity to speak. My name is Mysti Frost, I've lived in Eugene for over 15 years. My grandparents moved here in 1980 and bought a beautiful farm just outside of Cottage Grove. They railed about how clean and beautiful Oregon was. I'm currently and Environmental Justice Community Organizer for Lane County with Beyond Toxics. I have great concerns about the air quality in our state and its effects on our children. I moved here because I thought Oregon was a clean healthy state to raise my child. Eugene looks very clean and healthy compared to my birth town, Billings, Montana. My father being a member of the Crow Tribe had a small house just outside the Crow Reservation. This house was built by his father when nothing else was built in the area around town. Then, a sugar beet factor was built just a short distance away. I still remember the horrid stench of the air. It would make me gag and I'd run into the house and we'd close all the windows. It would give me headaches and I'd have nausea. Sometime later I developed Asthma. My parents being low income could not afford the expensive Asthma medication. As a kid I experienced Asthma attacks so severe I thought I would die. I don't wish this on any child. The desperation I felt gasping for air, searching all over my house for an inhaler, hoping there would be a bit more medicine left inside, accompanied by the shame and guilt I felt when I had to inform my parents that we'd have to scrape for funds to buy my medicine again and again and again for years. This is an experience I could have lived without.

As I got older I learned about air pollution and then I investigated air pollution emitted by sugar beet factories and I was not surprised to find that sugar beet factories, along with the horrid stench, emit Hydrogen Sulfide (H₂S). It is well documented now H₂S has many human health risks, Asthma being one of them. This is the typical environmental justice story. Polluting industry moves into minority community, spews its toxins unregulated and doesn't pay the consequences. I'm pretty sure the sugar beet factory will never know the suffering they caused my family and I. Polluting businesses often use job loss as their cover or reason not to invest in cleaner technology. They place the burden on their employees, threatening their jobs if they should have to comply with new regulations. What about the burden placed on my family and I? What about the burden on our West Eugene families? In West Eugene we have factories that emit toxic chemicals into the air that rain down over their neighborhoods. Childhood Asthma in West Eugene is 14%, nearly double the state average.

Please keep in mind that early exposure can lead to cascading harm over a lifetime. Children are more susceptible to the harmful effects of chemicals and deserve additional protection from regulators.

There's also a precedent for lower thresholds to protect children in toxicology models. We know, you know, the science is here to back up the work you need to do. Now the question is a moral one. I was recently nominated and elected to be on the board of directors of LRAPA. I look forward to working with you in the future to protect our children and public health in general.

Thank you.

Attachment:

Comment categories linked to this comment: 171, 223, 244, 246, 247, 248, 273

Comment #918

Comment Period #2

Name: Heath Curtiss

Organization: Oregon Forest & Industries Council State: Oregon

Number of commenters: 1

Comment text: – My name is Heath Curtiss, I'm from Silverton and I'm here on behalf of the Oregon Forest & Industries Council. I have a few comments for the record. The first point I'd like to make is that Oregonians should be pretty proud about the rulemaking subject here. Regulating existing facilities on the basis of cumulative risk measured across over 600 air toxics, that's pretty rare. That's not done over MACT or even RTR. There's only a handful of jurisdictions in the nation that do that and to my knowledge, no statewide program in the country looks like what's being proposed here. It's an extraordinary program and the community should be proud of it. That's coupled with the fact that stationary industrial sources are spending a great deal of time and effort today. Only small fraction of the toxics that are emitted into Oregon's air every year. I think that, in terms of priorities we've made this relatively high.

So, to the substance and on the rule itself. We continue to be disappointed about the triggers for the community engagement level. We've expressed that before. Facilities should and are engaging the communities around them. The question is when that should happen and we feel like the agency missed mark, the thresholds are too low.

Moreover, the timelines in our view are too short. All of the risk assessment hinges on the emissions inventory that the facilities are preparing and presently the agency is reviewing and supplementing. Those emissions inventories say 'here's how much, in terms of the toxics, I'm emitting'. I would think that all parties to this conversation would want that emissions inventory to be really accurate. That is to say, that's underpinning of all of the thresholds for risk, that's the underpinning of what you have to do if you're a regulated industry.

As it stands, you've got 30 days after called in to this program to submit your emissions inventory, that's really quick and I would think that the agency would want to take another look at that, with better information, and, quite frankly, that the facilities would want to take another look at that. And I think that'll require more work than can be accommodated on that timeline. Moreover, I think that the modeling that's done on the other side of that, given the emissions, should be informed by the emissions inventory and those timelines would require some extra space as well. Our written comments will have a proposed timeline that we implore the agency to consider.

Another one that's particular to the timber industry, the rules describe exposure locations, and this was highlighted earlier by Ms. Dresler's comments, and the statute provides that risk will be measured where people actually live or normally congregate. And the rule describes other things like agricultural fields or potentially and trails near the facility. There are many facilities that actually buy agricultural fields around their facility so that aren't receptors there. The idea now that those fields themselves are going to be considered receptors for purposes of measuring risk, that doesn't make any sense to us. What are we doing here?

In terms of implementing TBACT to address acute risk, this is to say, acute thresholds for hazard indexes, these are non-cancer, observable adverse effects; presently the TBACT timelines are very short, it's 6 months with a short extension. To the degree that you're going to have to install TBACT on your facility lining up financing for a facility can be lengthy endeavor that could be a lot of money and then getting your contract crews on site, it could be the middle of winter, it takes a lot of time to put those in place. We feel that those timelines, if you insist on them in the rule, you are going to be disappointed when it comes time to implement on the ground. It's going to be very difficult, I don't see that happening.

And the final point I would make is that there's 4 levels of risk assessment anticipated by the rule and the 4th level of risk assessment is supposed to be the most comprehensive. We think that it's appropriate at that time to take a look at the science surrounding the toxicity reference values and the risk based concentrations that are kind of driving what you have to do. We think in the context of a level 4 risk assessment that, like California, like the South Coast program that's highlighted before, that the scientists should be able to meet and agree on what the appropriate science is concerning risk and what we know today and how that should inform what facilities have to do to fix it. One example is that sometimes the toxic that you've identified has different forms in the emissions stream and the particular form that facility's emitting hasn't been accounted for in establishing the TRV originally so it merits a more lengthy conversation. We think that the agency should consider that.

There are a number of other conversations that we'll submit in writing on the 6th but for now it seemed important to put those on the record.

Attachment:

Comment categories linked to this comment: 71, 151, 223, 292, 325, 326, 333, 391

Comment #919

Comment Period #2

Name: Julie Sonam

Organization: Citizen State: OR

Number of commenters: 1

Comment text: Hi I'm Julie Sonam, I'm a real estate agent here in Eugene and my background is I'm a registered nurse and I live with someone who has asthma. And so I really want to advocate for being as strong and as quick as we can to implement anything to improve the air quality in Oregon, particularly right here in the Willamette Valley. I think being able to breathe is priceless, I think being able to breathe clean air there's no amount of money that that isn't worth. All it takes is one time of not being able to breathe or having an asthma and not attack and not being able to breathe, it's easy to go 'oh yeah I'll do whatever it takes to have clean air'. Oregon is an amazing place to live and we are very fortunate. Pollution isn't something we can see with our eyes but it is happening. I want to say, we're talking about the impacts that this is having on human beings and us and, long term, the effect it's going to have on us if we implement stronger regulations on industry and the cost to small businesses. But we have to live and breathe and be healthy. And it's not just about us, it's not just about human beings, it's every living thing is being affected by what is coming in the air. It's not just 'oh we can handle it, its 25 people out of a million that will be impacted by this' well, we're talking about cancer. I'm just saying, Day to day, quality of life every living thing is being affected by the air. And so I would say, it's priceless and do whatever it takes to have the strongest regulations as quick as possible.

Thank you

Attachment:

Comment categories linked to this comment: 223, 247, 248

Comment #920

Comment Period #2

Name: Karen Young

Organization: Citizen State: OR

Number of commenters: 1

Comment text: We, all of us, require clean air, water, soils for our best well-being and health. This is a public health crisis to allow unlawful dumping of poisons/chemicals in our air, water, soils by corporate entities only concerned about their bottom line! Total costs need to be legislated for, for all of us who

live in Oregon > Let the Oregon gov't/DEQ regulators keep this in front of their agendas > to DO NO HARM to our environment (conserve & maintain it perpetually in a clean & pristine manner) so all of us will be able to maintain our well-being and health, and as well, the natural unique beauty of our state of Oregon.

Attachment: https://drive.google.com/open?id=1HXHw7C7enypHJ0ikj_j9kke7Cp6y5AGX

Comment categories linked to this comment: 171, 223, 246

Comment #921

Comment Period #2

Name: Lisa Arkin

Organization: Beyond Toxics State: OR

Number of commenters: 1

Comment text: My name is Lisa Arkin and I just want to start by thanking the staff of the DEQ for putting in countless hours; great attention to detail; and seeking out a way to achieve public health. So thank you for your hard work.

I want to start by addressing the comments made previously, I really want to support many of the things Howard Saxon said in his technical analysis. Very good, particularly in regards to TBACT and BACT requirements and making sure that we have best tracking, monitoring, reporting for all cases both air toxics and criteria air pollutants. Also, expanding the multi-area concentration pilot project. It would have been nice to have such a pilot project outside of Portland as well, where other communities are experiencing the health impacts of breathing concentrations of air toxics. We hope that you will move quickly forward to expand the pilot projects in other parts of the state. Also, regarding emissions inventory questions from the industry there, it would be shocking that an industry for profit is not already keeping accurate records of their production outputs. So, if you're not, then you need to reassess how your business model is working. So, reporting your inventory of emissions should be quite an easy task.

I want to focus on two other aspects of the rule and I have written comments as well that go into more depth.

The first thing is that we need to set health protective toxicity risk values for our children's health. And at stake is the health of Oregon's children whose capacity to receive air toxics through inhalation, absorption and even consumption is greater than an adults. Because our children are still growing and developing they are more sensitive to the adverse health effects of chemicals than an adult and in some cases these effects are irreversible. It is increasingly recognized that exposures in early life affect later adult health. So what's the solution? One solution should be that rules adopted by EQC proposed by DEQ are based on the special vulnerability of children and are strongly health based, follow the precautionary principal and uphold the principles of environmental justice to protect the most

vulnerable among us. I believe that the EQC has the authority and even the flexibility to think out of the box and propose an adoption of standards to reduce environmental burden on the health of Oregon's children. We would recommend looking into the use of the Uncertainty Factor that refers to supported use of an additional safety factor to determine risk. The Uncertainty Factor is an additional safety factor for the protection of infants and children in the context of cumulative risk assessments. And this Uncertainty Factor can inform the early life adjustment factor guidelines that are already being considered.

Regarding a risk tolerance level, the EPA uses the Uncertainty Factor to ensure that there's a reasonable certainty that no harm will result to infants and children from cumulative or aggregate exposure to chemicals. So, the Uncertainty Factor can be used to inform the setting of the toxicity reference values.

The DEQ's literature here tonight states that there are different references for toxicity reference values, those include cancer, chronic cancer and acute non-cancer. So, setting a more protective standard for children's exposures for toxicity reference values in Cleaner Air Oregon is entirely necessary because it can be difficult to pinpoint a single cause and effect relationship resulting from a child's exposure to one chemical emitted by an industrial facility and also children might experience negative developmental outcomes and upset developmental sequences due to cumulative exposure to multiple chemicals. For example, a child exposed to air toxics and small particles is more likely to develop smaller lungs and reduced lung function over a lifetime. Certainly impacting the quality of that person's life. And it's more than cancer and it's more than just Asthma, but I'm wondering, has anyone in the agency been able to determine what a hazard index of 10, 15 or 19 looks like for an infant. These allowable hazard indexes, they go all the way up until 19 and it's not until 20 that a facility would be denied a permit. These are many orders of magnitude above any other states' regulations. The DEQ should take into account the potential exposures to environmental toxins during preconception, prenatal and all stages of childhood development and set levels to protect children from the relevant adverse health outcomes that may result from these exposures.

And the second and last thing I want to express tonight in my oral comments would be about implementation. Cleaner Air Oregon has yet to achieve a consistent emissions reduction framework. For example, those proposed regulations do not yet take into account the interactions between criteria air pollutants, air toxics, weather and climate. Throughout the CAO public advisory committee process Beyond Toxics and other clean air advocates brought up the relationship between criteria air pollutants and air toxics. As of yet, this has not been addressed. Both types of air pollution (both air toxics and criteria air pollutants) interact together to contribute to health risks and are responsible for multiple pathways of exposure. For example, toxic molecules can be carried on the surfaces of small particles, otherwise known as particulate matter, one of the criteria air pollutants, and that increases in small particle pollution it also increases exposure to air toxics. Furthermore, some air toxics are also hazardous air pollutants, another class of criteria air pollutants. Generic plant side emission limits for criteria air pollutants are not health based and they are not technology based. Generic PSEs set an arbitrary upper limit above which a facility may not pollute. But however, these limits are generic and not based on reducing air pollution nor using the most effective technology, nor protecting health. So, as a solution down the road we'd like to see, as part of the CAO regulatory framework, the end of issuing generic PSEs for particulate matter, Nitrogen Oxide, Sulfur Dioxide, Carbon Monoxide, Lead and hazardous air pollutants. Instead, polluters must be required to achieve the lowest possible emissions for these criteria air pollutants as well as air toxics. The regulations must require TBACT, TLAER, BACT,

MACT and LAER together, thus reducing and regulating air pollution and air toxics. This together will improve Oregon's air quality most effectively, most quickly, and will provide the best health outcomes, which is the goal of Cleaner Air Oregon.

Thanks for this opportunity.

Attachment:

Comment categories linked to this comment: 43, 177, 205, 223, 241, 247, 258, 273, 397

Comment #922

Comment Period #2

Name: Abbie Laugtug

Organization: Oregon Business & Industry State: OR

Number of commenters: 1

Comment text: I'm Abbie Laugtug and I'm representing Oregon Business & Industry. We're a coalition of individual businesses and manufacturing associations that represents about 1700 employers in Oregon and approximately 250,000 employees. Thanks for the opportunity to give testimony, I'll add on to what some other folks have said tonight.

As a representative of Oregon's largest private employers we have concerns with proposed Cleaner Air Oregon regulations. And it's our desire to focus, DEQ, on program mechanics and implementation issues in the rule in current form. The Cleaner Air Oregon program is the first of its kind in Oregon; will require existing businesses to develop unique emissions information that were previously collected. The proposed rules underestimate the time and cost businesses will need to identify (unintelligible) the best information available into their emissions inventory and to prepare their risk assessments. The timelines in the rule are very tight and they need further review to ensure that this program can work efficiently, effectively and also with predictability for everyone. Many businesses won't know what the costs or timelines will be for this new program, they're going to need time now to know what they're going to need to spend and also what they're going to need to do to prepare.

OBI has been involved in the rulemaking from the very beginning. We've appreciated DEQ's attention to this important issue. We're also going to submit detailed comments that include our recommendations on how the rules can be improved and we ask that you please consider those comments as they reflect the concerns of Oregon's larger business community.

Attachment:

Comment categories linked to this comment: 223, 402

Comment #923

Comment Period #2

Name: Merry Burbank

Organization: Citizen State: OR

Number of commenters: 1

Comment text: This is my very first meeting of any kind like this. It's been quite informative, and I understand that there are many, many, many issues that have to be considered when it comes to our clean air and our businesses and the health of our economy, everything. Things I've been learning recently have to do with money and the resources that are taken up by billionaires who run this country. And I'm really concerned for our small businesses that you're having difficulty competing with these kinds of people I don't know exactly what we can do about it but it's good to be aware that that is something we've got to get a grip on. That our country seems to be, as one other person commented, owned by corporations. There's a lot of money going into advertising that says this country cannot be concerned about the smaller person. There's a lot of very high conservatism, which is fine. We all have to be uplifting, the way we need to think. But, as a Christian, as a nurse, as a citizen I just want to say that the main issues are helping our neighbors, ourselves and to really keep that in sight as we go through all of these rules and processes which are difficult. I can see that it's just multilayered to a degree, you know, as mind boggling it is to me as a citizen who's never even heard of this stuff. I'm just getting involved a little bit. Lisa Arkin I am on your emailing list, so I get a lot of your emails and things, so you're the one person I recognize the name here today. Just, just as a citizen, as a person I just want to say we do need to be concerned, we do need to care about each other in all of these processes.

Attachment:

Comment categories linked to this comment: 171, 223, 245

Comment #924

Comment Period #2

Name: Angela Crowley-Koch

Organization: Oregon Environmental Council State: OR

Number of commenters: 1

Comment text: Thank you Commissioners, I'm Angela Crowley-Koch, I'm the Legislative Director of the Oregon Environmental Council. I really appreciate your attention to this program and making sure it

ends up in the best way possible for public health. At this time I want to comment on a few particular things in the rule that we're concerned about.

The first is community engagement. We'd actually like to have more specifics in the rules about what community engagement looks like. It is important for the community to understand what the specific timelines and deadlines processes so that everybody knows to participate to the fullest extent. I think it's hard for all of us to keep track if the rules of engagement keep changing. So we'd actually like more specifics, as many details as possible. (unintelligible) industrial facilities are all familiar with environmental justice communities. That's another reason for specifying the process making sure that everybody and everything we need has equal access and understanding (unintelligible).

Next, about the TBACT analysis. We'd like to see the term "cost effective" in regards to TBACT more clearly defined in rules. We feel, we worry that, without a clear definition this could be turned into a way to evade the rules if your definition is flexible on what cost effective means in the rules.

In terms of the benchmarks, we're happy to see that the LAER on the charts that are used by the new sources but because EPA California used those we feel like they should be used for all sources including existing sources. As I mentioned before, Oregon's most vulnerable communities are often the ones most affected because they're easily described to have the strongest public health standards.

Next, we'd like to see the small business exemption be eliminated in rule. To us it feels pretty unacceptable that the type of business that really caused this whole program to be started was a small business (unintelligible) and if they're exempted who knows how many other small businesses might unknowingly (unintelligible) public health.

Then we'd like to see DEQ having deadlines by which (unintelligible) response to permits. Again, this is going to be making sure that both the public and industry understand the process (unintelligible) clear deadlines. If there aren't clear deadlines, it might result in a delay in compliance (unintelligible).

And then, lastly, I'll just comment on public disclosure and transparency. This is a really important piece that we've mentioned in previous comments, but it's worth bringing up again, that we'd like to see all the data publicly available in an easy to understand way for the public on a website. As much as you can (unintelligible) the rules (unintelligible).

Thank you very much.

Attachment:

Comment categories linked to this comment: 13, 40, 68, 133, 226, 389, 402, 405

Comment #925

Comment Period #2

Name: Jessica Applegate

Organization: Eastside Portland Air Coalition State: OR

Number of commenters: 1

Comment text: Thank you for being here this evening. I'm Jessica Applegate I served on the rules advisory committee for over a year. I represented the community on that advisory committee, so I've gone pretty in depth on all of these rules and have tried my best to track everything. As it's all kind of shaking down a few things really stand out to me that I think need fine tuning in this final process (unintelligible). I do think that their requirements must be made on DEQ to permit in a timely manner. There's a worry that by the time industry procrastinates and files for extensions, that the sunset could actually happen and so they don't really have to do anything for ten years. That is definitely a concern.

Another concern is, what is the definition of cost effectiveness for TBACT? If that's going to be our status quo I think it should be very, it should be decided by both sides, what TBACT actually is and what does cost effective mean. I don't think that TBACT should be used at the expense of public health when there could be something else better out there.

We also ask that you support the lowest achievable emissions rate for new facilities. I read in some final comments from industry that this was this new thing that they had just heard about it and actually we've been talking about this since the initial technical advisory committee groups and that's definitely something that we want to see happen. At the very least with new facilities.

Again, I want to reiterate what Angela said and the small business exemption must be eliminated. Small polluting is how we got here in the first place and just because you're small doesn't mean that you don't have a big impact and that you're not a big polluter.

I also would like to see, in the draft rules there's a lot of very passive language. I'm not a lawyer, I'm a layperson but I can see myself that, in reading that, there's a lot of "mays" and "shoulds" and I think that that's just giving more loopholes where we really need clear rules. I think industry needs clear rules and the public needs clear rules and it will help all of us.

I also want to just kind of confirm that we need our agencies to use the most recent and health protective science there is available. A lot of that work has been done and at EPAC, the Eastside Portland Air Coalition, we've asked, time and time again, how you make these decisions, what is this hierarchy, why not just go to the source that has the most recent and the most health protective rules? And we've been told "well the agency doesn't have enough funds; there's not enough bandwidth" and with this Senate Bill 1541 passing, with DEQ being funded, with the air program being funded for the first time I think that this is a huge public mandate to be sure that we can trust what our agencies are deciding because I really believe, at the end of the day, everything is going to depend on what the TRVs are or the RBCs are and it's very, very important that they are the most health protective as possible.

Thank you.

Attachment:

Comment categories linked to this comment: 13, 226, 317, 389, 402, 405

Comment #926

Comment Period #2

Name: Tori Cole

Organization: Neighbors for Clean Air State: OR

Number of commenters: 1

Comment text: I'm Tori Cole and I'm a Project Manager with Neighbors for Clean Air. (unintelligible) but we will be submitting more detailed comments in writing before the end of the comment period, but I did want to just address in person a few of the really important things that I'd like to see changed in the rules.

But first, I do want to thank DEQ for streamlining these regulations. I think the current content is a lot more accessible than the first draft that we saw and I'm really impressed with that in terms of the public education work that I do with members of the community and getting them to understand what these rules do. And it's just so important that we have health based regulations in Oregon. When I first learned all of this stuff about air quality, which is pretty complicated, my professor in law school told me we have these benchmarks in Oregon but we don't have any way to enforce them and you just need to know going into practice that there's not anything we can force companies to do really, in terms of health, kind of highlighting that gap. Because the federal government, they have standards but they can't account for what's happening in our individual communities. The scope, it's not the right scope for that. So I'm really glad to see this is happening. The two biggest remaining concerns that Neighbors for Clean Air has, in the existing regulations, are community engagement requirements and risk reduction timelines.

I think past comments have addressed this a little bit, but, we've commented extensively throughout the rulemaking effort about robust and results oriented community engagement component of the rules. The draft rules do propose some community engagement elements but we would really like to see that the rules require a specific outcome from community engagement meetings. I find, working with communities, that the biggest frustration they have is that they came, they took the time, they got childcare, they got transportation, they came to these meetings and then they feel like their voices didn't have an impact and I think one really easy way to push back against that kind of jadedness is to just submit a written response. I know DEQ does that with individual comments but, I mean, when you have a community engagement meeting that you are having about a particular source I would like to see there be some sort of written response about what people said and how actions were taken, specifically, based on those comments. I think that's a minimum of what should be a requirement, to summarize the concerns voiced by community members at meetings and to clarify how those concerns were integrated into a source's risk reduction planning.

I also, I think this was brought up during the rules advisory committee but I'd really like to see that community engagement meeting agendas be formed collaboratively with community so it doesn't feel quite so prescriptive – Here's what we're going to talk about. You know, when I go to a meeting I ask the people who I am going to be meeting with, what do you want to see on the agenda? And I would

really like to see that happen in these community engagement meetings, especially since we're only going to have one, which totally makes sense with the resources DEQ has.

Attachment:

Comment categories linked to this comment: 63, 67, 171, 226, 348

Comment #927

Comment Period #2

Name: Abbie Laugtug

Organization: Oregon Business & Industry State: OR

Number of commenters: 1

Comment text: Good evening Chair George and Commissioners. Thanks for having us, this opportunity to testify in front of the EQC on the Cleaner Air Oregon rules. My name is Abbie Laugtug, I am the Oregon's Business and Industry's Vice President of Legislative Affairs covering environmental policy. I'm commenting today on behalf of OBI and our coalition of individual businesses and manufacturing associations representing over 1700 employers in Oregon and approximately 250,000 employees.

We are supportive of a program to reduce air toxics and protect public health and we supported passage of SB 1541. OBI is concerned that aspects of DEQ's proposed rules do not hold to the agreed upon objectives passed by the Legislature. We're specifically requesting the commission's oversight to ensure that the proposed rules are consistent with SB 1541. So to highlight the 5 biggest concerns to OBI members and where DEQ's proposed rule diverts from the intent of SB 1541, the first is on regulatory thresholds.

SB 1541 established those thresholds for regulation of existing businesses but the proposed rules mandate public meetings at risk thresholds less than the regulatory risk thresholds established by the Legislature. Meetings should not be mandate unless SB 1541 risk thresholds are exceeded.

The second aspect is small business impacts. In the proposed rules existing businesses would be required to obtain a permit if calculated risk exceeds an arbitrary risk threshold. This threshold proposed by DEQ is far below thresholds for existing businesses set by SB 1541. We believe that the air permits should be reserved for the facilities that exceed the threshold set by the Legislature. That'll be consistent with Senate Bill 1541 and save small business owners from the expense of obtaining a permit. Under the proposed rules air toxics permitting would run thousands of dollars in DEQ fees alone for the smaller sources.

The third aspect is the SB 1541 requirement to focus on serious non-cancer risk. We're concerned that in preparing the proposed rules DEQ did not consider the Legislature's requirement for DEQ to evaluate non-cancer risk in reference to the toxicity level for each chemical at which no serious adverse human

health effects are expected. DEQ must revisit its proposed toxicity values against the legislatively mandated serious effects standard.

The fourth aspect is best available science. DEQ's revised rule provides that the agency will refer to a fixed hierarchy of sources when establishing the toxicity of individual compounds for evaluating facility risk. For example, DEQ has stated it would not consider World Health Organization research because the WHO is not on the list. If Oregon's program is to be science based, then the toxicity values in the rule should be based on the best available sciences and not limited to an arbitrary hierarchy of sources. Similarly, businesses that proceed to the most advanced stages of risk modeling should be allowed to introduce science supporting its deviation from DEQ's default toxicity assumptions.

The final aspect is receptors. The locations where risks are assessed....Thank you, we'll also submit written testimony on behalf of Oregon's businesses.

Attachment:

Comment categories linked to this comment: 71, 151, 172, 226, 260, 318, 358

Comment #928

Comment Period #2

Name: Craig Smith

Organization: Food Northwest State: OR

Number of commenters: 1

Comment text: Hi, I'm Craig Smith, I'm the Director of Government Affairs for Food Northwest. Food Northwest is a regional association of food companies that have a mission to provide diverse, healthy and very tasty food. We're the people that feed you and we're happy to be here tonight, thank you for giving this opportunity.

Food Northwest has been an active part of the development of Cleaner Air Oregon right from the beginning of the process. We were also a part of the group, the coalition that came together in the last legislative session. A coalition that exists as an informal group that helped develop the legislation. It was an industry/environmental groups and we helped DEQ very closely in the legislature to help develop and enact Senate Bill 1541. That bill passed with amazing bipartisan support. It was a really unique opportunity and I think it was a very unusual piece of legislation. To have the support that it gained showed bipartisan and wide support in the Oregon Legislature, a feat not accomplished very often. And so, that was a lot of credit to DEQ on that process, they worked really, really hard to make that bill happen.

I really want to speak to two issues tonight, I'll be very brief. The first one I think Abbie spoke to some, just a minute ago, and that's, there are some things in the proposed rule package that do deviate from

the intent and objectives of Senate Bill 1541 and we'd really like to see those addressed before the rule is adopted. The language in the draft is particularly troubling in the area of regulatory thresholds, non-cancer risks, receptors and best available science. I also want to remind the EQC that that language was developed through a negotiated process. DEQ was an integral part of that and it's crucial to the success of the Cleaner Air Oregon Program that the final rule reflect the intent of the Oregon Legislature.

Secondly, and this is sort of a personal observation and I'll just throw it out there and you can take it for what it's worth. We appreciate the EQC is well within its rights to request public testimony on any issue but it's been confusing, frankly, that you guys are holding this hearing tonight during the midst of an open rulemaking process. We're not really used to this as an industry at all and so it's been a little confusing, quite frankly, as to who is really gathering the information. We're just hoping this doesn't short circuit the formal rulemaking process. We want to be a productive partner in that and when the process becomes confused it's difficult.

And so, with that, I appreciate the opportunity to be here tonight. We'll be submitting detailed comments as well on the rule package and we are part of the industry coalition as well. So, thank you very much.

Attachment:

Comment categories linked to this comment: 151, 172, 226, 260, 318

Comment #929

Comment Period #2

Name: Jody Bleyle

Organization: Eastside Portland Air Coalition State: OR

Number of commenters: 1

Comment text: My name is Jody Bleyle. I just want to ask that in making the rules we consider the exposure of the most vulnerable of our population, which are children and children of color are the closest to sources disproportionately. And if we protect the most vulnerable, if we take into consideration exposure of the most vulnerable people, children, who we'll protect. We'll come up with numbers that are protective of all of us. So, when we're doing the math and get those numbers I just ask that we consider that exposure

Attachment:

Comment categories linked to this comment: 226, 247

Comment #930

Comment Period #2

Name: Alicia Cohen

Organization: Eastside Portland Air Coalition State: OR

Number of commenters: 1

Comment text: My name is Alicia Cohen and thank you for the opportunity to comment tonight. I would like to emphasize the importance of considering the breathing capacity exposures of children. I am the mother of two young children and I do think that it's a civil rights issue for our citizens whose lung capacity is much smaller and therefore, exposed multiple times for every breath, that they breathe in two of these toxics for every one that an adult breathes in. And I hope that will lead us to consider values that are sensitive to the most vulnerable, smallest lungs in our community. (unintelligible) the impacts are outsized as their brains and bodies are growing and will be permanently impacted by the toxics they ingest through breathing.

Thank you.

Attachment:

Comment categories linked to this comment: 226, 307

Comment #931

Comment Period #2

Name: Jessica Rojas

Organization: NE Coalition of Neighborhoods State: OR

Number of commenters: 1

Comment text: My name is Jessica Rojas and I work for the NE Coalition of Neighborhoods. Our board will be submitting formal comment but I just wanted to take some time here and I appreciate you guys making this space available. It's kind of hard to, well I hear a lot from our community involvement about how concerned they are about air toxics and the impacts it has, not only in the areas where there's busy traffic, diesel, busses. But the issues that you guys aren't regulating and those are indirect and background sources which I know aren't addressed in these rules. But it's really hard to know what our cancer risks are. So when I hear, about burdens of small businesses, are experiencing because of how strong these rules are I think about the people in our community that are burdened by cancer it's just not as equal, comparable. So what I want to request is that you take stronger consideration for existing

facilities. I like what you've done for the new facilities in reducing cancer level risk but I think existing facilities, I don't see a lot of new facilities popping up in our district and we've heard that through even Metro's Urban Growth Report, and we don't think industrial lands will be in stronger need so these polluting industries they may not be a part of our future. So why don't we do the best we can to help existing industries to start reducing their cancer polluting risk in our communities. So, I just wanted to offer that.

Thank you guys.

Attachment:

Comment categories linked to this comment: 226, 246, 263

Comment #932

Comment Period #2

Name: Katherine Saltzmann

Organization: Eastside Portland Air Coalition State: OR

Number of commenters: 1

Comment text: Thank you Chair George and members of the commission. My name is Katherine Saltzmann and I'm with the Eastside Portland Air Coalition and I was an alternate on the Cleaner Air Oregon rules advisory committee so I have been in touch with this process since the beginning, including the technical workgroup and all that. I don't have a lot to say right now. I've written a lot and I've already spoken quite a bit but I just want to talk about the difference between cancer and non-cancer. There's the cancer that we talk about in the number of extra cancers per million and then there's the hazard index and I just, in bold letters and neon with a million arrows pointing at it, the definition of health protective is a hazard index of 1. So Senate Bill 1541 has set the hazard index levels at not health protective levels, so once you go above 1 people are going to be impacted with, you know, non-cancer impacts. So I think that what DEQ is trying to work with, what the statute says, but I want you to remember that because this is going to sunset in 2029, so the definition of hazard index is 1 and anything over that is not health protective.

Attachment:

Comment categories linked to this comment: 226, 258

Comment #933

Comment Period #1

Name: Brandon Higgins

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: Good evening, my name is Brandon Higgins and I have a degree in forest products from the University of Idaho. Since then I've been working in the wood products industry and I've been working with Roseburg Forest Products for the last year. Tonight has brought great concern and the research has brought great concern. We had a lot of questions answered with "I don't know" and "we think" tonight and that's concerning that we're making state decisions on "I don't know" and "we think". This facility and this industry as a whole supported my college education, my career, my family, and now my lifestyle. This facility, Roseburg, in town has impacted my family; the families of all the people here; and the families of all the people in our community and will continue to impact them in the future. The proposed regulations of Cleaner Air Oregon and the DEQ could have devastating impacts on our facility and our community and this state. Some of these impacts include but aren't limited to curtailing or closing facilities here or across the state that could increase unemployment rates, go to lower income areas causing poverty rates to increase. It could impact our local charities as a whole. Roseburg and its employees contribute hundreds of thousands of dollars annually and those charities could no longer be with those contributions. These types of impacts can put rural communities like ours into an economic downward spiral and then we'll, you know, be devastated as a community. As a resident of this community with great concern and a lifestyle investment into the wood products industry, from Roseburg, I truly have sawdust in my veins and strongly encourage the DEQ to consider all the comments submitted by Roseburg Forest Products and reconsider Cleaner Air Oregon. Thank you.

Attachment:

Comment categories linked to this comment: 122, 220

Comment #934

Comment Period #1

Name: Lanny Stone

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: Good evening everybody I'm Lanny Stone. I've worked for Roseburg Forest Products for a little over two years now and it's one of the few companies, one of the few businesses in town and in the county that provides great benefits and a livable wage. My two years in Coos County have been excellent, nothing short of excellent, from the scenery to the people I've really, really enjoyed it and with that being said a lot of that could be affected adversely or could be in jeopardy by the rules

proposed in Cleaner Air Oregon. (Unintelligible) Cleaner Air Oregon draws a comparison to Washington's threshold but Washington has a threshold that allows for existing businesses to have a lower standard or lower threshold than new sources and Cleaner Air

Oregon has adopted a, kind of, one size fits all policy and doesn't take into account existing businesses versus new sources and this doesn't make too much sense in the fact that a new source can easily adapt to regulations new regulations but a seventy year old facility has a hard time throwing up an RCO on something and throwing up an ESP on something. It's not cost effective, it takes time, takes planning, and it's certainly a financial burden. And to call it a permit attachment is taking it a little lightly. The regulations are definitely a permit and a permit that carries a lot of cumbersome weight. Oregon has some of the highest permit fees in the nation already and so an additional layer of fees would do nothing but add more cost and just adversely affect industry. And things done by the state take time and this, time taking, to get permits issued to, get the toxics permits issued will probably slow or at least halt business investments in the near future. So it's understood that all of these regulations were kind of made with the voice from Greater Portland area, Eugene, Salem but this is our time to kind of give Coos County a voice and give rural Oregon a voice and what we want and what we need because one size doesn't fit all. As I mentioned earlier, what may work for greater Portland may not work for Coos County. So for those reasons I want DEQ to modify the proposed rules based on written comments made by Roseburg Forest Products. Thank you.

Attachment:

Comment categories linked to this comment: 21, 122, 220, 268

Comment #935

Comment Period #1

Name: Karl Maxon

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: Thanks for coming here today. I'm Karl Maxon, I'm the Plant Controller at Roseburg Forest Products and I've been there a short time. I've been a CPA for many years, licensed in two states here and California, worked in the forest products industry for many years. And just looking at some of the criteria in the draft rules that the assessment, I thought I heard you say, would be based on the models of using the risk assessment level one but it says also, "and", it doesn't say "or" just "and demographic statistics" but that's in no caps, it indicates to me that it's not defined. So normally legal documents determines demographic statistics to be capitalized indicate what that is quantified as. Basically you talk about low income, minority, residents under five population so all those demographics statistics where are they referenced from what exact document is it? Is it the county health assessments, is it what else? There's a lot of vagueness throughout the document. That's just one example. The other is in equation two, it talks about cancer, you know chronic non-cancer, it's all the

derivatives thereof. And again, you know it could be transient, it could be environmental, it could be just age related and then there's things that are not taken into account like land use regulations already in effect. Urban growth boundaries and that one kilometer area (unintelligible), we have no control over whose located there, who chooses under their own volition to live there. So, again, take all that into account.

The other part is where they say the first 80 sources but it's added later "based on new, updated or corrected information". Well, that should be defined. What kind of new information? What kind of corrected information? It could just be, well, you get a phone call "gee my asthma's acting up today I think it must be the (unintelligible) outside". We don't know, we don't know the environmental, hereditary or other conditions or factors, whatnot. But, what I heard also, you mentioned specifically, was concerns about job risks. Well it's not just about the jobs, like Lanny was saying, and Brandon, it's like the donations are phenomenal, you know the Ford Foundation, many people donate booster clubs, auctions, everything, you know, donate materials, supplies and energy.

The company employees, just the plant itself, just the site itself has nearly four hundred people that it employs. Over three hundred sixty union jobs, high wage, high benefit quality jobs. The payroll is thirty to thirty two million dollars a year, that's phenomenal. So basically the vast amount goes out into the economy, employs other, you know, so just using a conservative multiplier of like two and a half you can see there's nearly a hundred million dollars into the economy. It's just vendors, suppliers, the peripheral businesses they support. And all the people just live right there, say in Coquille, but people commute from as far away as Port Orford, Powers, all around the county. So there's a big effect everywhere people are putting in so, basically, the company continually this is just a case of this company I can speak to, just this facility, continually investing in air quality for example one million dollar boiler MACT, maximum achievable technology, just last year four and a half million dollars for (unintelligible) catalytic oxidizer, so, the latest technology. There's a lot of peripheral businesses that may be affected by the regulations though that are targeted from just from risk assessment alone that are pulled in from that tier two, where you say well, if it's not in that first 80 companies, if there's new information if they're pulled in for assessment, maybe they'll be impacted. And what that speaks to is the margins that we're dealing with. We have the payroll, we have the facilities, we're investing in our communities. And the facilities because we're a manufacturer, you know, that's why it's really important to stay in or community, is that some products may be made at above cost, which we'll lose money, some below cost. Overall the margins are razor thin so anything that effects our ability to operate and to pay for, you know, our employees and continue the investment, could be severely impacted. Because we're part of a larger organization it's like well open or close, right? So are we contributing overall? Again, there's feast and famine times too just like some industries. So basically, you know, right now Coos County nearly eighteen percent of the residents are below poverty level that's again that's related to the county health assessment. So, again the level of employment, the impact on jobs, (unintelligible), to contribute back into the community. You know, forty eight percent of Coos County residents are employed, that's just forty eight percent. So that's a very small amount so, Curry County has similar statistics in their county health assessment. There's been a recent downfall in funds since 2013 like there's nearly six million dollars out of the Coos County budget from the ONC lands and timber harvest taxes that are gone. Alright, so, all of these rural communities are impacted and seven and a half million out of Curry County (unintelligible) payments lost. Coos County utilizes their forest, Coos County forest, to harvest, to, you know, get you know taxes and funds, you know, that supplement their budget so in these rural

communities, in our industry, we can't pick up and move the industry because (unintelligible), our resources here, our customer base up and down the I-5 corridor proximity. So, you know, that's important. We are already here for a reason right? So our property taxes, just this year alone, just over five hundred and sixty thousand dollars. That's a significant amount when all the other funds that go into our communities from other timber tax, other revenue sources, but we're getting payroll taxes, we're putting in a lot, so. The rules here seem to apply to eligible facilities, you know, I know there's a tear there while. The literature you know references Washington's rules we read here is that it talks about Washington has the same risks for toxic emissions from new facilities, right? Washington forest products companies have expanded many operations and opened facilities under the air toxics program (unintelligible) couldn't open or had to close because of the new regulations, that's not addressed, and so while you know I did hear there's going to be some reporting requirement for new facilities versus ones in place, again, it needs to be specifically addressed by taking new federal regulations on auto safety and, say, applying it back to your 1974 Pinto. It's just not going to fly, it's not going to work. So again, being more specific in that it just doesn't seem to be there right now, but thank you the opportunity to speak and everyone else for taking their time.

Attachment:

Comment categories linked to this comment: 122, 220, 268

Comment #936

Comment Period #1

Name: Richard Dybevik

Organization: Roseburg Forest Products State: Oregon

Number of commenters: 1

Comment text: I'm Richard Dybevik, I'm the terminal manager for Roseburg's Coos Bay shipping terminal. We're the ones with the big pile of wood chips everybody misnames. Anyway, the reason I'm here is if Coquille has a problem, Swanson Lumber has a problem, DR Johnson has a problem because of Cleaner Air Oregon the chip terminal no longer exists to move out what was once considered a waste product. Those wood chips have been leaving this harbor since 1965 and being made into paper, this, your newspapers, your cardboard so that you can get your items from Amazon that's how it gets here because of raw materials like that. If we don't have those raw materials being exported we don't have 23 people out on the North Spit working every day, we don't have 112 truck drivers delivering material every day, we don't have six different vessel lines moving material Trans Pacific every year. There's agents out of Portland, Seattle, San Francisco, L.A. that we deal with. These businesses here in Oregon need that kind of work. I spent some time today going through some of the draft rules and I'll try and be quick about this most of them start with 340-245.

My first section is 0080, these procedures provide the potential for DEQ to open additional issues to prolong any possible process if a company wants to start something new. Dash 0100, what are the base level toxics that are located in the water, the soil and the community around us? It's referenced as being part of this study but what are they how were they found?

Dash 0220, there's a minimum of 130 days of delays during the process to file a permit attachment those delays are for public comment, community comment, getting the community involved. But that's just the minimum. Nobody ever meets minimums.

Dash 0230, conditional risk for future TEUs that's toxic emission units, future TEUs to be approved is an uncertain economic environment for a business to project a brand new business on. Because you have to figure out, try and figure out, what potentially could be coming at you. The same section, community engagement timeline could easily extend to more than half a year just to discuss the potential for TEUs and most communities located in rural areas of Oregon are hoping to have a business come to their area just to provide a living wage position. Updates to conditional risk levels being requested by the DEQ will most likely become a very restrictive and time consuming process for business growth.

In Section 0240, monitoring at all businesses is going to force companies to perform burdensome, time consuming and expensive actions. This is another restriction that will further hinder rural growth and businesses. The companies that will have to be monitoring have to show where they got their information, how much information they have and who's going to do that? This man over here is going to have to hire somebody else to monitor his stuff and he's already got five people doing that kind of work right now. I can say that because I started working in that plywood mill in Coquille.

0250 the environmental justice? That one was a hard one to chew. Will this become a form of community enforcement by untrained individuals who have an axe to grind? We're talking community involvement, community committees to meet regularly just to monitor the businesses around us? Again, we're adding costs and layers of demands on potential businesses that could be providing a living wage positions.

0300, DEQ, and this is in quotes "DEQ to establish operational and maintenance requirements". What level of control is required of businesses to give to outside agencies? I maintain with my crew my equipment. I don't need an outside agency to tell me how to do that that's my responsibility. And to finish the extensive restrictions that I see in Cleaner Air Oregon are going to hobble this community; the Port Authority and potential growth opportunities the Coos Bay Harbor have in the future are at risk.

Attachment:

Comment categories linked to this comment: 122, 220

Comment #937

Comment Period #1

Name: Becherer Kristana

Organization: Roseburg Forest Products State: OR

Number of commenters: 1

Comment text: My name is Kristana Becherer, I have worked for Roseburg Forest Products for over seventeen years, I've lived in Southern Oregon for over thirty five years. Many of you have never had the opportunity to live and work in a rural Oregon community where facilities like those owned by Roseburg Forest Products are the economic backbone of the community. The proposed Cleaner Air Oregon regulations would make Oregon's air toxics program the most stringent in the nation, even stricter than major urban areas like Los Angeles. On the surface this may sound like a good thing, protecting human health, but under the surface the proposed regulations are setting the stage for incredibly harmful effects on human health and the health of Oregon communities and I'll explain why those are incredibly harmful. As they're currently written, the proposed regulations will put thousands of our local businesses at risk not only in the manufacturing sector but other sectors including forest products, agriculture and energy. With the addition of these onerous regulations and requirements many companies will not be able to afford the additional costs to meet the new requirements and will curtail operations or even worse, shut down. Other companies will choose to leave the state. Either way the communities that depend on these businesses will suffer extending to schools, churches and overall public health as unemployment rates increase. When those jobs go away poverty, drug use and crime rates go up. These are the unintended consequences of the proposed regulations as they are currently written. In no way is this healthy for any community let alone the rural communities and families that depend on jobs provided by affected businesses. For these reasons I sincerely ask DEQ to modify the proposed rules based on the written comments submitted by Roseburg Forest Products. Thank you.

Attachment:

Comment categories linked to this comment: 87, 122, 220

Attachment G

Public Comment Categories and Responses

Comment Category #1: Air Toxics Permit Addendum - failure to submit timely application should result in enforcement

Description: The CAO rules should make clear that an owner or operator of a source that fails to comply with the deadlines for submitting and completing an application for an Air Toxics Permit Attachment such that the application is considered by DEQ to be withdrawn may be subject to enforcement for violations of the Cleaner Air Oregon rules, regardless of whether the owner or operator resubmits the application. A source should not be allowed to delay the permitting process without facing the possibility of enforcement. As written, the draft rules appear to authorize a source to effectively pay its way out of permitting through delay. An owner or operator whose application is deemed withdrawn due to delay should immediately be classified as a source that is operating without a required permit and be subject to agency enforcement and penalties.

Response: DEQ changed the proposed rules to clarify the timeline of when submittals are due in OAR 340-245-0030. DEQ also added the following language:

(3)(b) If the owner or operator's submittal is not approvable, or if the additional information or corrections requested by DEQ are not provided in writing by the deadline provided, then in addition to any other remedies available, DEQ may:

(A) With sufficient factual basis, modify the information provided by the owner or operator, approve it as modified, and the owner or operator must pay the document modification fee in OAR 340-216-8030 Table 3; or

(B) Inform the owner or operator of the deficiency, and provide the owner or operator with a revised deadline to submit the needed information.

The language "in addition to any other remedies available" can include enforcement action. In all DEQ rules, DEQ has the authority to take enforcement against an owner or operator that does not comply with the requirements. Enforcement does not need to be added to each rule to allow this to happen. Division 12, Enforcement Procedure and Civil Penalties, contains procedures on how DEQ will take enforcement. DEQ added proposed provisions for violations of Cleaner Air Oregon rules to division 12, which is also open for public comment.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 84, 552, 665

Comment Category #2: Air Toxics Permit Addendum - how will DEQ evaluate accuracy of application?

Description: Requiring facilities to conduct risk assessments depends on facilities providing accurate emissions data. How will DEQ ensure that facilities have done the risk assessments correctly and that they are unbiased, valid, and based on up-to-date, peer reviewed scientific evidence?

Response: Facilities are currently required to submit information on emissions of criteria pollutants (carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide and volatile organic compounds) under their existing operating permits. Based on the production rates used to calculate criteria pollutant emissions and factors to calculate emissions of toxic air contaminants, DEQ can evaluate the accuracy of information used in toxic air contaminant risk assessments. In addition, DEQ will compare sources in the same source category for consistency in calculating toxic air contaminant emissions, whenever possible. Some sources may be required to perform source tests to verify emissions after toxic air contaminant permits are issued, which require thorough DEQ review.

Facilities are required to follow protocols that DEQ and OHA have developed to perform risk assessments using the Risk Based Concentrations that DEQ and OHA have proposed. The Risk Based Concentrations proposed in the Cleaner Air Oregon rules are based on the most up-to-date, peer reviewed scientific toxicological data.

If a facility does not report or under-reports their emissions, DEQ can take enforcement against the facility, as it currently does in the existing air quality permitting programs.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 613

Comment Category #3: Air Toxics Permit Addendum - Provide for transfer to new owner

Description: There should be transfer provisions for the permit attachment. The permit attachment has no expiration date and yet there is no apparent method to transfer the attachment to a new owner. Clear and reasonable transfer processes consistent with the basic air permit programs should be provided for the attachment.

Response: DEQ changed its approach regarding permitting of toxic air contaminants based on public comment received. DEQ now proposes to issue Toxic Air Contaminant Permit Addendums to Air Contaminant Discharge permittees and Title V permittees that amend operating permits instead of having a separate permit without an expiration date.

The rules regarding Air Contaminant Discharge Permits and Title V Operating Permits apply to Cleaner Air Oregon permit conditions. Because of this change in approach, change of ownership, correction of typographical errors and similar administrative changes would also apply to Toxic Air Contaminant Permit Addendums providing the ability to transfer the addendum to a new owner.

DEQ agrees with commenter and changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 616

Comment Category #4: Air Toxics Permit Addendum - require public notice for termination or revocation

Description: DEQ should provide public notice for the termination or revocation of an Toxic Air Contaminant Permit Addendum so that the surrounding community can ensure that DEQ is taking necessary actions to protect public health in a transparent way.

Response: DEQ has changed its thinking regarding permitting of toxic air contaminants based on public comment received. DEQ proposes to issue Toxic Air Contaminant Permit addendums that amend Air Contaminant Discharge and Title V operating permits. DEQ will incorporate Toxic Air Contaminant Permit Addendums into the operating permit at renewal or modification for an existing source, or issuance for a new source. Because of this change, termination or revocation of a Toxic Air Contaminant Permit Addendum is not necessary. If an owner or operator reduces risk so that permit conditions for Toxic Air Contaminants are no longer needed, those conditions will be removed but the operating permit will still be in effect.

DEQ currently does not provide public notice for termination or revocation of operating permits, either Air Contaminant Discharge Permits or Title V Operating Permits. If an operating permit is terminated or revoked as a result of an enforcement action, DEQ would notify the public through a press release. DEQ distributes press releases to media outlets and through GovDelivery, a free email alert subscription of approximately 5,000 subscribers. If DEQ finds a serious danger to the public health, safety, or the environment caused by a permittee's activities, DEQ may immediately revoke or refuse to renew the permit.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 491, 552

Comment Category #5: Air Toxics Permit Addendum - require renewal

Description: A permit should have a renewal period, triggered by an increased health risk due to emissions, cumulative emission, and changes in population demographics and vulnerability.

Response: DEQ changed its approach regarding permitting of toxic air contaminants based on public comment received. DEQ now proposes to issue Toxic Air Contaminant Permit Addendums to Air Contaminant Discharge permittees and Title V permittees that amend these operating permits instead of having a separate Toxic Air Contaminant Permit Attachment without an expiration date. Because of this change, permit conditions for toxic air contaminants will expire along with the rest of the operating permit and will need to be renewed using the same renewal procedures for existing operating permits, both Air Contaminant Discharge Permits and Title V Operating Permits.

The proposed rules require a source to apply for a permit modification if the source wishes to make changes that will increase risk above their current permitted risk levels. These could include changes to emissions and exposure location. If DEQ receives an application for changes that will increase risk, DEQ must provide public notice and an opportunity for citizens to request a public hearing (see OAR 340-245-0100(7)).

The proposed rules do not require a source to take action if there are changes with surrounding demographics or sensitive populations. Such population changes generally occur over many years, and DEQ does not believe it is appropriate to put the burden of monitoring population demographics on a regulated source. However, if DEQ becomes aware of changes in relation to demographics and sensitive populations that might significantly affect a source's risk assessment, DEQ can require the source to perform a new risk assessment (see OAR 340-0100(7)).

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 300

Comment Category #6: Ambient Monitoring - allow a source to use ambient monitoring data collected by DEQ

Description: Commenter requests that DEQ include a new section under OAR 340-245-0080 that allows a source to use ambient air monitoring data previously collected by DEQ to supplement its risk assessment.

Response: DEQ does not routinely perform ambient monitoring that is specific to an individual source and in the rare situations when it does, the locations, duration and pollutants monitored may not yield all of the information required in risk assessment modeling. Meteorological data and production data from the source would also be required in order for DEQ to determine if ambient concentrations are attributable to the source in question. In addition, the limited monitoring DEQ may conduct near sources would not likely capture all operating periods and conditions. Nothing in proposed Cleaner Air Oregon regulations or protocols would preclude a source from referring to available DEQ monitoring

data in its risk assessment as a supplement of modeling, but the monitoring data would not substitute for modeling.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 629, 631

Comment Category #7: Ambient Monitoring - allow more time to submit results

Description: A deadline of 15 days is not adequate to submit ambient monitoring data results. We recommend that 60 days be allowed for the submittal of monthly monitoring report elements as described in OAR 340-245-0240(4)(a).

Response: DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 851, 859

Comment Category #8: Ambient monitoring - collect data on effects of combined hazards on human health with comprehensive statewide monitoring program, using the newest technology

Description: Stagnant air sometimes gets stuck in the Willamette Valley for days or weeks. When this occurs, pollutants from industry, as well as traffic and agriculture, stay close the ground in the breathing space for dangerous periods of time. We need a comprehensive statewide air quality monitoring program to establish baseline pollutant concentrations and measure the effectiveness of the CAO rulemaking. If we do not see improvement, then an assessment would be performed, and changes would be needed to CAO rules.

The availability of new technology that can provide more accurate readings of emissions can also have enormous benefits to communities in affected communities. Low-cost, mobile sensors make it possible to identify areas with disproportionate exposures and understand the relationship between source polluters and the communities they effect. Understanding this problem is crucial to eliminating “hotspots,” areas with proportionally higher emissions. Some of these new sensors could be used to map pollution block-by-block, which would pinpoint problem areas. The availability of high-resolution air quality data in urban areas could be potentially transformative for environmental management, air pollution science, epidemiology, public awareness, and public policy. This technology could lead to developments in pollution control and will require source polluters to become more accountable for their emissions.

Response: DEQ agrees with the comment that weather conditions and topography can greatly influence levels of air pollution in communities statewide. Periods of air stagnation can elevate levels of pollutants in air sheds, including particulate matter and toxic air contaminants. DEQ has performed one computer modeling study so far to estimate levels of toxic air contaminants within a community, taking into account weather patterns, topography and emissions from all sources. DEQ could perform this type of comprehensive modeling study in other Oregon communities, depending on available funding.

DEQ received funding for six additional toxic air contaminant monitoring stations and a network of particulate screening monitors, and is currently undergoing planning to expand our air monitoring to communities statewide. Additional ambient monitoring data can help identify areas where air pollutants pose a threat to public health. However due to the localized nature of industrial emissions and the large spatial scale of toxic air contaminant monitoring, DEQ does not expect ambient monitoring data to serve as a clear indicator of the Cleaner Air Oregon's effectiveness in protecting public health.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 265, 322, 382, 467, 509, 587, 612, 622, 637, 660, 771, 761, 801

Comment Category #9: Ambient Monitoring - only require update to risk assessment if monitored impacts are attributable to the source

Description: We recommend language be added to clarify that an update or correction to a Risk Assessment is required if the results of air monitoring show higher risk and if the monitored higher pollutant levels are reasonably attributable to the source.

Response: If a source chooses to do air monitoring to estimate risk, the source must submit an air monitoring plan with "a description of how to determine and account for the ambient concentration of each toxic air contaminant being monitored that results from all causes other than the source under consideration, including natural and unknown causes." If the source cannot determine how much of the monitored concentrations are coming from their facility, then they must assume that it all comes from their facility.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 851, 859

Comment Category #10: Ambient Monitoring - require only one community engagement meeting

Description: Only one public meeting should be required for community engagement on ambient monitoring plans. The location of ambient monitoring should be driven by dispersion modeling results and DEQ specifies the choice of hardware. There is no need for two rounds of community engagement meetings regarding ambient monitoring.

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this approach will allow greater flexibility to tailor the community engagement process to the needs of communities.

If a source chooses to perform ambient monitoring, DEQ proposes to work with the owner or operator to develop public information on the approved air monitoring plan and timeline. A public meeting is required for sources above the community engagement and risk reduction levels. DEQ and the source could address the monitoring plan at the public meeting. The public engagement protocol and best practices that DEQ anticipates developing with input from stakeholders will guide the nature of public engagement on permitting issues that will include monitoring plans.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 594

Comment Category #11: Ambient Monitoring - rules should encourage/require ambient monitoring

Description: A summary of some of the comments related to ambient monitoring:

- 1) Modeling is inherently inaccurate in that it is designed to overestimate risk.
- 2) Existing sources should be allowed to undertake DEQ approved monitoring in lieu of relying exclusively on modeling when performing a Health Risk Assessment (HRA).
- 3) The requirement to do an expensive modeling-based HRA and reduction measures while monitoring is being performed is a disincentive to do monitoring. The requirements a source must meet to perform ambient monitoring are excessive and should be reduced.
- 4) DEQ's implementation document for ambient monitors, notes a year of monitoring may provide an annual average concentration suitable for comparison with chronic RBCs, but it is more difficult to determine the highest 24-hour concentration for comparison to acute RBCs. The criticism that

monitoring cannot demonstrate impacts at all locations for all acute and chronic exposure periods, can be addressed through the use of combined assessments of modeling and monitoring ("CAMM") results. For example, monitoring results can be used to identify systemic biases in modeled concentrations. Monitoring can also determine actual concentrations that can be used to adjust modeled concentrations.

5) There are some sources for which the development of an emissions inventory is extremely difficult (e.g. sources with batch operations) or where fugitive emissions are a dominant source. Therefore, monitoring is a preferred method to estimate impacts.

6) The rules should allow a monitoring period of less than 12 months when there are situations where 12 months of data are not needed. Monitoring should not be required during the portion of the year where the receptors are not impacted.

7) Based on the timing of certain deliverables, along with the time necessary to complete the community engagement process, the proposed rule does not allow for air monitoring to have any meaningful utility.

8) There are many factors that affect actual emission concentrations that cannot be accounted for in modeling software programs.

9) Reliable meteorological data is not available for many locations. DEQ should facilitate collection and dissemination of this data, including the development of preapproved met data for use in dispersion modeling.

10) Air monitoring should be mandatory and done on a surprise basis. Requiring air monitoring is the first step in restoring public trust.... It will also be a good foil against emissions inventories and a way to see if results line up in terms of what industry says they are emitting and what they are emitting.

Response: DEQ provided a response after each COMMENT SHOWN IN UPPERCASE.

1) MODELING IS INHERENTLY INACCURATE IN THAT IT IS DESIGNED TO OVERESTIMATE RISK.

Although modeling is an approximation, it can be a very effective tool that has been used in a regulatory context by the EPA and state regulators for decades. It can perform in a similar fashion for Cleaner Air Oregon to identify sources that pose risk, identify the toxic air contaminants of greatest concern and the relative magnitude of concern, identify areas of greatest risk from sources, and measure the effectiveness of controls on emissions.

2) EXISTING SOURCES SHOULD BE ALLOWED TO UNDERTAKE DEQ APPROVED MONITORING IN LIEU OF RELYING EXCLUSIVELY ON MODELING WHEN PERFORMING A HEALTH RISK ASSESSMENT.

Senate Bill 1541 states that a risk assessment using modeling must be performed prior to monitoring. This modeling will help identify the toxics of concern, the magnitude of risk, and where high concentrations occur. This approach provides information about the optimal location for monitors, and identifies emission points that may require controls. Without modeling to help locate monitor locations, many more monitors surrounding the source would be required to try to capture the location of the highest concentrations. Monitoring also has limitations:

- o Monitoring is expensive and time consuming.

- o There will only be impact or risk information for the location of the monitor. The majority of locations will not have impact or risk information because there will be no way of estimating or extrapolating the impact or risk information at these locations.
- o It will not be possible to say with any certainty whether the impact and risk at the monitored location represents the worst case, best case or an average case.
- o If a source has multiple emissions points, the monitoring location may not capture the combined effects of multiple emission points.
- o Not all of the approximately 240 toxic air contaminants with RBCs have analytical methods for measuring concentrations.
- o There can be significant risk from some chemicals at or even below the monitoring detection limit, which can add considerable uncertainty to risk estimates if many of the measurements are below or near the detection limit.
- o Monitoring cannot always distinguish the source of the monitored concentration.
- o Monitoring is usually done on a schedule, not every day, so a high concentration or worst-case daily meteorology could be missed.

3) THE REQUIREMENT TO DO AN EXPENSIVE MODELING-BASED HEALTH RISK ASSESSMENT AND REDUCTION MEASURES WHILE MONITORING IS BEING PERFORMED IS A DISINCENTIVE TO DO MONITORING. AMBIENT MONITORING REQUIREMENTS ARE EXCESSIVE AND SHOULD BE REDUCED.

Modeling is less expensive than monitoring and can be performed quickly. The requirements to perform monitoring are standard for a regulatory application to ensure that all monitoring is done correctly and is consistent across all sources. The goal of the monitoring requirements is to set the standard to gather data that is accurate and is not intended to incentivize or dis-incentivize a source from undertaking monitoring. SB 1541 states that DEQ can only require a source to reduce risk before monitoring is complete when the modeled risk exceeds four times the benchmark for excess lifetime cancer risk or four times the benchmark for excess noncancer risk. Otherwise, the source can delay risk reduction until after the monitoring is complete.

4) DEQ'S IMPLEMENTATION DOCUMENT FOR AMBIENT MONITORS NOTES A YEAR OF MONITORING MAY PROVIDE AN ANNUAL AVERAGE CONCENTRATION SUITABLE FOR COMPARISON WITH CHRONIC RBCs, BUT IT IS MORE DIFFICULT TO DETERMINE THE HIGHEST 24-HOUR CONCENTRATION FOR COMPARISON TO ACUTE RBCs. THE CRITICISM THAT MONITORING CANNOT DEMONSTRATE IMPACTS AT ALL LOCATIONS FOR ALL ACUTE AND CHRONIC EXPOSURE PERIODS, CAN BE ADDRESSED THROUGH THE USE OF COMBINED ASSESSMENTS OF MODELING AND MONITORING ("CAMM") RESULTS. FOR EXAMPLE, MONITORING RESULTS CAN BE USED TO IDENTIFY SYSTEMIC BIASES IN MODELED CONCENTRATIONS. MONITORING CAN ALSO DETERMINE ACTUAL CONCENTRATIONS THAT CAN BE USED TO ADJUST MODELED CONCENTRATIONS.

Monitoring for acute (24-hour average concentrations) toxics can be more challenging than for chronic (annual average concentrations), in part because of monitor placement. However, dispersion modeling by season can identify optimal locations for these monitors. There is a potential that monitoring could be used in concert with model results. The referenced CAMM study was designed to improve emissions

estimates, not directly improve modeled concentrations. This concept deserves further study, and if deemed worthwhile a protocol for its use would have to be developed. In the short term, this approach might be approvable on a case-by-case basis.

5) THERE ARE SOME SOURCES FOR WHICH THE DEVELOPMENT OF AN EMISSIONS INVENTORY IS EXTREMELY DIFFICULT (E.G. SOURCES WITH BATCH OPERATIONS) OR WHERE FUGITIVE EMISSIONS ARE A DOMINANT SOURCE. THEREFORE, MONITORING IS A PREFERRED METHOD TO ESTIMATE IMPACTS.

It is true that some source emissions are difficult to quantify, however chemical mass balance has been used in many cases.

6) THE RULES SHOULD ALLOW A MONITORING PERIOD OF LESS THAN 12 MONTHS WHEN THERE ARE SITUATIONS WHERE 12 MONTHS OF DATA ARE NOT NEEDED. MONITORING SHOULD NOT BE REQUIRED DURING THE PORTION OF THE YEAR WHERE THE RECEPTORS ARE NOT IMPACTED.

The length of time deemed necessary to adequately monitor ambient concentrations of a toxic would be addressed in the monitoring protocol along with the location of the monitors. A source could provide evidence for DEQ approval that a shorter period was justified.

7) BASED ON THE TIMING OF CERTAIN DELIVERABLES, ALONG WITH THE TIME NECESSARY TO COMPLETE THE COMMUNITY ENGAGEMENT PROCESS, THE PROPOSED RULE DOES NOT ALLOW FOR AIR MONITORING TO HAVE ANY MEANINGFUL UTILITY.

Senate Bill 1541 states that modeling and a risk assessment would be conducted in advance of monitoring. It also states that DEQ will work with the source to develop public information about the approved monitoring plan and timeline.

8) THERE ARE MANY FACTORS THAT AFFECT ACTUAL EMISSION CONCENTRATIONS THAT CANNOT BE ACCOUNTED FOR IN MODELING SOFTWARE PROGRAMS.

The modeling protocol describes and evaluates factors that make up the model inputs, including emissions estimates, meteorological variables, terrain elevations, terrain surface characteristics, building downwash effects, location of sensitive receptors, and other factors. As part of this description and assessment is a check on the quality of the data to ensure that it is representative and to reduce uncertainties in the running of the model.

9) RELIABLE METEOROLOGICAL DATA IS NOT AVAILABLE FOR MANY LOCATIONS. DEQ SHOULD FACILITATE COLLECTION AND DISSEMINATION OF THIS DATA, INCLUDING THE DEVELOPMENT OF PREAPPROVED MET DATA FOR USE IN DISPERSION MODELING.

The provision by DEQ of pre-approved met data has been discussed, and it is possible that this data may be available during the implementation of Cleaner Air Oregon.

10) AIR MONITORING SHOULD BE MANDATORY AND DONE ON A SURPRISE BASIS. REQUIRING AIR MONITORING IS THE FIRST STEP IN RESTORING PUBLIC TRUST. IT WILL ALSO BE A GOOD WAY TO SEE IF RESULTS LINE UP IN TERMS OF WHAT INDUSTRY SAYS THEY ARE EMITTING AND WHAT THEY ARE ACTUALLY EMITTING.

Ambient monitoring does not always provide the most accurate picture of emissions or health risk from a facility, for reasons mentioned earlier in this response. Air dispersion modeling software such as

AERSCREEN and AERMOD are EPA-approved and designed to provide health-protective, conservative estimates of air concentrations near facilities. DEQ can require facilities to perform a stack test if verification of emissions data is needed.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 812, 832, 837, 37, 867, 52, 880, 72, 132, 165, 172, 188, 259, 276, 300, 301, 302, 308, 333, 342, 415, 432, 474, 495, 505, 524, 545, 550, 556, 567, 571, 610, 627, 631, 640, 644, 655, 658, 662, 673, 779, 768, 801, 672, 674

Comment Category #12: Applicability - CAO should apply to used oil burned in shop heaters

Description: Shop heaters that burn used oil, solvents, antifreeze, etc. should be required to obtain permits and be subject to Cleaner Air Oregon.

Response: The proposed CAO rules include maintenance and repair shops as a conditionally insignificant activity, unless DEQ determines that a particular maintenance and repair shop "could create a significant risk to human health". If DEQ makes that finding, then the emissions from maintenance and repair shop activities could be included in the risk assessment and potential risk reduction requirements. See the proposed OAR 340-245-0060(3)(c).

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 848

Comment Category #13: Applicability - do not exempt: small businesses, emissions from oil re-refining, creosote, wood burning, forest products production

Description: No business should be exempted from the requirements of CAO based on their number of employees. In addition, there should not be exemptions for businesses using certain chemicals such as used oil or creosote or for logging-related industries, such as Cross-Laminated Timber and wood-burning biomass energy facilities. Exemptions should only be given for facilities that fall beneath de minimis pollution levels.

Response: The proposed Cleaner Air Oregon program does not exempt small businesses. As part of the rulemaking process, DEQ is required to identify the fiscal impacts the rulemaking would have on small businesses (those with 50 or fewer employees) and try to minimize the impact of regulations on those

small businesses. However, CAO would apply to all businesses that currently hold air permits, regardless of the number of employees.

As facilities are called-in to the Cleaner Air Oregon permitting process, DEQ will require businesses to do risk assessments and the actions they are required to take depend on the risk. If the risk from a facility is very low, DEQ will not require a facility to obtain a permit addendum. The facility will still be required to report regularly so DEQ knows that their emissions are still low and the business is not subject to Cleaner Air Oregon permitting. In the future DEQ may have a process to screen businesses that do not have current air permits to see if they should be subject to Cleaner Air Oregon.

The draft rules do exempt certain "categorically insignificant activities" and risk from combustion of natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas or biogas. However, DEQ is not proposing an exemption for oil re-refining, creosote emissions, industrial wood burning, or an exemption specific to other forest product categories.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 812, 815, 824, 825, 832, 18, 80, 138, 142, 162, 261, 297, 315, 461, 498, 506, 625, 924, 757, 925, 755

Comment Category #14: Applicability - do not require sources that trigger NSR/PSD to submit a risk assessment

Description: DEQ is requiring sources that trigger permitting under Division 224 New Source Review/Prevention of Significant Deterioration to submit a toxics risk assessment. While DEQ may have intended for only PSD or NNSR projects to trigger air toxics assessment, there is no basis for requiring that any source that undergoes Division 224 New Source Review also automatically undergo the toxics risk assessment process. A source triggering PSD, for example, may only undergo PSD review based on a change to a single emissions unit. It does not make sense to put that facility through the facility-wide toxics risk assessment process based on a change to a portion of the facility. Furthermore, OAR 340-224-0030(2)(b)(C) requires that DEQ make a final determination on applications under Division 224 within 12 months after receiving a complete application, a deadline that is currently difficult to meet.

Response: Any source that triggers major source New Source Review or Type A State New Source Review permitting under division 224 is increasing emissions by more than a significant emission rate. Some toxic air contaminant emissions that could pose very high risk are classified as particulate matter (significant emission rate of 15 tons per year or 30,000 pounds per year) or volatile organic compounds (significant emission rate of 40 tons per year or 80,000 pounds per year) under the New Source Review program. Even if the source triggers New Source Review for only a single emissions unit, the risk from that emissions unit can cause potentially very high risk based on those emission increases. DEQ would not want that emissions unit to have to be re-evaluated under Cleaner Air Oregon and potentially be

required to install a different control device, or maybe not even be allowed if that emissions unit were reviewed only under the New Source Review rules.

DEQ did change the rules to exclude Type B State New Source Review. DEQ does not know what the commenter means by NNSR projects as this is not part of DEQ's air quality regulatory program.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 871, 888, 908, 912

Comment Category #15: Applicability - don't add regulation on industrial sources, industrial emissions are a low proportion of total

Description: Industry should be regulated in proportion to its contribution to air pollution, which is much less than non industrial sources. Rules unrealistically target local employers rather than all sources of emissions. In fact, industry accounts for less than 15% of air pollutants. The main contributors of air pollutants are mobile sources and wood fired heating.

Response: The levels of contribution of different sources of toxic air contaminants (e.g., industry, on and off road engines, wood burning, and other residential and commercial activity) are greatly affected by the size and location of areas affected and analyzed. When averaging different source contributions to toxic air contaminants across Oregon counties, industrial emissions are typically about 10%, while other emissions, especially those from wood burning and gas and diesel engines, can be much greater. However, in neighborhoods located within a half mile to a mile of industrial facilities, health risk from industrial pollutants can greatly outweigh risks from other sources. Because Cleaner Air Oregon focuses on understanding and managing the risk to people living near industrial facilities, the percentage of industrial contributions statewide is not the key consideration in understanding and managing neighborhood level risk from toxic air contaminants.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 188, 266, 277, 279, 307, 344, 347, 354, 376, 377, 378, 450, 556, 594, 658, 733, 764, 754

Comment Category #16: Applicability - don't include natural gas and propane emissions in ranking calculation

Description: Commenter supports the special treatment of natural gas and propane. DEQ should omit risk from air toxics emitted solely from the combustion of natural gas or propane from Equation 2 in risk assessments and in ranking for call-in.

Response: DEQ is proposing to exclude risk from combustion of natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas or biogas when comparing site risk-to-risk action levels. Potential risk from the combustion of those gases must still be estimated and included in the risk assessment for informational purposes.

DEQ also intends to exclude emissions from natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas or biogas from the prioritization process. DEQ has removed detailed procedures for prioritizing sources for call-in from the rules, and placed this information in the Draft Cleaner Air Oregon Initial Facility Call-in Prioritization Protocol.

DEQ agrees with the commenter. No rule change needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 238, 355

Comment Category #17: Applicability - exempt air toxics from air pollution control devices

Description: DEQ's establishment of a new regulatory program should not penalize sources for complying with requirements imposed through existing regulatory programs. DEQ should specifically exempt air toxic emissions that result from the installation and operation of a control device required pursuant to Best Available Control Technology, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants or any other state or federal regulation from inclusion in a risk assessment or risk reduction plan.

Response: In most situations, operation of a control device does not generate emissions of toxic air contaminants. However, there are some examples including ammonia emitted from selective catalytic reduction and selective noncatalytic reduction control devices when urea is used as part of those systems to control nitrogen oxide emissions.

In cases where operation of an air pollution control device does lead to toxic air contaminant emissions, DEQ is proposing not to exclude that risk from CAO risk assessments. In the case of thermal oxidizers, DEQ specifically required inclusion of the exhaust gases from the thermal oxidizer in the risk assessment.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 887, 624

Comment Category #18: Applicability - exempt backup power generation because of natural disaster

Description: Emergency and standby generators employing TBACT or operating in compliance with state and federal regulations should be excluded, regardless of size. By their nature, these generators operate in periods of emergencies or grid instability, or for testing and maintenance purposes and to provide potable water during power outages. Clearly, operations under these circumstances are designed to be infrequent, and in service to mitigating or preparing for emergency power failures where loss of power could have significant and unintended impacts.

Though generators under 3,000 HP are exempt from the proposed rules, diesel backup generators enrolled in the Dispatchable Standby Generation Program through Portland General Electric are not exempt regardless of size. Many utilities have enrolled in this program as a cost-effective way to provide Oregonians with a reliable source of power for the treatment and pumping of drinking water and operate under an Air Contaminant Discharge Permit. As written, the proposed rules would require the entire facility to be included in the air quality analysis if that facility has a diesel generator enrolled in the Dispatchable Standby Generation program. This means that utilities will be required to report fugitive emissions from various points in the water treatment processes that would otherwise be exempt from regulation. Calculating fugitive emissions from drinking water treatment processes will create a challenge for public entities because there are no established emission factors for estimating toxic emissions from drinking water treatment plants.

Response: DEQ defines the following emergency generators as categorically insignificant activities and not subject to Cleaner Air Oregon:

Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant.

The Excess and Emergency Provision rules in division 214 apply to sources required to be permitted under Cleaner Air Oregon as they do to all sources required to have operating permits. Sources with emergency generators that are categorically insignificant would not be required to include any emissions from those generators in a CAO risk assessment.

Sources with emergency generators that are not categorically insignificant would be required to include emissions from non-emergency service (maintenance checks and readiness testing) in a CAO risk assessment, but would not be required to include emissions from emergency use.

Similarly, generators that are not emergency-only would be required to include emissions from non-emergency service (maintenance checks and readiness testing) in a CAO risk assessment, but would not be required to include emissions from emergency use. For example, if a facility has a generator enrolled in Portland General Electric's Dispatchable Standby Generation program, that generator is not considered an emergency-only generator. While enrolled in this program, PGE can power up that

generator during grid shortages that are not outages. Operation during those time periods would not be considered “emergency operation”.

Please see also Category #144: Exempt TEUs - include emergency generators.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 842, 84, 355, 481, 505, 556, 624, 639, 770, 754

Comment Category #19: Applicability - exempt health and safety-related facilities

Description: Facilities sited for the health and safety of the public like drinking water treatment facilities, landfills, other waste disposal sites and publicly owned treatment works should be exempt because it will be effectively impossible to do an effective, representative and reliable risk assessment and potential to emit assessment that the rule envisions because emissions at these facilities include fugitive and inputs that cannot be characterized or controlled.

The location of drinking water treatment facilities, landfills, POTWs and other essential public facilities is dictated by population, geography, natural resources, land use regulation and other legal requirements to provide essential public services. It may not be possible to relocate these types of facilities. Furthermore, facilities may be required to upgrade treatment processes or build new facilities to adapt to changing environmental and source water conditions and regulations, support growing populations and thriving industry, or make systems more resilient to potential emergency and catastrophic events. The Oregon Health Authority, in accordance with recommendations in the Oregon Resilience Plan, is set to adopt rules to require water providers to perform risk assessment and mitigation plans as part of their water system master plan updates. In order to continue providing constant and safe drinking water, water providers suggest making water treatment facilities exempt. Short of an exemption, a path to approval for new or existing sources in Multi-Source Risk Areas should be included in the proposed rules.

Response: Facilities sited for health and safety of the public are included in toxic air contaminant programs in other areas of the country. Emission factors to estimate toxic air contaminant emissions are available from other agencies, including the South Coast Air Quality Management District. DEQ regulates publicly owned treatment works, both for air and water emissions. The Oregon Health Authority regulates drinking water treatment facilities. For drinking water treatment facilities, EPA does the risk assessments to set the standards for these facilities and the facilities have to meet those standards.

DEQ anticipates that the potential risk from facilities sited for health and safety of the public to be low, therefore, few requirements will be placed on these sources. If potential risk is high, the health of communities living nearby must be protected and risk reduction may be necessary.

Senate Bill 1541 adopted into law by the 2018 Legislature created a Pilot Program “for evaluating and controlling public health risks from toxic air contaminant emissions from multiple stationary air contamination sources.” The current draft of the Cleaner Air Oregon rules contains no reference to Area Multi-Source risk. DEQ will be undertaking a separate rule-making effort to establish the pilot program to evaluate and control public health risks from multiple facilities. See previous response to "Area Multi-Source Risk Determination - do not penalize businesses because of land use laws and prohibit expansion if other sources in the area cause exceedance of the Risk Action Limit." DEQ does not expect any source to relocate because of the Area Multi-Source Risk proposed rules.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 841, 870, 892, 84, 481, 639, 754, 770

Comment Category #20: Applicability - exempt PGE coal-fired power plant

Description: DEQ should exempt the PGE coal-fired power plant because it is required by law to stop burning coal in the year 2020.

Response: OAR 340-223-0030 requires that the Foster-Wheeler Boiler at the Boardman coal-fired power plant permanently cease burning coal no later than December 21, 2020. Under the timelines in the proposed rules, even if PGE Boardman were one of the first sources to be called in and risk reduction were required, it is likely that implementation of risk reductions would not be required before that date.

DEQ has added criteria to the Draft Cleaner Air Oregon Initial Facility Call-in Prioritization Protocol that allows DEQ to consider additional factors when prioritizing sources for call-in. Two of these criteria include DEQ’s knowledge of changes in a source’s toxic air contaminant emissions not captured in the emissions data used in the ranking equation, and the efficient allocation of DEQ resources. Based on these two criteria, DEQ would not call the PGE coal-fired power plant into Cleaner Air Oregon.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 624

Comment Category #21: Applicability - exempt rural businesses

Description: Rural businesses need to be exempted from the rules. Further regulation of small, county-owned and operated rock crushing and asphalt mixing plants, located in the most rural counties due to the large cost of having contractors supply building materials to public works departments, could potentially force these operations to shut down. The benefits to air quality will be minimal.

Response: The proposed Cleaner Air Oregon program is intended to address health risks from toxic air contaminant emissions to people near industrial facilities. In some rural areas, industrial facilities are far away from residences and other exposure locations, which would mean lower risk and reduced likelihood that the facility would be required to take action. However, other rural facilities are near residences or other receptor locations. DEQ feels that all Oregonians deserve to breathe clean air, so under the proposed rules, facilities in rural areas would not have separate or higher Risk Action Levels than facilities located in other areas.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 301, 773, 772, 738, 934, 751, 750

Comment Category #22: Applicability - exempt sources or TEUs subject to a NESHAP that has undergone Risk and Technology Review

Description: Plants that are subject to a Maximum Achievable Control Technology standard in a National Emission Standards for Hazardous Air Pollutants for which EPA has completed the Risk and Technology Review process should be completely exempted from the CAO rules. Any piece of process equipment that is compliant with a MACT standard should be presumed to employ TBACT because MACT is indicative of the highest degree of toxics control. However, where a source has completed the RTR process then it should not have to contemplate another state driven site-specific risk assessment as that is an unnecessary duplication of effort that has already been completed by EPA.

Response: Under SB 1541, a facility that meets a National Emission Standard for Hazardous Air Pollutants (NESHAP) developed for major (Title V) sources is presumed to meet TBACT, if the NESHAP results in actual reductions of the toxic air contaminants, and does not allow other toxic air contaminants proposed for regulation by Cleaner Air Oregon to pose material risks. A completed EPA Risk and Technology Review is not necessary for a NESHAP to be considered TBACT, as was required in the original draft rules.

Under the proposed rules, facilities with risk above the TBACT Level (50 in a million cancer risk, or a Hazard Index of 5), would be required to reduce risk to below that level or demonstrate that all significant emissions units have TBACT. If a facility has TBACT on all significant emissions units, then risk reductions would not be required unless risk exceeds the Risk Reduction Level (200 in a million cancer risk, or a Hazard Index of 10).

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 906, 505, 611, 623, 665

Comment Category #23: Applicability - regulate all sizes of glass fibers

Description: DEQ should discontinue averaging the size of glass fibers that are classified as hazardous air pollutants. Hollingsworth & Vose operates two glass-fiber plants in separate buildings; one plant produces glass fiber 1 micron in diameter and the second plant produces fiber that is 3 microns or greater in diameter. Only glass fiber particles 1 micron in diameter are considered hazardous air pollutants. By averaging the two sizes of particles, they come up with a number larger than 1 micron, giving an erroneous conclusion that there are no HAPs emitted. It allows H & V to not capture the smallest particles which are Hazardous Air Pollutants. The averaging of the glass fiber particles does not make the health hazard of the 1 micron in diameter HAPs to go away.

Response: EPA defines fine mineral fibers, a listed Hazardous Air Pollutant, as "mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less." Hollingsworth & Vose produces special purpose fibers, which are a subset within the glass wool category. The average diameter of their glass fibers is greater than one micron, and therefore, they are not defined as a HAP. In addition, the International Agency for Research on Cancer has determined glass filaments, glass wool, rock wool, and slag wool to not be classifiable as to their carcinogenicity to humans.

Even though the glass fibers emitted by Hollingsworth & Vose are not regulated toxic air contaminants (they do not have a risk-based concentration), these fibers are regulated as particulate matter emissions, which is one of the six federally regulated criteria pollutants. Therefore, the facility is required to control their particulate emissions and has installed new state of the art dry ceramic filter particulate controls. Ceramic filters offer the ability to operate under high temperature conditions and are extremely good at filtering out submicron particles. For example, in the secondary aluminum industry, ceramic filtration units have achieved greater than 99% control efficiency for particles smaller than 1 micron. Therefore, H&V anticipates that it will have a high level of control for those particles that are 1 micron or less and will be required to source test once the ceramic filters are installed to demonstrate particulate matter control.

Since the glass fibers emitted by Hollingsworth & Vose are not regulated toxic air contaminants, the most appropriate standard to evaluate fiber concentrations is the workplace National Institute for Occupational Safety and Health Recommended Exposure Level of 3 fibers/cc. H&V conducted ambient fiber monitoring in December of 2016. Results of analysis reported that of the 76 samples collected, the mean onsite concentration was 0.00089 fibers/cc and the mean background concentrations was 0.00035 fibers/cc. DEQ conducted ambient fiber analysis in July of 2017. Of the 43 samples collected and analyzed by phase contrast microscopy, 42 were non-detect. One sample reported a detection of 0.002 fibers/cc. Moreover, the facility conducted long-term ambient fiber monitoring from 1997-1998. Results of analysis reported fiber concentrations ranging from 0.00001-0.00159 fiber/cc. The highest on-site reading was 0.00159, and the highest result in the neighborhood was 0.00020 fibers/cc. DEQ approved discontinuation of the monitoring in 1998 due to low fiber counts.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 20, 206, 226, 259, 265, 280, 300, 308, 321, 444, 759, 757, 758, 760

Comment Category #24: Applicability - Regulate by TEUs not whole facility and include emission thresholds

Description: Regulate for single emission units and discontinue averaging of hazardous air pollutants.

New or modified TEUs should have a permit off ramp based on emission level. Rather than submitting a new risk assessment for each and every modification or new TEU, facilities should be allowed to evaluate the emission levels and make a determination about significance based on that. Washington State uses a list of Small Quantity Emission Rates to assist in this evaluation and it is much more cost effective for facilities that are making small incremental changes to their air toxics emissions. Oregon's cumulative risk assessment approach should be reserved for substantial changes that may significantly affect cumulative risk. To maintain a competitive edge, Oregon businesses need a method that allows flexibility and a nimble approach that does not require lengthy and costly evaluations that require significant time to process for every product or raw material change, regardless of how minor.

Response: Under the proposed CAO rules, facilities would not be required to obtain construction approval for new Toxic Emissions Units (TEUs) through CAO unless the new TEU triggers New Source Review, or if they have already been issued a CAO Toxic Air Contaminant Permit Addendum. Aside from that scenario, facilities would obtain construction approval through the existing air quality program, as they do now. DEQ has included provisions for construction of exempt TEUs, TEUs that are included in the Aggregate Significant TEU Level, and significant TEUs which are in alignment with existing construction approval rules and procedures to assess risk from toxic air contaminant emissions.

DEQ originally considered emissions rates for screening TEUs and sources but decided against them because of the cumulative approach used in Cleaner Air Oregon. If a source emitted 60 toxic air contaminants and each was allowed a 1 in 1 million cancer risk, then cumulatively the potential risk could be quite high.

The proposed Risk Action Levels would apply to cumulative risk from all TEUs and all toxic air contaminants emitted by those TEUs. In some cases, CAO permit limits may be set on an individual TEU basis. DEQ responded to comments about averaging of glass fibers in a separate category called "Applicability - regulate all sizes of glass fibers".

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 13, 25, 206, 259, 280, 300, 308, 321, 594, 631, 759, 760

Comment Category #25: Applicability - regulate new and modified sources only, not existing sources

Description: CAO should not regulate existing sources. Only new or modified sources should be regulated under CAO.

Response: Existing facilities should be subject to Cleaner Air Oregon because they have the potential to emit toxic air contaminants that impact local communities, just as new and modified sources. SB 1541 set benchmarks for existing and new or reconstructed sources. The proposed rules include the benchmarks set in statute.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 631

Comment Category #26: Applicability - should include limits on greenhouse gas emissions

Description: Incorporate the caps used in cap and trade with the caps in the proposed rules.

Response: The cap and trade program is a market-based greenhouse gas (GHG) reduction program that would establish a firm and declining limit on most of Oregon's GHG emissions. The program creates a marketplace that could be linked to existing cap-and-trade programs in California and Quebec. Toxic air contaminants regulated under Cleaner Air Oregon do not include greenhouse gases.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 300, 596, 696

Comment Category #27: Applicability - should not require de minimis or exempt sources to pay CAO annual fees

Description: Facilities that have a Title V or ACDP but consist only of exempt TEUs should not have to pay CAO fees. As with exempt sources, de minimis permitted sources must pay additional annual fees under the CAO Rules. This requirement should be deleted from the CAO Rules.

Response: DEQ is proposing to fund the Cleaner Air Oregon program with a base fee paid annually by all permitted facilities, plus activity fees paid by facilities that are called-in to the program. The CAO base fees would be a percentage of existing permit base fees, so that they are higher or lower in rough proportion to the size or complexity of the facility. Facilities with few emissions units are likely to have General or Basic Air Contaminant Discharge Permits, with lower base fees, so their CAO base fee is also low.

DEQ would still incur costs to administer CAO for exempt and de minimis facilities. All permitted facilities, including those that would be exempt or de minimis under CAO, will be required to submit triennial emissions inventory information. For exempt or de minimis sources, DEQ would need to do periodic review to determine that they continue to be exempt or de minimis.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 502, 639, 916

Comment Category #28: Applicability - supports applying statewide

Description: Commenter supports statewide applicability of the Cleaner Air Oregon program.

Response: DEQ agrees with the commenter that Cleaner Air Oregon should apply statewide. All Oregonians deserve to breathe clean air, regardless of whether they live in a rural or urban area.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 22, 158, 195, 215, 217, 250, 259, 260, 262, 265, 300, 308, 411, 487, 506, 515, 537, 564, 638, 758, 719, 785, 796, 801, 793

Comment Category #29: Applicability - supports including new, modified and existing sources

Description: The commenter supports including existing, modified, and new facilities. It is very important not to grandfather-in older plants under old rules.

Response: DEQ agrees that existing, modified, and new facilities should be subject to Cleaner Air Oregon because they all have the potential to emit toxic air contaminants that impact local communities.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 22, 252, 259, 262, 297, 308, 506, 515, 564, 785, 697, 705, 714, 690, 793, 709, 703

Comment Category #30: Calculations - create an alternative method for calculating risk from fugitive sources

Description: The CAO Rules state that the Level 1 risk assessment tool is not appropriate for use at sources with fugitive emissions, such as those from wastewater treatment units. Thus the calculation of the score for a POTW will include an estimate of emissions that may not accurately represent source emissions and will use a risk assessment tool that is not allowed under the CAO Rules.

DEQ should create an alternative method for calculating initial risk for sources with fugitive emissions, including POTWs, hospitals that use disinfectants and other processes. This places an additional burden of more detailed risk assessment upon them, when they should be exempt from any requirements because of their public service function.

Response: In response to this comment, DEQ developed a Level 1 risk assessment tool that facilities could use to assess risk from fugitive emissions. Since the initial CAO emissions inventory did not include specific questions about fugitive emissions, DEQ plans to use the Lookup Table for stacks or point sources for initial prioritization. Although the Lookup Table for stacks will typically overestimate risk from stacks and underestimate risk from fugitive emissions, the assessments will be roughly comparable since these assumptions will be used for all sources. After the initial sources have been selected, they will be required to perform any of the Level 1 through 4 risk assessments to estimate risk.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 84, 502, 594, 639

Comment Category #31: Calculations - cumulative risk from all TEUs is overly conservative

Description: Cumulative risk for sources with multiple toxics emission units (TEUs) is calculated at the maximally exposed receptor. Potentially, TEU-specific maximum impacts occur at different receptor locations, and adding these impacts is unrealistic, suggesting higher exposures and risks than are likely to be present.

Response: Levels 1 and 2 Risk Assessments evaluate risks from individual stacks or emission points (Toxic Emissions Units) at the nearest exposure receptor to that stack. At these analysis levels, the maximum risks from individual stacks may occur at different receptor locations but are being added up as though they were at one exposure location, giving an intentionally conservative result. Level 3 and 4 Risk Assessments, which use the computer model AERMOD, do not include that extra layer of conservatism because all Toxic Emission Units are modeled together and the maximum modeled impact

at the exposure location includes contributions from all emission points at the same time. Sources can choose which level of risk assessment to perform, based on the complexity of their facility and the level of risk they pose.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 907, 657, 665

Comment Category #32: Clarify that the regulations are not intended to be used as evidence of liability or risk in third party suits

Description: The commenter recommends DEQ seek and obtain legislation to clarify that the regulations are not intended to be used as evidence of liability or risk in third party suits.

Response: This is not a comment on the Cleaner Air Oregon rules.

DEQ did not change the rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 342

Comment Category #33: Cleaner Air Oregon - assess impacts of rules and ensure they are workable

Description: More time should be allowed to assess the impacts of the rules and ensure they are workable for Oregon businesses. This program may cost facilities millions of dollars so it is important that we make sure that there is defensible evidence-based science behind the risk values and that the program will achieve measurable public health benefits commensurate with the impact this will have on businesses and taxpayers. DEQ should take the time to conduct multiple full-scale risk assessments to make projections about the amount of health improvement that will be achieved and to justify the Risk Action Levels chosen.

Response: Senate Bill 1541 has established funding, standards, and procedures for a reasonably health protective, science-based and predictable Cleaner Air Oregon program. Compared to the first draft of the rules, the second draft, incorporating Senate Bill 1541 requirements, will allow both industry and DEQ the flexibility and opportunity to fully evaluate risk assessments that could lead to health protective emission reduction measures. There is no reason to delay the orderly and reasonable technical assessment process of Cleaner Air Oregon that will reveal where there are higher risks to public health, and where there are not.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 880, 141, 314, 348, 390, 594, 746, 739, 741

Comment Category #34: Cleaner Air Oregon - consider incentives rather than restrictions

Description: Please consider working with the business community to help resolve issues rather than mandating regulations. Consider incentives instead of restrictions.

Response: DEQ has included in the proposed rules an opportunity for sources whose potential risk is between 25/1 and 50/5 to reduce risk to below 25/1 by submitting a Voluntary Risk Reduction Plan. If a source chooses to voluntarily reduce risk to below 25/1, a community engagement meeting would not be required for that source. In addition, sources have submitted their initial emission inventories, and can use this information to screen for and assess their potential risk. Those with emissions above risk action levels, especially if they are in a lower priority call-in category that will take longer for DEQ to implement, may have an opportunity to decrease risk to avoid regulatory requirements.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 495

Comment Category #35: Cleaner Air Oregon - creates uncertainty for businesses

Description: The proposed CAO rules create significant business uncertainty. The rules are extremely complicated and it is difficult to reasonably determine the impact of the rules to our operations. Sources must first perform a complete risk assessment in accordance with the procedures established in the proposed rules. It is expensive to conduct those assessments, particularly when the risk assessment procedures might change in the final rule as they have during the rule development. Without completing risk assessments in accordance with the required procedures for all our mills it is impossible to evaluate potential the cost of this rule. Second, facilities cannot reasonably determine when they might be required to comply with the CAO rules because we cannot determine which, if any, of our facilities are in the top 80 that will be required to conduct risk assessments.

Response: DEQ changed the proposed draft Cleaner Air Oregon to make the rules more concise and clear. The original draft rules were very long and detailed, and DEQ erred on the side of putting in a lot of process and procedures, given the newness of this program to DEQ. In reconsidering, DEQ removed much of these process details to procedure documents. In addition to this streamlining process, DEQ re-ordered some of the sections to make requirements clearer. These changes will make implementation easier to meet business and community needs. These changes will also help integrate the Cleaner Air Oregon permitting requirements into DEQ's existing air quality permitting program.

Sources are not required to complete a full Level 4 risk assessment. They can use the level of risk assessment that estimates their potential risk to be less than the applicable Risk Action Level or "screen out." If the source can screen out at the conservative Level 1, then no further assessment is required. If the source cannot screen out at Level 1, that source could choose to use the Level 2, 3 or 4 risk assessment, whichever level allows them to screen out.

The Level 1 Risk Assessment is very simple and can be done in a spreadsheet. It only requires a source to estimate risk using emissions, stack heights and distances to exposure locations, information readily available to sources. The Level 2 risk assessment requires modeling using AERSCREEN, a model currently used by DEQ and sources for criteria pollutant analysis. The Level 3 risk assessment uses the model AERMOD, also currently used by DEQ and sources. Level 4 risk assessments are described in the Draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments. Level 4 uses the same AERMOD modeling results and takes into account exposure scenarios. DEQ agrees that the details regarding the risk assessments may change but the computer modeling requirements will not. A source can use computer modeling to estimate risk to see if the potential risk is over any Risk Action Level. The exposure scenarios used in the Level 4 Risk Assessment will generally reduce potential risk so the modeling will give a good indication of whether potential risk is above any Risk Action Level.

SB 1541 provided certainty by setting certain benchmarks and action thresholds. The risk action level is set at 4 times the cancer benchmark and 2 times the noncancer benchmark, which is the "TBACT" Risk Assessment level. Under SB 1541, existing facilities with TBACT cannot be required to further reduce risk if they are below these threshold levels. All facilities must get below this level, even if they have TBACT on all significant emissions units.

If the Environmental Quality Commission approves the proposed Cleaner Air Oregon rules, DEQ will begin ranking sources shortly after to determine which sources will be called-in first. A source can also voluntarily submit an application for a Toxic Air Contaminant Permit Addendum before DEQ calls them into the Cleaner Air Oregon program. DEQ will process the addendums upon submittal, as resources allow.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 390, 623, 667

Comment Category #36: Cleaner Air Oregon - DEQ, OHA and business should collaborate more

Description: Commenter advocates for a better collaboration between the Department of Environmental Quality, Oregon Health Authority and some of the commercial and industrial businesses who have voiced concerns over the draft rule in its proposed form. Improved collaboration will ensure that the result will produce a policy that not only addresses the issues that threaten public health but that it works to preserve the livelihood and investments that have been made by these businesses.

Response: Since the beginning of Cleaner Air Oregon development efforts in 2016, DEQ and OHA have engaged extensively with both business and public interest stakeholders to formulate a health protective, science based and predictable regulatory program. This process continued through the first public comment period in Fall 2017, the Winter 2018 legislative process on Senate Bill 1541, and the second public comment period in Summer 2018. Compared to the first draft of the rules, the second draft, incorporating Senate Bill 1541 requirements, will allow sources more flexibility in risk assessment and risk reduction - both of which will decrease business fiscal impacts. DEQ will continue to communicate effectively with stakeholders on Cleaner Air Oregon, and looks forward to collaborating with sources by providing technical assistance, pollution prevention assistance and best practices for community engagement.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 738, 739

Comment Category #37: Cleaner Air Oregon - DEQ should revise and reissue the proposed rules for additional public review after addressing comments

Description: To adequately address the significant issues raised in comments, DEQ should revise and reissue the proposed rules for additional public review and comment. [Note: this statement was made during the first public comment period.] The commenter believes that significant changes must be made to the proposed rule, and that even where significant changes to regulatory language are not necessary, DEQ needs to more adequately and completely explain its basis and rationale for the proposed approaches.

[merged from category 'Cleaner Air Oregon - extend public notice period']

We believe that DEQ's comment period does not provide sufficient time for affected parties to comment meaningfully, and respectfully request that DEQ extend the comment period for the proposed CAO rules by a minimum of 90 days.

[merged from category 'Rule Timing - Slow down, revise, renote']

Commenters strenuously object to DEQ moving forward with the rules, as proposed. We urge DEQ to slow down and take the time it needs to improve the rules' substance, analyze the pertinent scientific information and assess the rules' true impacts. Then, and only then, we ask that DEQ issue a refined set of proposed rules for further public comment. Failure to do so would deny commenters the ability to meaningfully comment on the proposed program in violation of the Oregon Administrative Procedures Act.

Response: DEQ made several changes in the latest draft of the CAO rules, and many things remain the same. In particular, significant updates mandated by Senate Bill 1541 required renoticing of the rules for additional public comment. In addition to SB 1541, DEQ and OHA developed the current draft of the

rules by considering comments received during the first public comment period, which ran for 90 days, ending in January 2018. DEQ received over 4000 individual comments during this time. After the passage of SB 1541, DEQ reconvened the existing Advisory Committee in May. DEQ completed an initial draft of revised rules, and asked the Committee to review this draft and provide feedback. DEQ received many comments from the committee that it considered in the current draft.

DEQ also made several changes to make the rules more concise and clear. DEQ also streamlined the rules by placing several lengthy procedural requirements into procedure documents rather than rules. DEQ re-ordered some of the sections to make requirements more clear. These changes will make implementation more flexible to meet business and community needs. These changes also will help DEQ integrate the Cleaner Air Oregon permitting requirements into DEQ's existing air quality permitting program. The basis and rationale for Cleaner Air Oregon Program elements is described in the final Staff Report to the Environmental Quality Commission as well as numerous records of Cleaner Air Oregon Advisory Committee records.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

[merged from category 'Cleaner Air Oregon - extend public notice period']

DEQ and OHA have worked hard during the course of the Cleaner Air Oregon rulemaking effort to provide adequate and sufficient time for stakeholder review and comment of draft rules. This includes the first public comment period, which lasted 95 days in the fall and winter of 2017. Combined with the latest 43-day public comment period, that represents an unprecedented 138 days for public comment. At the request of the Rules Advisory Committee members, DEQ also released preliminary drafts to committee members to review before releasing the draft to the broad public. We acknowledge that the most recent draft rules have changed from earlier versions, but maintain that the regulatory framework underpinning the program has not. In fact, this draft represents an intentional and significant streamlining of the rules designed to provide clarity for regulated parties. DEQ will not be extending the public comment period.

[merged from category 'Rule Timing - Slow down, revise, renotece']

Cleaner Air Oregon has undergone extensive research, analysis, consideration and stakeholder input over its two and a half years of development. This included 18 months of technical and advisory committee meetings, a first public comment period, legislative consideration producing Senate Bill 1541, and a second public comment period. In addition, two components of the program, consideration of a lower hazard index for some toxic air pollutants and development of a multi source pilot program, are on a later schedule for development, providing additional opportunities for public input and agency analysis.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 856, 867, 137, 187, 314, 500, 610, 631, 644, 667, 746, 745, 739, 747

Comment Category #38: Cleaner Air Oregon - do not take on statewide air toxics program until existing program fully implemented

Description: DEQ should put its resources into reducing the backlog for processing renewals for its existing ACDP and Title V air permit programs, rather than starting the Cleaner Air Oregon program.

Response: In establishing and funding Cleaner Air Oregon, the 2018 legislature provided adequate funding authority for implementation of the program. In addition, the 2018 legislature provided DEQ with positions to reduce the existing ACDP and Title V permit backlog in response to a 2017 Secretary of State audit that showed the need for those resources. Together, these funding increases mean that DEQ will have the resources to implement Cleaner Air Oregon while eliminating the existing permitting backlog.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 611, 644

Comment Category #39: Cleaner Air Oregon - do not take time to evaluate, measure or monitor risk, instead require controls upfront

Description: The number and types of pollutants are known. The impact on the public health has been studied. We would save money by cleaning up Oregon's air in health care cost alone. For my own knowledge I don't need to know more about the substances in the air that I breathe in my neighborhood. I know that we have high levels of diesel and benzene, both are known to cause cancer. The large polluters and the small polluters all need to be regulated. Please don't distract yourself by endless measuring. Use your energy and money to provide relief. Require scrubbers on stacks, require businesses to pay to monitor their exhaust. The state will save money in the long run. Compare the price of cleaning the air to cancer treatment and you will find the savings.

Response: The proposed rules are both science based and health protective. To understand public health risk from toxic air contaminants and effectively reduce it, scientific assessment and analysis is necessary. Similar to other state's risk based toxic air contaminant permitting programs, Cleaner Air Oregon rules would rely on estimation of risk through a tiered modeling process incorporating four different levels of complexity. Sources with little to no risk could screen out using analyses that incorporate protective assumptions in a look up table or screening model called AERSCREEN. Those not screening out using AERSCREEN analysis would proceed to the more comprehensive model called AERMOD and have the option of performing a health risk assessment. This tiered process of risk assessment is efficient, uses information that is largely available through the current emission inventories and facility parameters, and involves no monitoring or measurement. There is an added benefit that communities in proximity to sources will have access to detailed information about emissions and any potential impacts to public health.

Sources whose potential risk is above the TBACT Level are required to install Toxics Best Available Control Technology while sources whose potential risk is above the Risk Reduction Level are required to

reduce risk even beyond what TBACT requires. DEQ has also included in the draft rules an opportunity for sources whose potential risk is between 25/1 and 50/5 to reduce risk to below 25/1 by submitting a Voluntary Risk Reduction Plan. If a source chooses to voluntarily reduce risk to below 25/1, a community engagement meeting would not be required for that source. Southern California has successfully used this voluntary approach to reduce risk.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 18

Comment Category #40: Cleaner Air Oregon - make process transparent and information / permits available online

Description: Commenter requests agency transparency to know what exactly you are permitting to go into our air, water and soil.

Response: DEQ agrees with the commenter and plans to make all Cleaner Air Oregon submittals and approvals, including permits, available on DEQ's website.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 812, 815, 822, 829, 837, 924

Comment Category #41: Cleaner Air Oregon - need to check for conflict with water regulations

Description: Water and wastewater treatment facilities are subject to water quality requirements, including the use of disinfectants. DEQ should be sure that CAO requirements are not in conflict with water permitting requirements.

Response: Based on conversations with DEQ water quality staff, DEQ air quality staff do not believe that the proposed CAO rules would pose an unwarranted conflict with the Clean Water Act or Safe Drinking Water Act requirements faced by municipal water and wastewater treatment plants. DEQ does not anticipate that toxic air contaminant emissions from these facilities would pose high risk. If they did, the technical feasibility and cost of alternatives would be considered in determining whether their current operations qualify as TBACT.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 151, 502, 639

Comment Category #42: Cleaner Air Oregon - should address bio-accumulative or synergistic impacts

Description: The rules should address bio-accumulative or synergistic impacts of air pollution in humans and the environment.

Response: The draft rules account for potential bioaccumulation of toxic air contaminants by allowing DEQ to require multi-pathway analysis where appropriate. For some persistent chemicals, potential for multi-pathway exposure is incorporated into Risk Based Concentrations for common exposure scenarios. For less common exposure scenarios, risk from toxic air contaminants that may settle in water or soil and bioaccumulate in food would be considered through the multi-pathway analysis in a Level 4 risk assessment.

Cumulative exposure to multiple toxic air contaminants could have synergistic effects that produce a health outcome that is larger than what would be expected from simply adding individual effects of each chemical. While scientists recognize the potential for this kind of interaction, there are currently no science-based tools or quantitative methods to incorporate this concept into risk assessments. The draft rules propose a risk assessment approach that considers cumulative risk from multiple chemicals using an additive approach, which is the best available science at this time.

DEQ agrees with the commenter, but a rule change was not made in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 847, 300, 497, 515, 607

Comment Category #43: Cleaner Air Oregon - Use precautionary principle

Description: Use the precautionary principle. Where scientific uncertainty exists, err on the side of stronger, not weaker, pollution standards. When there are great uncertainties in our understanding of the management of environmental pollution, the prudent course is to take action to prevent exposures

Response:

The draft rules propose a risk-based program that regulates facilities based on health risks. DEQ and OHA are only able to evaluate the risk of chemicals for which toxicity information is available. The program does not regulate use of chemicals for which health risks are not known. Risk-based regulatory programs inherently fall short of the precautionary principle because emissions of chemicals lacking toxicity and risk information will not be regulated. While the program would not regulate emissions of

all chemicals, it would require facilities to report all of their emissions of over 600 chemicals. The toxicity data needed to quantify and regulate health risk is only available for a fraction of those chemicals, but emissions information for all of these chemicals will be publicly available. This information could be used to identify regulatory gaps and research needs.

The rules also include several elements that account for uncertainty and incorporate cautious, health-protective assumptions. For example, Toxicity Reference Values adopted from authoritative sources are designed to be protective of sensitive populations. When there is scientific uncertainty on effects in sensitive populations like children and the elderly, these values typically incorporate uncertainty factors that add an additional safety buffer. The proposed risk assessment process also makes several health protective assumptions. For example, DEQ assumes that children may be present in all residences and that exposures may occur continuously over a lifetime of 70 years.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 837, 846, 858, 53, 162, 498, 499, 513, 515, 551, 613, 921, 769

Comment Category #44: Comments related to ANRALS

Description: The October 2017 draft rules included a process by which facilities could apply for Alternative Noncancer Risk Action Levels. We received comments about that process including:

- ANRALS should not be allowed
- ANRALS may increase odors, in conflict with DEQ's nuisance odor provisions
- ANRALS should be an option for all chemicals
- ANRALS - there should be no limitation on being able to request an ANRAL
- ANRALS should require community input
- Annual reporting to EQC - include ANRAL determinations

We removed the concept of ANRALS in the June 2018 public comment draft of the rules. In the 2nd public comment period we also received comments requesting that we add the ANRAL concept back in to the rules.

Response: DEQ removed the concept of Alternate Noncancer Risk Action Levels from the proposed draft rules.

Eliminating ANRALS makes the program simpler and more predictable. DEQ made this change partly in response to comments and partly in response to SB 1541. SB 1541 set health risk benchmarks that required some Risk Action Levels to be higher than proposed rules in the first CAO public comment period. These higher Risk Action Levels substantially reduce the range of potential flexibility provided by ANRALS. The small increase in flexibility provided by ANRALS is not worth the additional complexity of

the program and additional agency and facility resources that would be required to consider ANRALS on a case-by-case basis.

In addition, SB 1541 provided an alternate approach to considering differences in the severity of the health risks from different chemicals. It allows for slightly lower noncancer risk action levels for chemicals with developmental and other severe health effects. DEQ and OHA are implementing this alternate approach in a separate rulemaking process.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: not applicable- this concept has been dropped in the revised rules

Comments linked to this category: 22, 888, 893, 115, 215, 242, 259, 280, 297, 300, 308, 309, 425, 491, 499, 506, 552, 613, 631, 640, 760

Comment Category #45: Comments related to Area Multi-Source Risk

Description: The October 2017 draft rules included provisions to estimate and potentially reduce risk from multiple sources in a single area. We received comments about those provisions including:

- Area Multi-Source RAL is too low/high
- Supports area multi-source risk action level of 75
- clarify selection process, strengthen language and provide a map of designated areas
- do not approve increased risk, require continued reductions and include permit denial levels
- do not penalize businesses because of land use laws and prohibit expansion if other sources in the area cause exceedance of the Risk Action Limit
- include background risk and require reductions from these sources
- include/do not include de minimis and other exempt facilities
- supports concept with designation at 2/3 of Multi-Source RAL and caps for each community
- do not wait for DEQ designation of Multi-Source Risk Area before implementing requirements
- eliminate these areas or address in a separate rulemaking
- perform ambient monitoring to determine compliance
- should include offsets program
- use Portland Air Toxics Assessment to identify areas and consider environmental justice factors
- Community Engagement - reconcile areas for notification and define "community"
- Environmental Justice - Area Multi-Source Risk Determination needs community process

- Land Use Concerns - Multi source and other CAO rules could drive business out of industrial zones and into residential areas, contrary to land use objectives

Response: Senate Bill 1541 adopted into law by the 2018 Legislature created a Pilot Program “for evaluating and controlling public health risks from toxic air contaminant emissions from multiple stationary air contamination sources.” Because Senate Bill 1541 mandates specific requirements of the pilot program, many of the comments on the Area Multi-Source rules in the first Cleaner Air Oregon public comment period are no longer applicable. The current draft of the Cleaner Air Oregon rules contains no reference to Area Multi-Source risk. DEQ will undertake a separate rule-making effort to establish the pilot program to evaluate and control public health risks from multiple facilities.

The pilot program provisions of Senate Bill 1541 state that an area would be selected based in part on the degree to which the level of excess lifetime cancer risk in the area from all sources of toxic air contaminants exceeds the statewide mean excess lifetime cancer risk from all sources. This excess lifetime cancer risk could include the risk from transportation sources, such as diesel engines. However, a risk mitigation plan including emission reduction actions would only be required for new and modified sources causing significant increases in public health risk. If a risk mitigation plan were not feasible, SB 1541 authorizes DEQ to require payment into a Clean Communities Fund for reducing local emissions to offset the increases in health risk from industrial toxic air contaminants. DEQ could use this fund to mitigate risk from transportation emissions or other sources of toxic air contaminant emissions such as wood burning or unpermitted commercial activities.

DEQ will initiate a separate rulemaking for identifying, evaluating, and choosing the multi-source pilot location. DEQ appreciates public interest in this issue. We encourage commenters to participate in the pilot program rulemaking when it begins, and at that time make additional comments specific to the proposal as governed by Senate Bill 1541.

DEQ did not change the proposed rules in response to this comment.

Response Type: not applicable- this concept has been dropped in the revised rules

Comments linked to this category: 825, 22, 24, 26, 41, 62, 81, 111, 122, 128, 138, 162, 170, 190, 193, 197, 206, 210, 216, 217, 224, 242, 244, 250, 259, 262, 265, 268, 270, 271, 275, 276, 279, 280, 281, 284, 296, 297, 300, 301, 302, 307, 308, 315, 333, 355, 375, 390, 396, 400, 418, 419, 4

Comment Category #46: Comments related to Director Consultation

Description: The October 2017 draft rules included a process by which facilities could apply for Director Consultation to approve potential risk at higher levels. DEQ received comments about that process including:

- do not allow
- process needs to be more clearly defined
- should incorporate public health expertise
- too much discretion

- RALs - Director consultation needs public notice and comment
- RALs - Director Consultation RAL is too high

Response: DEQ has eliminated the Director Consultation concept because SB 1541 provided certainty by setting certain benchmarks and action thresholds, as well as in response to public comments. There was much concern about the uncertainty of how the consultation process would work.

In place of Director Consultation, DEQ created specific and transparent criteria that would allow new facilities to exceed a cancer risk of 10 if they use TLAER, or the Toxics Lowest Achievable Emissions Rate. This is lower than the previous hard cap of 50 and 3 on Director Consultation. DEQ made these changes because of public comment and for consistency with other changes made to the Risk Action Levels table.

For existing sources, the new draft rules introduce an immediate curtailment level, similar to the previous upper limit on Director Consultation. Again, DEQ made this change because of concern about the uncertainty of how the Director Consultation process would work.

DEQ changed the proposed rules in response to this comment.

Response Type: not applicable- this concept has been dropped in the revised rules

Comments linked to this category: 9, 22, 29, 53, 115, 128, 138, 151, 206, 215, 217, 250, 261, 268, 271, 273, 280, 297, 300, 308, 309, 396, 488, 491, 499, 509, 510, 515, 552, 566, 579, 602, 613, 637, 661, 707, 723, 722, 717, 711, 695, 684, 691, 680, 667, 777, 755, 797, 686

Comment Category #47: Comments related to Hazard Index rulemaking

Description: DEQ is beginning a separate rulemaking to implement parts of SB 1541 related to setting different hazard index Risk Action Levels for certain chemicals. The following comment on the Hazard Index Technical Advisory Committee (HI TAC) was received:

- Including industry-paid representative of the American Chemistry Council as a member of the HI TAC is a decision that has obvious conflict-of-interest problems.

Response:

DEQ is implementing SB 1541 provisions related to setting Hazard Index values for some chemicals as a separate rulemaking. Comments about those rules can be submitted when that rulemaking reaches the public comment stage. However, since choosing Hazard Index Technical Advisory Committee (HI TAC) members will occur before the related rulemaking comment period, DEQ is providing a response here. DEQ's goal was to include a broad group of technical experts in the 7-member HI TAC. DEQ explicitly directed each member to disclose any client they were working for, directly or indirectly, that might benefit from the member's work on the HI TAC. The American Chemistry Council member did not feel there was any such conflict of interest involved with her participation in the HI TAC. Although it is possible there may still be unconscious bias on the part of this member, or any member, her background provides exactly the kind of expertise that DEQ needs on the TAC. The HI TAC will be evaluating a highly-

specific area of noncancer toxicity related to chemicals that cause reproductive and/or developmental effects.

Furthermore, this particular member is only one of seven members of the TAC -- five of the other six members have not been paid by industry, and the sixth is an environmental consultant with 30 years of experience relevant to the charge of the HI TAC, with no recognizable conflicts of interest. Of the five mentioned, one is a USEPA toxicologist, one is a California OEHHA toxicologist, and three are academics. DEQ considers this a balanced mix of experience for the HI TAC to have, and will prevent any one member from having too much influence on the decisions of the committee. The TAC is not operating on a consensus/voting basis. Rather, input from all members will be considered individually.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 847

Comment Category #48: Comment template - see comment #115

Description: Comments that contain text in common with comment #115

Response: See categories and responses associated with comment #115.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 115, 120, 121, 124, 125, 126, 127, 129, 131, 135, 145, 153

Comment Category #49: Comment template - see comment #159

Description: Comments that contain text in common with comment #159

Response: See categories and responses associated with comment #159.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 159, 160, 161, 164, 171, 173, 175, 176, 178, 179, 181, 185, 191, 192, 219, 220, 221, 223, 225, 236, 247, 254, 257, 334, 337, 340, 349

Comment Category #50: Comment template - see comment #168

Description: Comments that contain text in common with comment #168

Response: See categories and responses associated with comment #168.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 168, 169, 180, 182, 214, 328, 336, 339

Comment Category #51: Comment template - see comment #262

Description: Comments that contain text in common with comment #262

Response: See categories and responses associated with comment #262.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 138, 262, 263, 267, 285, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 306, 317, 318, 320, 460, 461, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 475, 476, 477, 479, 480, 483, 492, 493, 544, 545, 546, 547, 548, 549, 553, 554, 555, 557, 558,

Comment Category #52: Comment template - see comment #266

Description: Comments that contain text in common with comment #277

Response: See categories and responses associated with comment #266.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 266, 283, 343, 346

Comment Category #53: Comment template - see comment #31

Description: Comments that contain text in common with comment #31

Response: See categories and responses associated with comment #31.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 31, 33, 34, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 50, 52, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 68, 69, 71, 72, 76, 77, 81, 86, 87, 89, 95, 97, 99, 103, 105, 106, 116, 123, 134, 136, 139, 144, 196, 198, 200, 203, 204, 205, 222, 234, 237, 2

Comment Category #54: Comment template - see comment #510

Description: Comments that contain text in common with comment #510

Response: See categories and responses associated with comment #510.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 510, 512

Comment Category #55: Comment template -see comment #598

Description: Comments that contain text in common with comment #598

Response: See categories and responses associated with comment #598.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 310, 311, 312, 313, 740, 734, 735, 733, 738, 732, 737, 736

Comment Category #56: Comment template - see comment #812

Description:

Response: See categories and responses associated with comment #812.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 812, 813

Comment Category #57: Comment template - see comment #871

Description: Comments that contain text in common with comment #871

Response: See categories and responses associated with comment #871.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 850, 857, 862, 868, 870, 871, 874, 877, 878, 881, 883, 885, 889, 894, 895, 896, 898, 900, 902, 904

Comment Category #58: Comment template - see comment #92

Description: Comments that contain text in common with comment #92

Response: See categories and responses associated with comment #92.

Response Type: category for tracking only, no agency response required

Comments linked to this category: 92, 94

Comment Category #59: Community Engagement - Annual meetings for TBACT implementation are excessive

Description: It is excessive to require a source to have annual community meetings when that source has implemented TBACT and is complying with its TBACT Plan. Commenter suggests DEQ limit the annual community meetings to that time frame during which TBACT is being installed so as to focus on providing updates as the source works towards its ultimate control strategy.

Response: SB 1541 requires that DEQ hold all public meetings required in the Cleaner Air Oregon permitting process rather than the source. This means that DEQ would plan, announce and conduct these public meetings. The bill also required that a representative of the source attend any public meeting DEQ holds.

DEQ has removed detailed requirements for community engagement from the draft rules, including the requirement to hold annual meetings during implementation of TBACT, and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received, and there will be an opportunity for public and stakeholder input on the procedures.

Compared to having a prescriptive process in the rules, this will allow for greater detail and flexibility to tailor the community engagement process to the needs of communities. In developing the community engagement procedures and guidelines, DEQ will be interested in further input on how best to communicate permitting issues for clarity and understanding in the public engagement process. It remains an important goal of Cleaner Air Oregon to give communities a chance to understand source risk analysis, ask questions, and provide input into key decisions for managing risk from toxic air contaminants.

DEQ's proposed regulations provide the flexibility to hold community engagement meetings at the time most appropriate for each situation. In addition to other community engagement, DEQ will hold a permit hearing and public comment process for all proposed CAO permit addendums.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 435, 594, 631, 667

Comment Category #60: Community Engagement - clarify when DEQ will hold meetings and require sources to attend

Description: This rule provides that DEQ determines, without any restrictions or basis, to require meetings at which it can compel the attendance of a source. There must be standards in rules for when

such a meeting will be called by DEQ. This authority is too indefinite. Each meeting involves substantial costs (fees and expenses in supporting the meeting) and significant effort by the source.

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep facilities and neighbors informed and involved in the process. DEQ will base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this approach will allow more flexibility to tailor the community engagement process to the needs of communities.

DEQ is aware that the cost and time burden of conducting community meetings extends to DEQ, OHA, impacted communities and sources. DEQ would plan community meetings based on the level of risk and complexity associated with source emissions as well as the communication and engagement needs of the community. It is important for DEQ to retain flexibility and discretion in community engagement planning to ensure that the each engagement process fits the needs of individual situations.

DEQ realizes that not all community engagement meetings need to be formal meetings with agendas and venues that hold 100 people. Those types of meetings will require sources to pay the high Community Engagement Meeting fee. DEQ developed medium and low Community Engagement Meeting fees for other types of meetings that are less formal, yet just as important in establishing good communication.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #61: Community Engagement - communication materials should be simpler or better

Description: We support the inclusion of appropriate communication materials as accessibility is critical to the success of any community engagement process. Suggestions to fulfill this requirement include using plain language instead of technical jargon, making translated versions of materials available, providing an independent expert to analyze and explain the material, and ensuring timely distribution of materials in advance of community meetings. DEQ should strongly consider utilizing other forms of knowledge transfer (i.e., infographics, other languages, etc.) to better display the rules and their intended impacts. Consider experts in health literacy and reading comprehension to improve these fact sheets.

Relevant documentation should be made available to the affected community at reliable locations and should be provided in all languages spoken by the affected community. Industrial permits and applications available online to improve transparency and public access to this crucial information. If source operators maintain a website, the owner or operator should be required to create a page to host all documents related to proposed permitting actions. Within each community, the source should identify an easily accessible community location (i.e., public libraries, schools, community centers, etc.) for making available copies of the relevant documents. Complaint lines set up for community complaints should include both phone and email capabilities.

There needs to be education with the Health Authority and medical providers at the very least.

Response: DEQ agrees that accessible information and effective communication is key to meaningful public engagement in Cleaner Air Oregon. Senate Bill 1541 authorized funding for both a dedicated Cleaner Air Oregon community coordinator and a public health educator to work with communities and sources to keep neighbors proactively informed and involved in the process. These positions will allow more flexibility to tailor the community engagement process and resources to the needs of communities.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 824, 837, 21, 31, 910, 111, 193, 441, 452, 499, 511, 517, 524, 538, 552, 599, 651, 661, 767, 726, 725, 793, 768, 700, 685

Comment Category #62: Community Engagement - community engagement should be required for all Level 4 risk assessments

Description: The Cleaner Air Oregon rules should include an opportunity for public involvement in the Comprehensive Health Risk Assessment process. We are concerned that there is no point at which the affected community has a chance to review and comment on a Comprehensive Health Risk Assessment prior to DEQ's approval of the assessment, particularly for sources that exceed the Source Risk Action Level and request a Risk Reduction or TBACT Plan or a Conditional Risk Level. Accordingly, we request that DEQ add a community engagement requirement to the procedures for completing a Comprehensive Health Risk Assessment that applies to all sources. Additionally, we request that DEQ require the owner or operator of a source that conducts a Level 4 Risk Assessment to include the Comprehensive Health Risk Assessment in the materials provided in the notice for community meetings required for Risk Reduction Plans and Conditional Risk Level applications.

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments

received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow for greater detail and flexibility to tailor the community engagement process to the needs of communities.

Whenever a source submits an application for a Toxic Air Contaminant Permit Addendum, community engagement will be required if risk is greater than the Community Engagement Level. It is important for the community to know that potential risk is over Risk Action Levels and the timeline for reducing risk.

DEQ has separated the application process into stages with preliminary interim approvals along the way.

- The process begins with a source submitting an emissions inventory for DEQ approval.
- All sources will be required to submit a modeling protocol, even sources performing a Level 1 Risk Assessment to determine exposure locations.
- A source then needs a work plan for the Level 3 or 4 Risk Assessment before it can submit the final Level 3 or 4 Risk Assessment.

All materials submitted by an applicant will be posted on DEQ's website along with draft permits. If potential risk is above the Community Engagement Level, there will be opportunity for community engagement during the application process in addition to public notice on the draft permit.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 832, 491, 552

Comment Category #63: Community engagement - community should have input on agenda for meeting

Description: Community meeting agendas should be formed collaboratively with community stakeholders.

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures.

The community engagement guidelines and procedures could include consideration of meeting formats and content, including agendas. Compared to having a prescriptive process in the regulations, this will allow greater flexibility to tailor the community engagement process to the needs of communities.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 926

Comment Category #64: Community Engagement - concerns with minority language requirements

Description: DEQ should revise the rules to provide a different and reliable mechanism for identifying all languages spoken by the community within the area of impact of a source

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process.

These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement process to the needs of communities. In developing the community engagement procedures and guidelines, DEQ plans to research language needs and is interested in further input on this issue.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 910, 115, 193, 215, 552, 661

Comment Category #65: Community engagement - create a grant program for communities and fund 2 TA staff

Description: Create a grant program for communities to increase their capacity to meaningfully participate in the whole permitting process. We appreciate the incorporation of the detailed community engagement plan in the rules. We believe this plan could be strengthened by the Oregon Legislature allocating at least \$500,000 in general funds to include staffing at least two community outreach specialists to provide technical assistance and advocacy for all communities in Oregon, with a special focus on our most vulnerable populations. Community engagement is paramount to creating a successful program. There needs to be an ombudsman or a person directly in charge of this to ensure meaningful implementation of this aspect of the program.

Response: DEQ agrees that community engagement is a key element for a successful Cleaner Air Oregon program, and that the concept of a grant program to help communities meaningfully participate in the Cleaner Air Oregon process has merit. Senate Bill 1541 authorized funding for both a dedicated Cleaner Air Oregon community coordinator and a public health educator to work with communities and sources to keep neighbors proactively informed and involved in the process but did not provide funding for a grant program.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 812, 837, 839, 300, 488, 769

Comment Category #66: Community engagement - DEQ should lead community engagement meetings to ensure compliance with all requirements and reconsider timing

Description: DEQ should increase the role of the regulatory agencies within the community engagement process and reduce the number of mandatory public meetings. Any meetings between DEQ and the owner or operator of a source regarding community engagement plans should include discussion of how the source will ensure full compliance with environmental justice considerations.

The Community Engagement Plan needs more specificity and to be enforceable. What happens if the presentation to community from the applicant is different than the actual application. A trust but verify approach to permit applications and renewals is necessary to ensure accurate and trustworthy information.

The mandatory public notification statement is potentially inflammatory and should be changed. The proposed statement begins with "DEQ requires us to hold a community engagement meeting to discuss the health risk from the air toxics emissions from our source." Such a statement does not foster dialogue or trust between company and community and sets an obligatory tone rather than a cooperative one. If DEQ's objective is to promote openness and engagement, this statement must be revised. The public notification statement should be changed to something similar to the following: "[Name of company] will hold a community meeting to describe [action being taken] and discuss potential health risks from this proposed action."

DEQ should also reconsider the timing of a community engagement meeting, holding it after receiving preliminary approval from DEQ rather than prior to review, which is more appropriate and aligned with other DEQ programs. Holding the meeting before staff review could be confusing since plans may change if DEQ finds the submitted plan is incomplete or includes mistakes.

Response: SB 1541 requires that DEQ hold all public meetings required in the Cleaner Air Oregon permitting process rather than the source. This means that DEQ would plan, announce and conduct

these public meetings. The bill also required that a representative of the source attend any public meeting DEQ holds.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures.

Compared to having a prescriptive process in the regulations, this will allow greater flexibility to tailor the community engagement process to the needs of communities. In developing the community engagement procedures and guidelines, DEQ will be interested in further input on how best to communicate permitting issues for clarity and understanding in the public engagement process. It remains an important goal of Cleaner Air Oregon to give communities a chance to understand source risk analysis, ask questions, and provide input into key decisions for managing risk from toxic air contaminants.

DEQ's proposed regulations provide the flexibility to hold a community engagement meeting at the time most appropriate for each situation. DEQ will hold a permit hearing and comment process for all sources to gather input on proposed permits. This hearing is also a public meeting and it is in addition to the earlier community engagement meeting.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 824, 846, 240, 244, 300, 428, 485, 505, 552, 594, 616, 631

Comment Category #67: Community engagement - DEQ should provide a written response to input received at CE meetings

Description: DEQ should provide a written response to comments and concerns received at community meetings, including how concerns from the community are incorporated into next steps.

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow greater flexibility to tailor the community engagement process to the needs of communities.

DEQ agrees that a record of community concerns and agency responses is important to summarize and clarify key issues. In the community engagement procedures and guidelines, there will be recommendations and best practices for creating some kind of record of community input and DEQ and OHA responses.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 926

Comment Category #68: Community engagement - details should be specified in rule and clarify fees

Description: DEQ should not remove the detailed requirements for community engagement from the rules. The process outlined in OAR 340-245-0120 should include collaboration between DEQ and a local community group to help run and collaboratively build public meeting agendas, find space and resources to help people attend, help prepare attendees to participate within and/or after a meeting, and disseminate information.

DEQ needs to be very specific about timelines and processes regarding community engagement. This should go beyond sending email or mailing written notice and should include posting notice in an easily accessible community location and the opportunity for community members to participate and provide feedback. A meeting with impacted community members prior to writing an air toxics permit attachment should be the bare minimum. Childcare and translation services should be provided. Whenever possible, the cost and responsibility of community engagement should be on industry.

Language used to communicate with the public needs to be clearly communicated so the public is informed. Increased transparency will require information technology and communication help as well as staff dedicated to environmental justice and working as community liaisons. Transparency improves the ability to evaluate effectiveness of the CAO program.

In addition, there should be a DEQ staff in an ombudsman role to shepherd the community through the process. A portion of the community engagement fee or an increase to the community engagement fee to accommodate this change should be directed to local community groups to help improve consideration of environmental justice throughout CAO implementation. Clarify if the fees are on a per meeting basis or a single fee for the entire permitting action.

Response: DEQ has removed detailed requirements for community DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator and public health educator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. DEQ will

base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement process to the needs of communities.

DEQ and OHA drafted a plan to develop a protocol and guidelines for community engagement. DEQ and OHA will consult with Cleaner Air Oregon stakeholders to develop the protocol and guidelines following Cleaner Air Oregon rule adoption. The community engagement protocol and guidelines will provide steps and resources for DEQ, OHA, impacted communities, and sources to use when forming a community-tailored engagement plan for each source above the community involvement risk action level.

The proposed rules would assess an owner or operator a community engagement fee for each community engagement meeting DEQ requires for its permit. DEQ plans to hire a Community Engagement Coordinator to lead the Cleaner Air Oregon community engagement work and efforts will be assisted by an OHA health educator.

DEQ agrees that an effective community engagement process must analyze the impacted community, proceed in partnership with local community groups or representatives, involve clear and thorough communication and feedback, and ensure consideration of environmental justice issues.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 815, 824, 825, 858, 859, 910, 924, 911

Comment Category #69: Community Engagement - do not include discretionary community engagement

Description: Do not require a source to explain in a permit document its philosophy for community communication and relations. Sources are unique. The

locations and surrounding areas of sources are unique. Many sources have thoughtful approaches to community relations. And yet, this requirement is a burden. For source that so choose to engage in a manner different than envisioned by the CAO program, the source should have that right.

Response: DEQ's original intent on community engagement was for sources to engage their local community in all situations required by Cleaner Air Oregon. Senate Bill 1541 changed that by requiring DEQ, rather than the source, to hold all public meetings. DEQ believes that community engagement is not limited to a formal meeting and that other options for engagement could work just as well, if not better.

In OAR 340-245-0100(6)(h), DEQ is not requiring sources to do any particular type of community engagement and has made continued community engagement discretionary for the owner or operator.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #70: Community Engagement - don't require discussion of facility compliance history at meeting

Description: At community engagement meetings, facilities should not be required to discuss recent compliance history. There may be no relevance to the air toxics emissions from the facility and this disclosure may only serve to focus on already resolved issues and undermine the credibility and future relationship the facility might have with the community.

Response: DEQ includes the recent compliance history in the supporting documentation for all permit renewals, and believes that communities would find that information relevant when discussing CAO permitting for the facility. Many Volatile Organic Compounds are toxic air contaminants, so compliance history for non-CAO permit conditions may still involve toxic air contaminant emissions.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 594

Comment Category #71: Community Engagement - establish higher threshold before community engagement is required

Description: The commenter recommends that DEQ establish a higher threshold before community engagements are implemented (i.e. > 150/million for excess cancer risk and a non-cancer index level > 15) and DEQ technical assistance and resources be available for these meetings to facilitate a positive engagement and mitigate unwarranted reputational harm.

Response: DEQ proposes that community engagement for existing sources would begin at 25/1, the same level as in the first draft of the Cleaner Air Oregon rules. Sources with potential risk between 25/1 and the benchmarks (50/5) established by SB 1541 can satisfy the community engagement requirements by voluntarily committing to risk reduction measures that achieve facility risk below 25/1 within 2 years. A formal community engagement meeting (which requires participation from the source, and many other features) would not be required for a source in the voluntary program. The approach of allowing facilities to decide between required community engagement and voluntary risk reduction is similar to an approach used successfully in the South Coast program in California to reduce risk.

Retaining the notification level at 25/1 is consistent with past concerns related to RALs that emphasized the importance of community notification and the opportunity for dialogue and awareness with agencies and sources. DEQ believes that communities near sources whose risk is greater than community engagement levels want to know about potential risks to health and have a chance to understand source risk analysis, ask questions, and provide input into key decisions for managing risk from toxic air contaminants, such as information about community use of nearby areas that may improve development of exposure scenarios. Creating dialogue and communication between agencies, sources and communities is a hallmark of the proposed program. SB 1541 did not address when Community Engagement would be required, only that DEQ would be responsible for holding required meetings, and that sources are required to attend such meetings.

The October 2017 rules required community engagement for new facilities above cancer risk of 5, but the previous Table 1 summarizing RALs did not make that clear. DEQ revised the table to make this requirement more transparent. This is not a change to the requirements for new facilities.

DEQ agrees that building public understanding about potential risk from toxic air contaminants is very important and will have the assistance of a health educator in Cleaner Air Oregon community engagement actions. DEQ will be interested in stakeholder input on best and most effective practices for risk communication when developing community engagement procedures and guidelines.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 856, 867, 880, 893, 908, 505, 916, 918, 927

Comment Category #72: Community engagement - general support

Description: DEQ needs meaningful, robust community engagement that incorporates best practices for protecting vulnerable populations.

Response:

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow greater flexibility to tailor the community engagement process to the needs of communities.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 913

Comment Category #73: Community Engagement - implement youth-specific programs

Description: Implementing youth-specific programs has also been an inexpensive and effective way of increasing awareness and involvement in affected communities. These programs have been created in schools and community centers throughout California and have been successful in teaching younger populations about the importance of reducing air toxics within their neighborhoods. Educating younger populations will bring awareness to parents in affected communities, many of whom are unaware that they live in areas impacted by source polluters. Many schools have created programs in which relevant speakers are invited to meet with students and speak about the environmental issues affecting their communities in an effort to increase awareness and create ways to reduce the negative impacts of source emissions.

Response: DEQ agrees that implementing youth-specific programs can be an effective way to increase community awareness and involvement. As DEQ develops community engagement procedures and guidelines, DEQ will research similar efforts in other states, including California.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 637

Comment Category #74: Community engagement - incentivize companies to implement Good Neighbor Agreements

Description: DEQ should incentivize companies to implement Good Neighbor Agreements.

Response: DEQ has proposed incentives for sources to reduce risk by setting the community engagement RALs at 25 and 1. Good neighbor agreements can take many forms. If the focus is risk reduction, the community engagement RALs could potentially encourage good neighbor agreements. While good neighbor agreements can be valuable in some situations, DEQ understands that they are resource intensive for communities involved in them. DEQ did not specifically identify good neighbor agreements in Cleaner Air Oregon regulations for this reason.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 538, 582, 604

Comment Category #75: Community engagement - include local public health officer

Description: Add the local public health administrator to the list of officials and addresses within the notification area for community engagement meetings.

Response: DEQ and OHA agree that they should keep local public health administrators informed about potential health risks and opportunities for community engagement for facilities in their area. Local public health departments are often involved in responding to local public health risks and they are likely to receive questions about health risks from members of the community.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process.

These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow greater flexibility to tailor the community engagement process to the needs of communities. DEQ will include local public health departments in all public notifications from facilities regarding both potential health risks and opportunities for community engagement.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 499, 637

Comment Category #76: Community Engagement - include risk screening transparency in risk communication

Description: The Draft Recommended Guidance proposes a risk screening process that requires less data and utilizes data that is easier to obtain in early phases, but pairs that data with extremely conservative de minimis risk values. As the risk screening process proceeds, a higher resolution of exposure and emissions data is required, but conservative assumptions and risk management goals are adjusted to approach a more realistic risk assessment scenario. It is important in this process to include risk communication guidance to inform stakeholders of various interests understand the level of safety provided by the risk screening process.

Response: DEQ and OHA agree that it is important to communicate assumptions made in different levels of risk assessment. In Cleaner Air Oregon, DEQ and OHA will be responsible for much of the communication around potential health risks. During the implementation phase, the agencies plan to develop risk communication materials for internal agency use. This material will include content to communicate the kinds of assumptions that are made at different phases of risk assessments and the interpretation of what different risk levels mean for health.

DEQ will not make changes to the rule in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 585

Comment Category #77: Community Engagement - include sources in decision to employ different form of communication and define impacted community

Description: One aspect of the improvements in the rules is the recognition that public outreach can take the form of communications other than public meetings. However, as currently proposed, the decision as to whether to employ a different form of communication is solely discussed between DEQ and members of the community. Proposed rules should be revised to include the source as the third party to that discussion. The source may provide valuable information that is useful to the discussion and should be explicitly included in that conversation. Furthermore, the concept of "impacted community" in this subsection is not defined.

Response: DEQ has removed detailed requirements for community engagement from the proposed rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this approach will allow greater flexibility to tailor the community engagement process to the needs of communities. When deciding whether to use a form of communication other than public meetings, DEQ may ask facility owners or operators for input but will not require it in rule.

In response to the request to clarify the term "impacted community", DEQ changed the rule language to "community in the notification area".

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867, 888, 916

Comment Category #78: Community Engagement - need broad notification

Description: Notification and communications to the community need to be inclusive, accessible, and timely, especially in communities that are disproportionately impacted by environmental hazards. Inclusivity requires mail to all addresses in what is defined as the “area of impact,” alerting sensitive populations, translation services in any languages present in the area, and the primary usage of e-mail only as a verifiable alternative. Accessibility requires translation services in all possible languages spoken in the community, documentation in plain English, childcare, and the creation of locations and routes to ensure proper access and notification. Timelines require simultaneous notifications of community engagement meetings to DEQ and community members, ensuring that the community has sufficient notice of events.

Response: Creating dialogue and communication between agencies, sources and communities is a hallmark of the proposed program. DEQ agrees that inclusive notification is important for effective community engagement. DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator and public health educator will develop a protocol and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process.

The protocol will include steps for analyzing an impacted community and developing an individualized engagement plan with most effective notification and communication methods. DEQ will base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement communication and process to the needs of communities.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 824, 14, 31, 910, 93, 111, 115, 215, 275, 300, 309, 452, 499, 538, 552, 651, 661, 702, 767, 700

Comment Category #79: Community Engagement - notification should only be required in area above RAL

Description: The notification area should be limited to the area where the assessed potential risk exceeds the applicable source risk action level. There is no reason to specify up to 1.5 km, whichever is greater. Smaller facilities may only have a few neighboring properties that exceed the applicable RALs. To gather the demographic information and provide public notice for a full 1.5 km radius is excessive and unnecessary if the risk is below the applicable RALs.

Response: Level 1 and 2 risk assessments indicate impacts at distances from the facility. Risk assessments at Level 3 and 4, can estimate distance-specific areas of risk, however there is directional variability, especially for short-term acute effects. For these reasons, a circular area centered on the facility is the best means to conservatively estimate potential areas of risk and public notification.

In respect to distance from the facility, 1.5 km is a convenient marker for the distance at which the concentrations fall off sharply. Although the area where assessed potential risk exceeds the applicable risk action level could be smaller than 1.5 kilometers, community notification on a scale smaller than 1.5 kilometers may be ineffective to engage members of the community who may be impacted and interested.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 594, 631

Comment Category #80: Community Engagement - provide email and phone complaint line options and oversight process

Description: Commenter supports the inclusion of the requirement for a complaint line. A source should be required to provide both email and phone complaint line options and should be offered in multiple languages to ensure that it is accessible to everyone in the impacted community. Additionally, we recommend an oversight process to ensure that complaints become a part of the Community Engagement Plan with a process for a source owner or operator to respond to complaints in a timely manner.

Response: The proposed regulations require that an owner or operator must provide a complaint line in the form of an email address or telephone number to the source's owner, operator, or its representative in a permit addendum. The owner or operator must report any complaints they received to DEQ and what the source did to address the complaints.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator and public health educator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. DEQ will base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement process to the needs of communities.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 552, 788

Comment Category #81: Community Engagement - reconcile areas for notification and define "community"

Description: Throughout the Community Engagement section, the draft rules use the terms “notification area,” “community,” and “within 1.5 km” to describe three apparently different geographical boundaries. DEQ should revise the rules to reconcile these conflicting provisions. Additionally, “community” is not defined in the rules and therefore, it is not clear what is meant by the requirement that “public notification efforts must be tailored to ensure that sensitive populations in the community are reached.” Is “community” intended to be broader than the “notification area”? If so, it is not logical for the rules to limit the geographic range for consideration of speakers of non-English languages to the notification area. Notification requirements for other languages should be based upon the population within the greater “community.” It is essential for the rules to provide clear definitions of these terms so that the public has an understanding of when they are entitled to notification and what that notification means.

Response: DEQ added a notification section to the proposed Community Engagement rules in OAR 340-245-0120 to notify the community in the "notification area." DEQ defined "notification area" and "area of impact" in the first draft of the rules. Notification area means "the area of impact or the area within a distance of 1.5 kilometers of a source, whichever is greater." The Cleaner Air Oregon proposed rules defines the area of impact as "the geographic area where risk is determined to be above the applicable Risk Action Level, and is determined by AERMOD or other comparable complex modeling approved by DEQ." In addition to targeted communications within the notification area, DEQ will continue to provide information on its website and through govdelivery for interested parties.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator and public health educator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process.

DEQ will base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement process to the needs of communities. Proposed community engagement rules require DEQ to consider whether translation services are needed for a public meeting.

DEQ agrees with commenter and changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 259, 447, 552

Comment Category #82: Community Engagement - require ongoing community meetings

Description: In California owners and operators of source polluters are expected to hold recurring monthly community meetings where members of affected areas can receive updates and review summaries of source emissions. These weekly meetings are mutually beneficial, as community members are informed about the operations that affect the air quality and, thus, their health. It also begins the process of building trust between the facility and the community they exist in. Responsive and continuous dialogue builds a working relationship that allows the concerned parties to come to solutions outside of legal or DEQ-facilitated meetings, slowly lessening the required attention and focus that DEQ staff and employees need to give in these community issues. In the Bay Area, it is common for a representative from the Department of Public Health to appear at community engagement meetings to answer questions, or simply show their support and involvement in affected areas. By involving the Department of Public Health, sources may feel more pressure to provide updated and accurate estimates of emitted pollutants. The presence of public health officials also provides the affected communities with a level of technical knowledge that may not be present otherwise. It will allow community members to have a more complete understanding of the affects that the air pollution will have on their community and on its members.

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator and public health educator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. DEQ will base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement process to the needs of communities.

An Oregon Health Authority public health educator will be involved in the consideration of a source's application and draft permit. DEQ also anticipates involving local health authorities. Inclusion of public health professionals will help all stakeholders have a better understanding of the health effects of toxic air contaminants on a community.

DEQ agrees that regular community meetings between sources and impacted communities can be beneficial to build trust, keep people informed, and develop non regulatory solutions. However, Senate Bill 1541 states that any meetings required in Cleaner Air Oregon shall be held by DEQ. This prevents DEQ from requiring sources to hold regular meetings with impacted communities on their own, and it would be beyond DEQ's Cleaner Air Oregon funding to hold regular meetings on behalf of multiple sources statewide. DEQ anticipates that in addition to identifying best practices for DEQ and OHA, community engagement procedures and guidelines will describe best practices for sources who may make voluntary efforts to meet or otherwise communicate with impacted communities.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 822, 538, 637

Comment Category #83: Community engagement - should be eliminated, the public doesn't have a real voice

Description: The public meetings and feedback opportunities are a cynical attempt to promote the false notion that the public has a voice in permitting decisions.

Response: The purpose of the community engagement requirements outlined in the rules is to "notify the community affected by a source's toxic air contaminant emissions and provide a mechanism for the affected community to provide input to DEQ's work with sources called into the program." For sources with potential risk above 25 and 1, there will be a minimum of one community engagement meeting if requested by the community after DEQ has received a complete application for a toxic air contaminant addendum. DEQ will hold a second meeting to take public comment on the draft permit for the source. Compared to DEQ's existing permitting process, inclusion of the early application stage meeting provides communities with more opportunity to understand, discuss and comment on toxic air contaminant emissions potentially impacting their health.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator and public health educator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. DEQ will base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement process to the needs of communities.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 29

Comment Category #84: Community engagement - should not be required for Risk Reduction Plan or TBACT Plan

Description: The Risk Reduction Plan and TBACT Plan should not require community engagement planning.

Response: If a source is required to submit a Risk Reduction Plan to reduce risk, the impacted community should know and be able to provide input on what the source is proposing along with the timeline for risk reduction. Community engagement is especially important in this situation because the Risk Reduction Plan is the regulatory mechanism for reducing risk and protection of public health. DEQ has changed the proposed rules to eliminate the TBACT Plan and just make the TBACT requirement part of the Risk Reduction Plan, which is the overarching plan to reduce risk.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator and public health educator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. DEQ will base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement process to the needs of communities.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 435, 594

Comment Category #85: Community engagement - should require CE meetings if above CE RAL

Description: The DEQ must require community engagement meetings for new, reconstructed and existing sources if the owner or operator requests Source Risk Limits greater than any of the Community Engagement Levels and change the word "may" to "shall").

Response: DEQ has used "may" instead of "shall" in the requirement to have a community engagement public meeting because in some cases, a public meeting may not be warranted. In other cases, multiple public meetings may be needed so DEQ has structured the rules to provide flexibility. As stated by some of the Rules Advisory Committee members, effective community engagement can require more than a single meeting. DEQ agrees and foresees the need to hold both large and small meetings. Some community groups may ask for several informal meetings in smaller venues. DEQ has added medium and low community engagement meeting fees for smaller meetings. Large meeting fees would cover large formal meetings that require mailings to all addresses within the area of impact and a venue that accommodates over 100 people.

DEQ replaced detailed requirements for community engagement in the draft rules with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first

public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow greater flexibility to tailor the community engagement process to the needs of communities.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 825

Comment Category #86: Community Engagement - supports proposed changes to community engagement in October 2017 draft of rules

Description: Commenter appreciates DEQ amending the draft CAO rules to require a longer time period for notice of community engagement meetings; it is essential to ensure that affected communities have adequate time and information to meaningfully engage in the process. Commenter strongly supports DEQ's amendment throughout the draft CAO rules to require DEQ or OHA attendance and participation at community engagement meetings. This will help ensure that community meetings are run according the source's Community Engagement Plan and the CAO rules.

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow greater flexibility to tailor the community engagement process to the needs of communities.

SB 1541 requires that DEQ hold all public meetings required in the Cleaner Air Oregon permitting process, rather than the source. This means that DEQ would plan, announce and conduct these public meetings, providing adequate time and information for the public to meaningfully engage in the process. The bill also required that a representative of the source attend any public meeting DEQ holds.

DEQ agrees with commenter and changed the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 31, 170, 197, 441, 452, 511, 524, 552, 582, 599, 661, 700, 768, 686, 802, 695

Comment Category #87: Comparison to other states - program should be made less stringent

Description: Rules go far beyond what any other state has imposed. The proposed risk levels are more stringent than those in effect in South Coast Air Quality Management District. DEQ staff has incorrectly argued that these levels are consistent with what the state of Washington uses. The state of Washington's risk levels are not applied to existing sources that are not undergoing modification. If there is a modification the risk levels are only applied to the emissions from the new unit, not the entire plant site. As currently proposed, the DEQ rules would create the most restrictive air quality program in the country.

Response: In the current version of the proposed rules, DEQ has incorporated the risk benchmarks the Oregon Legislature set in SB 1541, at 50 in a million cancer risk and a noncancer hazard index of 5 for an existing source. South Coast Air Quality Management District has allowable risk levels for both new sources and existing sources that are very similar. The new source level is 10 in 1 million. The existing source level is 25 in 1 million and a hazard index of 3. Washington's allowable risk level for new pieces of equipment and for new or modified sources is 10 in 1 million. DEQ is proposing this same level for new sources. Louisville, Kentucky has a new source allowable risk level of 3.8 in 1 million and an existing source allowable risk level of 7.5 in 1 million, which is more stringent than what DEQ is proposing. The Bay Area Air Quality Management District in San Francisco, California currently has an allowable risk level of 25 in 1 million and a hazard index of 2.5 for existing sources. In 2020, those levels change to 10 in 1 million and hazard index of 1.0, again much more stringent than DEQ's proposal.

DEQ believes that the proposed rules represent a balanced approach that would implement the risk levels set in SB 1541 and provide adequate regulatory flexibility for facilities working towards compliance.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 159, 163, 166, 168, 188, 190, 210, 216, 266, 277, 279, 301, 302, 310, 333, 342, 352, 354, 376, 377, 378, 432, 450, 495, 505, 550, 594, 615, 616, 644, 655, 658, 747, 742, 733, 732, 773, 734, 772, 937, 745, 749, 764, 674, 672, 671, 746, 673

Comment Category #88: Comparison to other states - program should be made more stringent

Description: Consider the Louisville, Kentucky air toxics program as a model.

Response: DEQ and OHA reviewed the Louisville Strategic Toxic Air Reduction program when developing Cleaner Air Oregon. Louisville has a new source allowable risk level of 3.8 in 1 million and an existing source allowable risk level of 7.5 in 1 million.

Senate Bill 1541, adopted into law by the 2018 Legislature, established public health benchmarks (cancer risk and non-cancer hazard index) to be used by DEQ to determine if emissions reductions would be required of toxic air contaminant sources. DEQ revised the proposed rules to conform to these statutory requirements and include the benchmarks that were in SB 1541 in the proposed rules. For new or reconstructed sources, the proposed TLAER Level is set at 10 in one million and a Hazard Index of 1. For existing sources, the TBACT Level would be at 50 in 1 million and a Hazard Index of 5.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 9, 143, 147, 150, 197, 206, 207, 248, 249, 262, 268, 321, 406, 478, 503, 510, 687

Comment Category #89: Compliance - Citizen Enforcement Mechanism

Description: DEQ should provide a citizen enforcement mechanism that will allow communities to ensure compliance if DEQ fails to do so.

Response: DEQ lacks statutory authority to include a citizen enforcement provision in CAO rules and Senate Bill 1541 did not include any citizen enforcement provisions. For Title V facilities, citizens have the ability under section 304 of the federal Clean Air Act to initiate enforcement for violation of any federally required emission standard or limitation. This authority is not available for Cleaner Air Oregon requirements and a legislative change would be required to provide it.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 22, 142, 217, 235, 259, 262, 268, 284, 297, 299, 300, 474, 506, 515, 797

Comment Category #90: Compliance - create a low-interest loan program to aid in compliance

Description: Create a low-interest loan program for small or distressed cost-burdened companies to aid their compliance if necessary and to prevent undue delay in obtaining relief from pollution. If the Cleaner Air Oregon program is good public policy, perhaps the public should pay for it in the form of Pollution Control Tax credits.

Response: Creation of a low-interest loan program would require legislative action and allocation of additional funding. Oregon did have a Pollution Control Tax Credit program that sunset in 2008.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 22, 259, 297, 300, 301, 515, 602

Comment Category #91: Compliance - create technical assistance center for business

Description: Create industry compliance center and web page that gives good, quick compliance assistance to the permit applicant and to the community.

Response: In the staffing model for the proposed CAO program, there is a full-time position that will provide technical assistance. During the first part of implementation of Cleaner Air Oregon, DEQ and OHA staff (i.e., permit writers, toxicologists, modelers, risk assessors) will help sources with their applications for Toxic Air Contaminant Permit Addendum. DEQ and OHA developed recommended procedures for conducting toxic air contaminant health risk assessments that DEQ made available for public review during the comment period. DEQ and OHA will update recommended procedures based on insights learned from the initial implementation of Cleaner Air Oregon and post them on the website.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 300

Comment Category #92: Compliance - do not allow self-monitoring

Description: Allowing sources to self-monitor their own pollutant discharges does not seem to be working out. Numerous complaints have been filed with DEQ regarding nuisance odors and toxic fumes without any action taken. DEQ must increase independent monitoring and independently verify polluting industries effluent and gas release claims. All associated cost increases for independent monitoring should be the burden of the polluting industries, not taken from the Oregon General Fund, DEQ's budget, or from individual taxpayers. The burden of complaining, of investigating, and of degraded health and well-being, has for far too long been placed only on the community, and individuals within the community, rather than on the polluting industries that have long profited off of lax state oversight and designed inaction.

State Agencies should conduct surprise visits to industrial polluters, especially those that have received or are receiving numerous community complaints on nuisance odors, or that are in close proximity to vulnerable populations and K-12 schools, or that use carcinogenic and mutagenic toxins.

Response: Regulatory agencies, including DEQ, do not have the staff or financial resources to monitor permitted sources on a daily basis. As a result, permitting programs must rely on information recorded and reported by facilities. However, DEQ reviews records and performs regular inspections of permitted facilities, both announced and surprise, to check whether facilities keep records properly and to

determine whether those records show the facility is in compliance with permit conditions. DEQ can and does take enforcement action when sources perform monitoring and reporting incorrectly. If a facility knowingly creates false records, DEQ can file criminal charges against the company and/or the individuals involved.

DEQ is also involved when emissions testing occurs. Although the sources pay for emissions testing and specialized testing companies perform the actual testing, DEQ must approve the test plan and methods. DEQ staff periodically attend during testing to ensure that companies perform testing properly and obtain results correctly. Cleaner Air Oregon permit fees would pay for DEQ staff time spent on these activities.

While some toxic air contaminants are odorous, and Cleaner Air Oregon requirements may reduce some emissions of odorous pollutants, DEQ did not intend for the program to be a solution to nuisance odor problems. DEQ operates a separate nuisance odor response strategy based on level of complaints and severity of odor effects.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 839, 85, 108, 132, 240, 259, 423, 428, 485, 516, 654, 769, 792, 771

Comment Category #93: Compliance - enforcement actions paid for by industry

Description: Enforcement actions paid for by industry should be added to Cleaner Air Oregon.

Response: The fees for the Cleaner Air Oregon authorized by Senate Bill 1541 include funding for enforcement actions. Civil penalties paid by industry for enforcement cases go to the State General Fund and are not directed back to DEQ.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 822, 829, 259, 533, 566, 599, 727, 756

Comment Category #94: Compliance - make fines commensurate with size of corporation

Description: Make fines for violations commensurate with the size of the corporation.

Response: OAR 340 division 12 prescribes DEQ's process for penalty calculations for all DEQ programs. Division 12 takes into account the size and sophistication of a facility by assigning potential violators to

different penalty matrix. For air quality sources, the largest, most environmentally-sophisticated entities that operate under major source air quality permits (Title V and Air Contaminant Discharge Permits that incorporate a Prevention of Significant Deterioration or New Source Review determination) are on the highest (\$12,000) penalty matrix. The smallest, less sophisticated facilities (such as gas station and dry cleaners) are on a much lower (\$3,000) penalty matrix. The matrix assigns the starting base penalty for a given violation and then adds or subtracts based on other factors to determine a final penalty amount.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 31, 62, 367, 551, 566

Comment Category #95: Compliance - require annual, frequent or continuous source testing or ambient air monitoring

Description: Industry should test their facilities annually. Air monitoring should be mandatory and conducted without prior notice. By requiring monitoring and conducting it on a surprise basis, DEQ can check that emissions inventories match actual emissions to keep businesses honest and build trust with the public.

Response: When DEQ drafts a CAO Toxic Air Contaminant Permit Addendum, it will include permit limits and spell out how the facility will show compliance with those limits. The public will have a chance to know about and comment on the limits, and compliance methods as part of the CAO permitting process. DEQ will review the records facilities submit as part of their annual or semi-annual reports to DEQ, to determine whether the facility is in compliance. DEQ will perform announced and unannounced inspections of sources that include reviewing recordkeeping requirements.

DEQ has authority to require a facility to source test in order to verify emissions in cases where good data is not available. When a Risk Reduction Plan requires installation of pollution control devices, sources will be required to test those pollution control devices to verify that the risk is reduced as predicted. DEQ feels that a requirement to source test all facilities annually is unduly burdensome and unnecessary, when recordkeeping and reporting is often sufficient to determine compliance status. Many sources have multiple stacks that emit multiple toxic air contaminants, so multiple source test methods could be required for each stack, making stack testing very expensive.

The proposed CAO rules would allow facilities to do ambient air monitoring, but do not require them to do so. Ambient air monitoring is expensive and resource intensive, and if high emissions are measured it may not be possible to determine their source. Modeling is required to determine where to locate monitors. Siting air monitors can take months, so air monitoring conducted on a surprise basis is not possible.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 824, 832, 843, 206, 296

Comment Category #96: Compliance - too costly and difficult to determine compliance on a rolling 12-month basis and a monthly basis

Description: It is impractical and too costly for businesses to determine chronic risk monthly on a rolling 12-month basis and acute risk on a monthly or more frequent basis. We request that DEQ revise the rules to require a compliance demonstration at least monthly unless a less stringent schedule is deemed adequate by DEQ based either on the specific facts underlying the Source Risk Limit or based on prior compliance demonstrations showing that future compliance is highly likely. Risk assessments are complex calculations and few, if any, companies would be able to carry this in-house. Provided that facilities have attempted to obtain an air toxics permit attachment using pre-existing potential-to-emit, facilities should not be required to re-do risk assessments at this frequency.

Response: Facilities that are above the Source Permit Level will have CAO permit limits and methods for demonstrating compliance with those limits added to their permits. For cancer or chronic noncancer risk, compliance would be calculated every month, on a 12-month rolling average basis, and reported annually or semiannually.

To make reporting for acute risk less burdensome, DEQ proposes that compliance with acute risk could be demonstrated on a monthly basis rather than a 24-hour period. CAO compliance demonstration methods will vary depending on the permit but will not require re-doing a complex risk assessment. Many facilities already monitor and report production or calculate emissions on a 12-month rolling basis to meet the terms of their current permits, and DEQ feels that it will be possible for facilities to demonstrate compliance with CAO limits without undue burden for businesses.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 435, 594, 629, 631, 667

Comment Category #97: Concerns about emissions from specific facilities

Description: Some commenters expressed concerns about the handling of existing air permits for specific facilities.

Response: Cleaner Air Oregon would not affect the requirements facilities have under their current air permits. Some facilities may choose to be permitted at lower production levels because of Cleaner Air

Oregon and these changes would be incorporated into existing permits during a permit renewal or modification.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 17, 74, 80, 113, 118, 132, 142, 162, 206, 211, 226, 240, 256, 265, 280, 296, 298, 299, 303, 304, 308, 319, 321, 323, 362, 364, 370, 391, 394, 403, 408, 414, 420, 423, 430, 444, 530, 538, 540, 546, 549, 554, 557, 562, 566, 568, 577, 578, 604, 608, 609, 617

Comment Category #98: Conditional Risk Level - Do not allow Conditional Risk Levels (higher risk levels for facilities that have TBACT)

Description: Commenter disagrees with the Conditional Risk Level concept, which would allow facilities with TBACT installed on all units to pose a higher level of acceptable risk.

Response: The October 2017 draft of the proposed CAO rules included a term called the Conditional Risk Level, which allowed facilities that had TBACT installed on all significant emission units to pose a higher level of risk than would be acceptable for other facilities, until a more effective TBACT became available. The term Conditional Risk Level is no longer used in the rules, but the Legislature included this concept in SB 1541 and DEQ retained it in the rules.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 280, 300, 308, 597, 613

Comment Category #99: Conditional Risk Level - do not allow for increases above original Conditional Risk Level, including new or modified TEUs

Description: The draft rules contemplate an owner or operator of a source with a Conditional Risk Level requesting a change to the Conditional Risk Level to increase the source's risk. One of the fundamental purposes of the Cleaner Air Oregon program is to reduce exposure to industrial and commercial air toxics; it is contrary to this basic purpose to develop regulations that would allow a source that already exceeds the applicable Source Risk Action Level to make changes that would increase risk even further. We propose that DEQ amend the rules to delete the provision and to add a provision that makes clear that under no circumstances will DEQ approve a request to increase a Conditional Risk Level. OAR 340-245-0300(12)(a)(B) should also be removed from the rules allowing a similar increase in risk above Source Risk Action Levels or Conditional Risk Levels.

For sources that have been issued an Air Toxics Permit Attachment, it is unclear whether the draft rules would allow approval of a new or modified TEU that would bring the source's total risk above the Source

Risk Action Level. We strongly oppose DEQ allowing any changes to an Air Toxics Permit Attachment to add or modify a TEU that would increase risk above the Source Risk Action Level, including any increase in risk at a source that has a Risk Reduction Plan or Conditional Risk Level.

Response: The October 2017 draft of the proposed CAO rules included a term called the Conditional Risk Level, which allowed facilities that had TBACT installed on all significant emission units to pose a higher level of risk than would be acceptable for other facilities, until a more effective TBACT became available. The term Conditional Risk Level is no longer used in the rules, but the Legislature included this concept in SB 1541 and DEQ retained it in the rules.

DEQ agrees that the ultimate goal of Cleaner Air Oregon is to reduce exposure to industrial and commercial toxic air contaminants but Senate Bill 1541 limits DEQ's authority. SB 1541 allows sources to have permit risk limits up to 200 in a million and a hazard index of 10 as long as the source has TBACT installed on all significant emissions units. DEQ cannot require sources to undertake additional measure to limit or reduce toxic air contaminant emissions beyond TBACT unless risk is above 200 in a million and a hazard index of 10. In that case, sources must go beyond TBACT, potentially curtailing production, to stay below 200/10.

If a source requests an increase in permitted source risk limits that are already above the TBACT level of 50 in 1 million and hazard index of 5, DEQ must approve the request as long as all the applicable procedures have been met, including the requirement to have TBACT on all significant emissions units. SB 1541 limits DEQ's authority to deny requested increases in risk. The source would not be able to request an increase in permitted risk limits above 200/10.

There is a sunset provision for the Risk Action Levels, or benchmarks, set in SB 1541. On January 1, 2029, the TBACT Risk Action Level can be reduced to no less than 25 in 1 million and a hazard index to be set by the Environmental Quality Commission. The sunset provision will help DEQ meet its long-term goal to achieve a 50% reduction in the number of existing facilities posing either an excess cancer risk of more than 25 in a million or a Hazard Index of more than 1 by the year 2034.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 552

Comment Category #100: Conditional Risk Level - rename to High Risk or similar and eliminate value-neutral, vague terminology

Description: Commenter recommends a clearer name, such as High Risk Levels for the Conditional Risk Level which would help the public recognize the higher risk being allowed, past risk action levels deemed protective of public health for the DEQ Director consultation process. DEQ should rename what is currently called "DEQ Director Consultation Risk Action Level" as "High Priority Source Risk Action Level" or "Conditional High Risk Permit," which would more clearly communicate to the public that such sources are emitting at an unsafe level, which is why they require special approval from the Director.

Rather than use value-neutral, vague terminology, the rules should use clear and accurate language that makes sense to all members of the public. By incorporating more descriptive terminology, the public can better understand the risk certain sources pose. With the public having a greater understanding of sources in the community, the sources will be more accountable to the public and the CAO program will be more transparent.

Response: The October 2017 draft of the proposed CAO rules included a term called the Conditional Risk Level, which allowed facilities that had TBACT installed on all significant emission units to pose a higher level of risk than would be acceptable for other facilities, until a more effective TBACT became available. The term Conditional Risk Level is no longer used in the rules, but the Legislature included this concept in SB 1541 and DEQ retained it in the rules.

DEQ has updated the names and structure of the Risk Action Levels in the second draft of the rules. The names of each RAL are more descriptive of what is actually required at that level and what actions are taking place if potential risk exceeds that RAL level.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 242, 250, 552

Comment Category #101: Conditional Risk Level - require emission control updates

Description: Change language to clearly require a source with emissions above the Source Risk Action Level to update the source's emissions control systems, remove the word "may" and replace with "will". Suggested language: The purpose of a Conditional Risk Level is to conditionally approve construction or operation of a source that is unable to comply with the applicable Source Risk Action Level. Until a source achieves compliance with the Source Risk Action Level, this rule requires periodic TBACT reviews to determine if new emission reduction measures become available, and, if so, then DEQ will require the owner or operator to update the source's emissions control systems.

Response: The October 2017 draft of the proposed CAO rules included a term called the Conditional Risk Level, which allowed facilities that had TBACT installed on all significant emission units to pose a higher level of risk than would be acceptable for other facilities, until a more effective TBACT became available. The term Conditional Risk Level is no longer used in the rules, but the Legislature included this concept in SB 1541 and DEQ retained it in the rules.

DEQ proposes to require all sources do periodic TBACT reviews. This includes sources who have presumptive TBACT because there is a major source NESHAP that applies to their facility and sources where a case-by-case TBACT determination was made. Because of SB 1541, DEQ cannot require sources with presumptive TBACT to undertake additional measure to limit or reduce toxic air contaminant emissions beyond what the NESHAP requires.

If a source that has a case-by-case TBACT determination finds new or improved emissions control measures that may apply to their facility during the periodic TBACT reviews, the source may or may not be required to install that new or improved emission control measure. If the source chooses not to install the new or improved emissions control measure, the owner or operator must provide justification for not installing it. DEQ will review the control measure and any justification provided by the owner or operator for not installing the control measure, and will make a preliminary determination with regard to whether or not the source must install the control measure.

DEQ will use the following criteria for a preliminary determination:

- the remaining service life of any existing emission control system that would be replaced;
- the relative effectiveness of the new or improved control measure to reduce the source risk as compared to the risk using the existing control measure;
- the cost of installation and operation of the new or improved control measure, including the cost of removing any existing control measure; and
- any other factors that DEQ finds relevant.

If DEQ's final determination is that the control measure must be installed, DEQ will work with the owner or operator to determine the date by which the control measure must be installed within a reasonable timeframe. DEQ will determine a new source risk limit based on information on the amount of toxic air contaminants removed by the control measure and issue an amended Toxic Air Contaminant Permit Addendum. The rule language that says DEQ "may" require the owner or operator to update the source's emissions control system is for the situation when DEQ's final determination is that the source is not required to install the control measure.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 242

Comment Category #102: Conditional Risk Level - require source to include Conditional Risk Level in public notice documents

Description: The public notification requirements for community engagement meetings for a source seeking a Conditional Risk Level should be at least as stringent as the notification requirements for a Risk Reduction or TBACT Plan. Specifically, the owner or operator of the source should be required to include with the public notice a copy of the Conditional Risk Level proposal and the application.

Response: The October 2017 draft of the proposed CAO rules included a term called the Conditional Risk Level, which allowed facilities that had TBACT installed on all significant emission units to pose a higher level of risk than would be acceptable for other facilities, until a more effective TBACT became available.

The term Conditional Risk Level is no longer used in the rules, but the Legislature included this concept in SB 1541 and DEQ retained it in the rules.

Even though DEQ has eliminated the Conditional Risk Level name but retained the concept, the public notification requirements for community engagement meetings for any source with potential risk above the Community Engagement Level will be the same. DEQ plans to tailor the community engagement process to the needs of communities. DEQ will post all materials submitted by the source on DEQ's website.

DEQ agrees with commenter and changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 552

Comment Category #103: Conditional Risk Level - should not use ABEL, INDIPAY, and MUNIPAY models to assess ability to pay

Description: The proposed rule would subject businesses that are unable to pay for controls to actions normally used only against businesses that have committed an environmental crime. The EPA enforcement programs ABEL, INDIPAY, and MUNIPAY are inappropriate in the context of this rule, as is the stated intention that DEQ will be the sole arbiter: of ability to pay and will consider a businesses ability to take on debt and sustain cash flow with a 70% probability to be acceptable. This would indicate that it is acceptable to have a 30% probability of going out of business. Other jurisdictions, such as BAAQMD have proposed much more reasonable provisions that do not attempt to bankrupt businesses that cannot pay, and do not criminalize businesses that are compliant with all existing regulations. These provisions are unacceptable and should be changed.

Response: By providing a provision in the rules that allows businesses to postpone emissions reductions if they can show an inability to pay, DEQ is balancing the need for jobs and economic activity with the need to provide cleaner air for Oregonians to breathe. ABEL, INDIPAY and MUNIPAY are financial models developed by EPA to analyze claims by facilities (whether businesses, individuals, or municipalities/regional utilities) that they are unable to afford "compliance costs, cleanup costs or civil penalties." DEQ currently uses these models in enforcement cases if an owner or operator is unable to pay the full penalty amount. DEQ believes that it is also appropriate to use these models to assess whether a facility has the ability to pay for Cleaner Air Oregon compliance costs. There is no intent to stigmatize any business through use of relevant financial models. Instead application of these tools would provide justification for DEQ to approve that sources remain out of compliance with Cleaner Air Regulations for a five year period.

DEQ does not investigate or prosecute environmental crimes. Environmental crimes are investigated by law enforcement or EPA criminal investigators and then any potential crime would be prosecuted by a district attorney in state court, or by the US Department of Justice in federal court. Any criminal

sanctions would be imposed by the court; thus, DEQ's ability-to-pay process, using ABEL, INDIPAY and MUNIPAY would never be used.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 667

Comment Category #104: Conditional Risk Level - Should reapply every 5 years

Description: Facilities that are granted a Conditional Risk Level are granted an ongoing permit to pollute at levels considered hazardous by the agency. Facilities granted a permit under this program element should be required to reapply for a permit, including completion of a comprehensive health risk assessment, under these rules every five years unless a risk reduction plan is submitted and approved by the agency that brings the risk below the applicable source RAL.

Response: The October 2017 draft of the proposed CAO rules included a term called the Conditional Risk Level, which allowed facilities that had TBACT installed on all significant emission units to pose a higher level of risk than would be acceptable for other facilities, until a more effective TBACT became available. The term Conditional Risk Level is no longer used in the rules, but the Legislature included this concept in SB 1541 and DEQ retained it in the rules.

DEQ has changed its thinking regarding permitting of toxic air contaminants based on public comment received. DEQ proposes to issue Toxic Air Contaminant Permit Addendums that amend operating permits. DEQ will incorporate the addendums into the operating permit at renewal or modification for an existing source or issuance for a new source. Because of this change, permit conditions for toxic air contaminants will expire along with the rest of the operating permit and will need to be renewed. If anything has changed at the facility that would increase risk, the owner or operator must apply for a permit modification and redo the risk assessment.

DEQ agrees with commenter and changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 250

Comment Category #105: Construction Approval Requirements - approve construction under existing program until CAO permit is issued

Description: The construction approval requirements under Division 245 should not apply until after an Air Toxics Permit Attachment is issued, not during the potentially multi-year period between when the application is submitted and DEQ issues the Permit Attachment, especially in the case of de minimis TEUs. Where the Department has not acted on a submitted application, the source should not be locked

into the proposed Source Risk Limit in that application until the Air Permit Attachment is actually issued. The source should be able to amend the application and proceed. However, this should be a notice and go process and the sources should not have to wait 10 days before proceeding. If a facility modification is necessary and no change to an existing Permit Attachment is necessary, then DEQ should defer any construction permitting to the Division 210 requirements.

Proposed rules should be revised to make clearer that construction is allowed whenever total cumulative risk from all air toxics emitted by a new or modified TEU is no more than the total risk from the TEU being replaced or modified. There should be a mechanism to evaluate de minimis emission levels to determine whether a full risk assessment is needed. The rules should clarify what happens if a TEU makes a small change that affects the potential risk from a facility. In addition, the proposed rules are confusing as to the requirement for a Permit Addendum application regarding construction approvals.

Response: DEQ has changed the proposed rules to require construction approval under Cleaner Air Oregon only after DEQ issues a Toxic Air Contaminant Permit Addendum or an operating permit with Cleaner Air Oregon permit conditions. If an owner or operator submits applications for construction approval during the Cleaner Air Oregon permitting process using the existing applicable rules for construction approval, they will be required to update the Cleaner Air Oregon application so the issued Toxic Air Contaminant Permit Addendum contains all Toxic Emissions Units, both existing and approved but not yet constructed.

If an owner or operator constructs or modifies a TEU during the Cleaner Air Oregon permitting process and does not install TBACT on that TEU, they may be required to install TBACT on that unit after DEQ issues the Toxic Air Contaminant Permit Addendum. Under the existing permitting program, there is no "notice and go process" and the proposed Cleaner Air Oregon rules do not add that provision.

Owners or operators will be required to comply with the existing permitting program for construction approvals before DEQ issues a Toxic Air Contaminant Permit Addendum or an operating permit with Cleaner Air Oregon conditions. Owners and operators will be required to comply with the proposed Cleaner Air Oregon construction approval rules after DEQ issues the Toxic Air Contaminant Permit Addendum.

Like division 210, the proposed Cleaner Air Oregon rules provide multiple approval methods that apply to different types of changes. Under division 210, simple changes have default approvals, while more complex changes require the source to obtain a permit to construct. Sources in Oregon have worked under the division 210 rules for many years and DEQ anticipates that it will not be difficult for sources to adapt to the Cleaner Air Oregon requirements for new or modified TEUs.

DEQ has changed the proposed rules for approval of de minimis TEUs. An owner or operator may use a Level 1, 2, 3, or 4 Risk Assessment procedure to demonstrate that the TEU is de minimis. If an owner or operator can use a Level 1 Risk Assessment, the review is straightforward and can be done in 10 days or less. Therefore, DEQ agrees that issuance of a permit addendum is not necessary, as long as the operating permit allows operation of that TEU. If a Level 2, 3, or 4 Risk Assessment is required, the

review is more onerous, especially for a Level 4 Risk Assessment. In those cases, the owner or operator must wait for DEQ approval before beginning construction.

DEQ already evaluates like-for-like replacements or modifications that do not increase emissions under existing rules in division 210. Some like-for-like replacements can trigger New Source Review so these replacements are not considered "insignificant" and must be evaluated. The proposed Cleaner Air Oregon rules look at the new or modified significant TEU by itself, not compared to potential source risk, just as DEQ would review under its existing permitting program. DEQ has included a provision in the proposed rules that allows owner or operators to "add the risk from the new or modified TEU to prior results from the latest Source Risk Assessment rather than updating the entire Source Risk Assessment for the whole source." If the new or modified TEU increases source risk, a permit modification would be required, as is already included in the proposed rules.

DEQ has simplified and clarified when an owner or operator is required to submit an updated application or modification.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867, 871, 880, 884, 887, 888, 893, 903, 908, 301, 432, 500, 502, 594, 598, 615, 623, 626, 631, 673

Comment Category #106: Definition - broad definition of significant TEU is troubling and unnecessary

Description: The definitions of de minimis TEU and significant TEU force an unworkable binary evaluation: either a TEU is de minimis or it is "significant." Such a broad definition of "significant" is troubling and unnecessary. The label "significant" creates unwarranted stigma for emission units that are barely above de minimis. Not all emissions are "significant" and yet, this definition framework creates just such a conclusion as a practical matter.

Response: DEQ has structured the proposed rules such that owners or operators of sources with significant TEUs are required to meet TBACT for those TEUs and TEUs that are not significant (included in the Aggregate Significant TEU Level) do not need to meet TBACT.

DEQ proposes higher levels and a new way of setting de minimis levels for TEUs. DEQ is replacing the Significant TEU Level with an "Aggregate Significant TEU Level" for both new/reconstructed sources and existing sources. Instead of setting a per-TEU de minimis risk level, the Aggregate Significant TEU level is on a per-facility basis. The facility owner or operator can designate one or more TEUs to be de minimis, as long as their total risk fits below the Aggregate Significant TEU level. The Aggregate Significant TEU level for new sources would be 0.5 in a million and an HI of 0.1. For existing sources, it would be 2.5 in a million and HI of 0.5.

If a facility is above the TLAER or TBACT risk level, then any TEUs that are included in the Aggregate Significant TEU Level would be considered de minimis and would not have to meet TLAER/TBACT. All other TEUs must meet TLAER or TBACT if required to do so. The Aggregate Significant TEU Level is similar to the Aggregate Insignificant Activities concept in DEQ's Title V program.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #107: Definitions - add definition of minority

Description: DEQ should define the term 'minority' in the draft rules to ensure consideration and protection of communities of color, immigrant populations and low-income communities.

Response: DEQ and OHA agree that the rules should be written to ensure protection of communities of color, immigrant populations and low-income communities. In the draft rules released in the first round of public comment, the term minority was used to describe how DEQ will consider demographic factors to prioritize facilities. The specific details of the overall approach to prioritization have since been removed from the rules and are now described in a Facility Prioritization Protocol. This allows the agencies some flexibility in refining the prioritization approach over time as needed, while still offering transparency around the intended process.

The prioritization protocol proposes to prioritize facilities based on facility risk as well as the percent of low-income, minority residents, and residents under 5 years old. DEQ and OHA will use the EJScreen definitions of these terms: <https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen> and has removed the definitions of "percentile low-income" and "percentile minority" from the proposed rules. In the context of the ranking formula, these definitions intend to ensure that groups that historically have been disproportionately impacted by pollution are prioritized in the implementation of this program.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 552

Comment Category #108: Definitions - add definition of "official neighborhood association," "community group," and "sensitive populations"

Description: There are several terms included throughout the community engagement plan regulations and, more broadly, throughout the CAO rules that require definition. Specifically the rules should define what qualifies a neighborhood organization as "official." A concern here is the recognition that

neighborhood associations do not always represent the demographics of their respective neighborhood. Similarly, the rules should define “community group” and “sensitive populations” and set out the metrics that set the two apart.

Response: Of the terms listed in the comment, the term "sensitive populations" is the only term that remains in the rules and was defined in the first draft of the rules. The proposed definition of "sensitive populations" is "people with biological traits that may magnify the harmful effects of toxic air contaminant exposures that include individuals undergoing rapid rates of physiological change, such as children, pregnant women and their fetuses, and individuals with impaired physiological conditions, such as elderly persons or persons with existing diseases such as heart disease or asthma. Other sensitive individuals include those with lower levels of protective biological mechanisms due to genetic factors and those with increased exposure rates." "Official neighborhood association" and "community group" are no longer used in the rules and therefore, do not require definition.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator and public health educator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. DEQ will base procedures on community engagement best practices and comments received during both public notice periods, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow more flexibility to tailor the community engagement process to the needs of communities.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 552

Comment Category #109: Definitions - contains substantive requirements

Description: This definition is inappropriate because it contains a substantive requirement in the definition. DEQ's “right” to hold a public meeting should not be based in a definition.

Response: DEQ has removed the substantive requirement from the definition of the Community Engagement Level.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #110: Definitions - define "economic harm"

Description: The Director's review protocol must be clearly set out so that the process of approval is consistent. Most importantly, a definition of "economic harm" and an explanation for when that economic harm outweighs the resulting negative health impacts will provide all parties, Director, facility, and affected community members. Consultation must be a strict process reserved for exceptional circumstances, not an open loophole that any facility will try to apply for.

Response: The current proposed Cleaner Air Oregon rules no longer contain the provision for Director Consultation referred to in this comment. The remaining use of the term "economic harm" is in the rules for Postponement of Risk Reduction in 340-245-0150(6)(b) where it is a consideration that can influence whether DEQ will grant a postponement and how it could be structured.

Sources are required to use the U.S. Environmental Protection Agency's ABEL, INDIPAY or MUNIPAY computer models to evaluate financial condition or ability to pay the full cost of meeting TBACT. EPA typically employs the 70% probability level for determining ability to pay. DEQ is proposing the same level of being able to absorb the cost of installing TBACT, or other physical, operational or process changes, that could be made to reduce risk. Therefore, a definition of economic harm is not required.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 637

Comment Category #111: Definitions - define "pretreated digester gas"

Description: The latest proposal requires inclusion of toxic emission calculations in the risk assessment for "pretreated digester gas", but that term is undefined and we are unaware of its meaning; how is that defined by the department?

Response: The latest proposal requires sources to estimate risk from the combustion of natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas but does not require sources to reduce risk from these emissions.

Anaerobic digestion is the natural process in which microorganisms break down organic materials. In this instance, "organic" means coming from or made of plants or animals. Anaerobic digestion happens in closed spaces where there is no air (or oxygen). The initials "AD" may refer to the process of anaerobic digestion or the built system where anaerobic digestion takes place, also known as a digester. Digester gas, or biogas, is generated during anaerobic digestion when microorganisms break down (eat) organic materials in the absence of air (or oxygen). Digester gas is mostly methane (CH₄) and carbon dioxide (CO₂), with very small amounts of water vapor and other gases. The carbon dioxide and other gases can be removed, leaving only the methane. Methane is the primary component of natural gas.

Digester gas is often cleaned to remove carbon dioxide, water vapor and other trace contaminants. Removing these compounds from digester gas increases the energy value of the digester gas. Low

quality digester gas is typically used in tougher, less efficient engines, such as internal combustion engines. Higher quality digester gas cleaned of trace contaminants can be used in more efficient, but also more sensitive engines. Digester gas treated to meet pipeline quality standards can be distributed through the natural gas pipeline and used in homes and businesses. Digester gas can also be cleaned and upgraded to produce compressed natural gas (CNG) or liquefied natural gas (LNG). CNG and LNG can be used to fuel cars and trucks.

DEQ will add "biogas" to clarify that digester gas is the same as biogas. DEQ also added a provision that any exemption of pretreated landfill gas and pretreated digester gas (or biogas) must be approved by DEQ because of issues with contaminants in these gases and the extent to which they are pretreated.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #112: Definitions - DEQ notice date should be when notice is received, not sent

Description: The definition of "DEQ Notice Date" states that the notice date is the date that DEQ sends a notice to an owner or operator. The notice date should be the date that the facility receives the notice. Otherwise, a source could find that it has lost a substantial portion of its allotted time simply because delivery of the notice was delayed.

Response: DEQ would only know when the notice is sent to the owner or operator, not when it is received. DEQ would not know the date when submittals are required and therefore, wouldn't know if the owner or operator submitted the required information on time.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867, 888

Comment Category #113: Definitions - include definitions of Conditional Risk Level (or new name) and Risk Reduction Plan

Description: We are concerned that DEQ has removed "Conditional Risk Level" from the definitions section of the draft rules. This is a major component of the CAO program and should be clearly defined in the rules. Additionally, as stated in our earlier comments during the Advisory Committee process and above, we request that DEQ amend this term to accurately convey the message to the public that a

facility is exceeding a Source Risk Action level. For example, we suggest “Conditional Risk Level” be amended to “High Priority Risk Level.” Similarly, the definitions section should include a definition for “Risk Reduction Plan”—another major component of the program that must be clearly defined.

Response: The October 2017 draft of the proposed CAO rules included a term called the Conditional Risk Level, which allowed facilities that had TBACT installed on all significant emission units to pose a higher level of risk than would be acceptable for other facilities, until a more effective TBACT became available. The term Conditional Risk Level is no longer used in the rules, but the Legislature included this concept in SB 1541 and DEQ retained it in the rules.

There is a rule that explains what a Risk Reduction Plan is, when it is required, how it must be implemented, and what reporting is required. Therefore, a definition of a Risk Reduction Plan is not necessary.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 552

Comment Category #114: Definitions - need to define capacity to emit

Description: The rules define a de minimis source in regards to capacity to emit. However, nowhere in Division 200 or 245 does DEQ define the term “capacity to emit.” We suggest that the Department add such a definition to the proposed rule and allow for public comment upon it.

Response: Capacity is defined in division 200: "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design. DEQ will change "capacity to emit" to "capacity."

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 810, 851, 859, 867, 888

Comment Category #115: Definitions - "owner or operator" definition is nebulous

Description: The definition of “owner or operator” includes a concept of “legal or rightful title.” It is unclear what is included in “rightful title”. The concept should be deleted or defined with detail. The seemingly “simple” definition potentially expands the “ownership” concept far wider than existing air quality regulations.

Response: DEQ will use the Clean Air Act Section 112(a) definition of "owner or operator" which means any person who owns, leases, operates, controls, or supervises a stationary source. Section 112 addresses the control of Hazardous Air Pollutant emissions and includes provisions for the promulgation of NESHAP, or maximum achievable control technology standards, as well as several related programs to enhance and support the NESHAP program.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #116: Definitions - "proper" combustion of natural gas is not defined

Description: Risk from toxic air contaminants emitted solely from the proper combustion of natural gas may be excluded from the total risk for the purpose of determining compliance with Risk Action Levels and may be omitted from Risk Reduction Plan requirements. The term "proper" is not defined.

Response: The intent of the proposed rule language is to ensure that combustion of natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas or biogas be as efficient as possible, thus minimizing emissions. Some EPA rules use the term "good combustion" or "good air pollution control practice" or "good combustion practices" but do not define these terms. DEQ will change the proposed term to "good air pollution control practice" since that is the intent of the rule.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 851, 859, 867

Comment Category #117: Definitions - Revise "air toxics" to be consistent with Division 246 rules

Description: Proposed OAR 340-245-0005(1) clearly sets the goal of the CAO program as protecting public health. However, the definition of "air toxics" in proposed OAR 340-245-0020(5) defines the term in relation to "adverse effects to human health or the environment." We believe that this reference "to the environment" was a clear error, as there has been no discussion at any point or reflection in the available documentation that the CAO program was intended as an environmental risk program as opposed to a human health program. We request that DEQ revise the definition of "air toxics" to remove the phrase "or the environment."

Response:

DEQ changed "air toxics" to "toxic air contaminants." The definition of "toxic air contaminants" means the air pollutants that have been determined by the Environmental Quality Commission to cause, or

reasonably be anticipated to cause, adverse effects to human health and are listed in OAR 340-245-8020 Table 2.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 631

Comment Category #118: Definitions - supports exposure location definition

Description: The commenter strongly supports DEQ's proposal to define residential and nonresidential chronic exposure locations based on current and planned zoning. This approach to regulating air toxics will ensure that modeling and risk assessment accounts for potential changes at exposed receptors locations at the outset and will ensure protection of public health as communities surrounding sources of industrial air toxics change and grow.

Response:

SB 1541 states that a person in control of the air contamination source may elect to have the emissions from the air contamination source evaluated and regulated based on modeling of "the impacts by toxic air contaminants on locations where people actually live or normally congregate. There is a presumption that people actually live or normally congregate in locations in the manner allowed by the land use zoning for the location, based on the most recent zoning maps available." Since people do not actually live or normally congregate in areas planned to be zoned for residential or nonresidential use, DEQ removed that rule language.

Risk is determined based on land uses allowed under current zoning. As allowed under SB 1541, a facility can ask for risk to be based on actual current use, if different from zoning. For example, if a lot is zoned for residential use but there is no house there, a facility could send this information to DEQ. If DEQ approves the request, that location would no longer be treated as a residential exposure location for which to estimate risk. However, the facility is required to send updates to show whether use of that land had changed. Conversely, if a lot is zoned industrial and a house is located there, the facility would be required to assess risk at the house as a residential exposure location. For example, if there is a planned zoning change from commercial to residential, the facility might choose to assess risk as residential rather than be faced with having to report the zoning change later and with having to update the risk assessment.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 552

Comment Category #119: Definitions - TBACT definition should include presumptive TBACT

Description: Proposed OAR 340-245-0020(59) "Toxics Best Available Control Technology."

This definition should be revised as provided below:

After the word "feasible," add "as provided in OAR 340-245-0230." It is important that this definition be revised so that the "presumptive" TBACT aspect is not overlooked; TBACT can be accomplished under the CAO and SB 1541 without the need for a case-by-case TBACT analysis. The proposed 340-245-0230 includes various ways of determining TBACT, including the reliance on existing compliance mechanisms. As appropriate, a source need not complete a case-by-case TBACT evaluation. The definition should be revised to make that clear.

Response: DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #120: Definitions - "toxic air contaminant" should still include reference to establishment by EQC

Description: The revised definition of toxic air contaminant has deleted the role of EQC in setting the list of regulated chemicals. What is the purpose of that deletion? As we have already pointed out, we object to the lack of involvement of the ATSAC and would urge immediate involvement of ATSAC at this point in the definitions. If the deletion of the EQC is intended to allow the department to make changes to the list of prescribed pollutants/toxic air contaminants on its own, then the commenter objects. We believe it is best if the citizen leadership – the EQC– remain involved in establishing the list of regulated chemicals.

Response: DEQ agrees with commenter and changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #121: Economy - Citizens have higher health care costs from illness caused by pollution

Description: Citizens have higher health care costs from illness caused by pollution

Response: DEQ agrees with the commenter. Studies support the health and economic benefits from controlling air pollution.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 818, 858, 147, 440, 760

Comment Category #122: Economy - may hurt Oregon's economy

Description: Proposed rules have the potential to drive businesses out of the state and hurt our economy. These regulations put our facility at a competitive disadvantage as compared to rest of the country and potentially jeopardize the jobs the mill both directly and indirectly support. These proposed rules could cause some of our largest employers to reconsider expansion and perhaps even look to move operations elsewhere. These manufacturing jobs are critical to our rural community, offering family wage jobs and more stability than other jobs. A loss of these jobs would significantly affect the health of newly unemployed and strain local social services. Employers of all sizes and sectors sat that the proposed regulations and fees, along with the additional permitting fees and consultant costs are an undue hardship for their business. It will at best curtail current operations, and at worst push employers of all sizes to look elsewhere to operate, or shut down altogether, removing good-paying jobs from our community.

Response: Economic analysis of the Federal Clean Air Act and California toxic air contaminant regulations has shown that programs to control the health risk from industrial toxic air contaminant emissions can have long-term financial benefits, and did not in general result in job loss. However, in specific cases where businesses could experience harmful financial impacts, proposed Cleaner Air Oregon regulations have provisions that would allow for more time to comply or other types of regulatory flexibility.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 833, 867, 880, 882, 137, 141, 159, 163, 166, 168, 177, 184, 188, 190, 210, 212, 216, 228, 230, 258, 277, 279, 301, 302, 307, 310, 311, 312, 313, 314, 333, 344, 347, 352, 353, 354, 376, 377, 378, 390, 401, 432, 450, 495, 500, 505, 535, 550, 556, 594, 611,

Comment Category #123: Economy - may not hurt Oregon's economy, may help Oregon's economy by lowering health care costs and providing more jobs

Description: There are significant employment opportunities in the air pollution industry itself. Cleaner air means fewer air pollution related illnesses. The Clean Air Act has been a good economic investment for Americans. Multiple peer reviewed economic studies show that the substantial public health benefits of the Clean Air Act are far greater than the costs of achieving them. Economic welfare and economic growth rates are improved because cleaner air means fewer air-pollution-related illnesses, which in turn means less money spent on medical treatments and lower absenteeism among American workers. One reason that environmental protection and a healthy economy can go hand in hand is that the money spent on reducing pollution does not disappear. It goes to companies that design, build, install, maintain and operate pollution-reducing processes and equipment. The contribution of the pollutant control industry to overall U.S. economic activity and growth should not be overlooked. Please bear in mind the overwhelming research that shows the huge savings in public health dollars against the meager impact to businesses (30/1) or the fact that all the other established health-based programs you looked at throughout this rulemaking process have not caused their local economies to collapse.

Response: DEQ and OHA agree that the Cleaner Air Oregon program could have economic as well as health benefits. Economic analysis of the Federal Clean Air Act and California toxic air contaminant regulations has shown that programs to control the health risk from industrial toxic air contaminant emissions can have long-term financial benefits, and did not in general result in job loss. The intent of the draft rules is to create a program that benefits both health and local economies. The specific economic impacts of the program will depend on how many facilities need to reduce risks and which industries are most impacted. Once the program implementation begins, DEQ will have more information about which industries pose the highest health risks and therefore will need to take action to reduce health risks.

DEQ will not make changes to the rule in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 7, 831, 9, 22, 845, 90, 189, 259, 262, 268, 282, 321, 469, 513, 555, 663, 724, 761, 769, 677

Comment Category #124: Emissions Inventory - Allow source to challenge DEQ rejection of an EI report

Description: The proposed CAO rules allow DEQ to provide a notice of deficiency to an inventory report and, upon receipt of a revised and resubmitted inventory, modify the inventory report as "DEQ deems appropriate." A source should have a right to challenge DEQ's determination of a deficiency as well as any final decision. The proposed rules should be revised to indicate that any decision made by DEQ under OAR 340-245-0340 can be challenged as a contested case proceeding under OAR 340-011.

Response: DEQ modified the draft rules regarding submittals to address emissions inventory submittals for completeness, approving extension and requesting additional information. Division 11, Rules of General Applicability and Organization, applies to all of DEQ's divisions: air, land and water. It is not

necessary to state that Division 11, which contains procedures for contested cases, applies to any specific Cleaner Air Oregon rule.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 629

Comment Category #125: Emissions Inventory - clarify purpose and requirements

Description: In the emissions inventory used for screening or initial evaluation, there may be some value in overestimation but the public, competitors and sources will all benefit if the requirements of the CAO address actual emission or, when not available, estimates based on regulatory best practices.

In OAR 340-245-0040(2)(a)(B) and (3)(a)(A), the “may have” or “all potential” standards for what changes need to be evaluated is too inclusive and speculative. Too many sources will be required to analyze changes with no actual or likely impact on emission. In OAR 340-245-0060(2)(b), the CAO uses the concept of “likely.” Such a probability element should be a minimum requirement before a source need address a change. “May have” or “all potential” should be replaced with “likely” or “reasonably likely.”

In OAR 340-245-0040(3)(a)(B)(iii), maximum 24 hour production and process rates are difficult to determine. This is an onerous concept that is not necessary to the complete determination of emissions. While perhaps useful for acute health risks, if focused on actual emissions, we request the rule be revised to assess the requirement after initial evaluation and only for those sources with serious acute risks due to actual emissions.

Response: DEQ has not included proposed rules that address the initial emissions inventory required of sources in 2017 that will be used for ranking since that work is complete. In that 2017 request, DEQ required actual emissions and projected maximum year emissions submittals from Title V, Standard and Simple Air Contaminant Discharge permittees. DEQ has included proposed rules for "individual emissions inventory for risk assessment" and "periodic state-wide emissions inventory." Updating this data to use in a risk assessment should not be difficult because sources already submitted their 2017 emissions inventory data.

Sources may choose whether their risk assessment is based on

- the source’s Potential To Emit in its current operating permit;
- a PTE or risk limit that is lower than the source’s PTE in its current operating permit, if requested by the owner or operator;

- or the actual toxic air contaminant emission rate of the source, if requested by the owner or operator.

This choice will establish Source Risk Limits in Toxic Air Contaminant Permits. DEQ agrees that the community should know what potential risk is from actual emissions but should also be aware that potential risk could be based on the emissions for which a source is permitted.

DEQ has changed the proposed language to eliminate the inclusive and speculative rule language.

Until 2001, sources were required to have daily Plant Site Emission Limits in their permits so that data should be still available. Daily emissions are critical to evaluate acute risk.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #126: Emissions Inventory - DEQ and facility should agree on an emissions inventory plan/emissions inventory before submitting the risk assessment

Description: The proposed CAO rules allow DEQ to request from any source an emissions inventory and modelling information. Under the proposed regulation, a source has 30 days (subject to a 60-day extension) to submit the requested information. As a preliminary matter, a source and DEQ should first agree on a plan of what will go into the emissions inventory. Not all sources are identical and the prescriptive requirements under OAR 340-245-0340 may not apply to all source. Second, the proposed rule seems to only allow the use of reported emissions factors to determine emissions. Sources should have the option of using (or completing) stack testing to determine actual emission rates. Lastly, there is no connection between OAR 340-245-0340 and completing a Source Risk Assessment under OAR 340-245-0080. As discussed above, DEQ and the source should first reach agreement on the emissions inventory and modelling before completing the Source Risk Assessment. This will result in more accurate data regarding actual risk.

Response: Sources are required to submit emissions inventory information on all Toxic Emissions Units that emit toxic air contaminants, including exempt and de minimis Toxic Emissions Units. A plan for what should be included in a toxic air contaminant emissions inventory is not necessary.

DEQ agrees with the commenter and changed the draft rules so that the owner or operator submits the risk assessment in pieces that need DEQ approval before the next piece is submitted. The first submittal is the emissions inventory (using emission factors that can include source test data or continuous emissions monitoring data) that must be approved before the modeling protocol is submitted. DEQ has extended the amount of time a source has to submit the emissions inventory from 30 days to 90 days.

After receiving approval of the emissions inventory, the owner or operator must submit the modeling protocol for approval. Depending on the level of risk assessment being submitted, the next piece is the Level 1 or Level 2 Risk Assessment or the work plan for the Level 3 or 4 Risk Assessment. After DEQ approves the work plan, the owner or operator must submit the Level 3 or 4 Risk Assessment. If risk reduction is required, the last submittal is the Risk Reductions Plan.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 629

Comment Category #127: Emissions inventory - does not support reporting of 600 air toxics

Description: The list of “air toxics” that DEQ has included in the rulemaking is extremely broad and includes 601 compounds, only 260 of which have toxicological information. For the rest of the listed chemicals, the Notice indicates that there isn’t any “health data sufficient for calculating risk to people who are exposed to the emissions.” As it stands, with 601 listed chemicals, the CAO rule threatens to create an undue financial burden on the business community and state agencies by regulating such a large number of compounds. The list should be limited to compounds with well quantified health impacts.

Response: DEQ is requiring sources to report emissions of approximately 600 toxic air contaminants even though approximately 260 have toxicity data for which DEQ and OHA are proposing Risk Based Concentrations. If there are toxic air contaminants that do not have Risk Based Concentrations but still emitted at high levels in Oregon, the agencies will consider developing Risk Based Concentrations for those toxic air contaminants.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 610

Comment Category #128: Emissions Inventory - encourage source testing and source-specific emissions factors

Description: The rules should explicitly allow source tests and manufacturer data to be used to establish emission factors. The draft rule cites AP-42 and things like that. AP-42 emissions factors are overly conservative, they’re not really real, they haven’t been updated in years so I think alternate methods of establishing emission factors by sources is very important.

Response: Owners or operators always have the option to source test to provide better emissions estimates. This is encouraged in the existing permitting program and for Cleaner Air Oregon. DEQ has added language to clarify that source test data and continuous monitoring data can also be used to establish emission factors.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 915

Comment Category #129: Emissions Inventory – more time should be allowed

Description: Commenter is concerned that the process for developing emission inventories in the proposed rules is inadequate. The single most important thing is to ensure that each source has an accurate inventory that DEQ endorses prior to commencing modeling. The emissions inventory section of the proposed rules needs to be substantially rewritten to integrate the inventory requirements into the rest of the program, to require discussion before and during inventory preparation and to ensure that DEQ timely reviews and approves finished inventories.

If DEQ ranks sources based on the inventories previously submitted, the program will necessarily be applied inconsistently and unfairly among sources that each prepared an inventory in good faith, but without the benefit of a common regulatory structure to follow to ensure consistent, equivalent data for purposes of comparison. Once the revised inventories are submitted, DEQ can complete the task of ranking sources and then launch into the risk assessment process.

DEQ provides only 30 days for preparation of an emissions inventory with a maximum possible extension of 60 days for both emissions inventory and modeling information. The time period should be 90 days or greater. The deadlines for submitting air toxic emission inventories are inconsistent throughout the rule and we recommend the same timeline be required each time an emission inventory is required to be submitted (e.g., 90 days).

Response: DEQ agrees with the commenter and changed the draft rules so that the owner or operator submit the risk assessment in pieces that need DEQ approval before the next piece is submitted. The first submittal is the emissions inventory (using emission factors that can include source test data or continuous emissions monitoring data) that must be approved before the modeling protocol is submitted,

DEQ has been doing a thorough review of the emissions inventories submitted by Title V, Standard and Simple Air Contaminant Discharge Permittees in 2017. DEQ has corrected discrepancies and ensured consistency across industrial categories whenever possible by using the same emission factors across the same industry category unless there is good reason to use something different. This makes the ranking even more consistent and fair. DEQ has worked extensively with many sources that submitted emissions inventories to fill in "insufficient information" and ensure that the inventories are accurate and complete. DEQ will rank all sources using the same methodology in order to ensure consistency in

the ranking process. This thorough review will ensure that DEQ has the most accurate emissions inventory possible to use for ranking sources to be called into Cleaner Air Oregon.

The emissions inventories submitted for ranking are not necessarily the ones that DEQ will use for the risk assessments. DEQ will give sources another opportunity to submit an emissions inventory before they submit their risk assessment. Since DEQ has worked closely with sources to update the 2017 emissions inventory submittals for the ranking process, updating the emissions inventory for risk assessment should be a much simpler task than the original inventory, assuming there are not complex process changes.

DEQ agrees with the commenter that 30 days may not be adequate time to prepare a toxic air contaminant emissions inventory if processes or equipment changed since the 2017 submittals. Therefore, DEQ will allow sources 90 days to submit an emissions inventory and will provide an opportunity to request an extension if needed upon a showing of good cause.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 851, 859, 880, 888, 244, 535, 616, 627, 631

Comment Category #130: Emissions Inventory - only require startup/shutdown emissions if information is available

Description: Many facilities do not have information to calculate or estimate the emissions related to startups and shutdowns. We recommend that language be added “where information is available.”

Response: Under OAR 340-214-0310, Planned Startup and Shutdown

(1) This rule applies to any source where startup or shutdown of a production process or system may result in excess emissions, and

(a) That is a major source; or

(b) That is in a non-attainment or maintenance area for the regulated pollutant which may constitute excess emissions; or

(c) From which DEQ requires the application in section (2).

(2) The owner or operator must obtain prior DEQ authorization of startup and shutdown procedures. The owner or operator must submit to DEQ a written application for approval of new procedures or modifications to existing procedures. The application must be submitted in time for DEQ to receive it at least 72 hours before the first occurrence of a startup or shutdown event to which the procedures apply.

DEQ will clarify this requirement in the rules.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 851, 859

Comment Category #131: Emissions Inventory - provide procedures for reviewing emissions inventory

Description: Refers to “procedures” for emission inventory review but there are no actual “procedures.” The “procedures” should be provided with meaningful detail.

Response: In OAR 340-245-0030(3), DEQ specifies the process to review submittals along with requesting additional information.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #132: Emissions Inventory - require fees for full analysis and require material balance for the whole facility

Description: Emission inventories are critical to identifying the toxic chemicals facilities are actually emitting into the air, their amounts and their synergistic interactions. DEQ should include a fee to complete a full analysis of the current emissions inventory as part of the CAO rules for all sources. Failure to meet required deadlines for documentation on emissions must be subject to a fine and, after a designated time period, a stop-work order for non-compliance should be issued. Furthermore, we highly recommend that the DEQ move from Emissions Inventories to reporting based on Materials Balancing covering air, water and waste emissions so that the DEQ can fully protect the environment according to its designated responsibilities. We hope to see the DEQ adopt Materials Balancing reporting within the next five years.

For facilities with older and outdated control equipment, combine emissions inventories with required stack monitoring, and if there are public complaints about a facility, the DEQ should also require fence-line monitoring.

Requirements can also include eliminating hazardous materials brought onsite and used in manufacturing. The EQC should mandate requirements for industrial polluters to implement an upstream toxic use reduction strategy in addition to downstream control technology.

Response: The staffing model for Cleaner Air Oregon includes a dedicated full-time staff person to do toxic air contaminant emissions inventory work. In the future, permit writers will review emissions

inventories for risk assessment. General Fund dollars and fees paid by permitted sources fund the staff for Cleaner Air Oregon.

DEQ sent the initial toxic air contaminant emissions inventory request in November 2016 and received a substantial response from sources. DEQ sent reminder letters and called some sources that failed to submit information. In the summer of 2017, DEQ sent approximately 30 warning letters to sources that did not report and received information from all but 18 sources. These 18 sources are on Basic and General Air Contaminant Discharge Permits, the least complicated permits that DEQ issues. DEQ only requested production information from these sources because DEQ is doing the emissions inventory for all of these permittees. DEQ can use past annual reports from these 18 sources to estimate their toxic air contaminant emissions. Because toxic air contaminant reporting is new to sources in Oregon and because of the high compliance rate, DEQ decided not to take enforcement against non-reporters at this time. For those non-reporters, in the absence of more accurate data, DEQ will use higher-end estimates of their emissions that would result in health protective assumptions about potential risk. In the future, DEQ anticipates taking enforcement action against sources that do not comply with the requirements of Cleaner Air Oregon, including emissions inventory requirements.

DEQ agrees that a materials balance approach to emissions inventory covering air, water and waste emissions would provide a comprehensive picture of potential risk. However, DEQ currently does not have the resources to implement this approach to regulate and protect the environment. In addition to information from Cleaner Air Oregon, community members can also learn about potential for exposure to industrial emissions from EPA's Toxic Release Inventory. The TRI tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical is released to the environment and/or managed through recycling, energy recovery and treatment. A "release" of a chemical means it is emitted into the air or water, or placed in some type of land disposal. This information is available on EPA's website - My Right-To-Know Application: <https://www.epa.gov/toxics-release-inventory-tri-program/my-right-know-application>.

Some sources are currently undertaking source testing to better estimate their toxic air contaminant emissions. If potential risk is high, DEQ may require that sources perform source testing for toxic air contaminants that drive risk. Ambient monitoring is a provision in the draft rules that sources may use to measure ambient concentrations of toxic air contaminants. DEQ also operates toxic air contaminant monitors statewide but these monitors capture area emissions or typical conditions within communities. DEQ does not routinely perform ambient monitoring that is specific to an individual source. In the rare situations when it does, the locations, duration and pollutants monitored may not yield all of the information required in risk assessment modeling. Meteorological data and production data from the source would also be required in order for DEQ to determine if ambient concentrations are attributable to the source in question.

DEQ has developed but not mandated Recommended Procedures for Pollution Prevention that were included as an addendum to the Cleaner Air Oregon rulemaking package. These procedures include specific elements of a chemical alternatives assessment. The procedures outline the criteria for determining whether a chemical substitute, or non-chemical alternative, will achieve an overall reduction in hazards compared with the chemical a source is seeking to replace. The Pollution

Prevention Procedures document also includes references to established screening and evaluation tools that sources can use to ensure the alternatives selected are demonstrably less hazardous.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 846, 858, 571, 755

Comment Category #133: Emissions Inventory - Require more information, make available to public

Description: Transparency in regard to what people are breathing and where emissions and pollution is located should be a top priority. Access to the emissions inventory should be available online in a user friendly format. The public should also get to see a list of which industries have not submitted their reports or have incomplete reports. Industries must be required to verify their Inventory Reports with purchasing and production data.

Require that all air polluters provide the following information: What pollutants each business emits and how much, the height of smoke stacks which influences dispersion, and distance to the nearest resident. User-friendly data accessibility is essential for the community input requirements of CAO. Estimates are not acceptable.

Response: DEQ agrees with the commenter to make the emissions inventory available online in an easy to use format. DEQ plans to post all applications, including the emissions inventory, submitted for Cleaner Air Oregon on DEQ's website. Applications will include each business's emissions, stack parameters (i.e., location, height, diameter, temperature), and proximity of the closest resident along with the level of risk assessment used by the owner or operator to assess risk.

During an emissions inventory, DEQ prioritizes source test and continuous emission monitoring data. However, the use of emissions factors is necessary in many cases when this data is not available and/or the cost of sampling/monitoring is cost prohibitive. DEQ reviews available emissions factors and implements only the most appropriate and representative emissions factors to estimate toxic air contaminant emissions. Many emissions factors are based on source test data from similar industries and processes.

DEQ also allows sources to estimate toxic air contaminant emissions using a material balance method for chemicals that are assumed to be emitted from a process unaltered - this method is conservative as it assumes all input materials not recovered or consumed in a process are emitted. In rare instances, DEQ relies on engineering estimates provided by the source to estimate toxic air contaminant emissions. In these cases, the DEQ would review the calculations and exercise judgement as to the accuracy of the underlying assumptions and methodologies. DEQ will require source testing when the engineering estimates of significant toxic air contaminant emissions are unreliable and/or unsubstantiated.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 812, 815, 822, 824, 829, 9, 832, 837, 22, 132, 138, 158, 165, 170, 224, 259, 268, 275, 284, 300, 461, 499, 506, 515, 524, 924, 728, 725, 801, 797, 757, 769, 779, 803, 755

Comment Category #134: Emissions Inventory - should evaluate data skew and data distribution, and use median rather than mean

Description: Measures of central tendency to characterize emissions values should be an appropriate statistic based on the actual distribution of emissions inventory data. A large preponderance of emissions data are non-parametric; that is the data are skewed and non-normally distributed. As a result, the 'mean' is not an appropriate measure of central tendency for these data, and risk assessments based on mean exposure values for emissions inventories will lead to scientifically unreliable risk assessment outcomes. The commenter recommends that emissions inventory data be evaluated for data skew and data distribution and have an appropriate measure of central tendency (typically the median) provide the basis for a scientifically defensible emissions characterization.

Response: Currently for the Toxic Air Contaminant Emissions inventories, DEQ adheres to EPA guidance provided to the agency's air permitting program that requires use of the mean value rather than confidence intervals, quartiles, or median when selecting emissions factors.

DEQ intends to continue utilizing the best available data when selecting emissions factors for the Cleaner Air Oregon Program implementation. Continuous emissions monitoring and source test data will be the first choice for emissions factor selection and will continue to be based on the mean values where appropriate.

When DEQ selects emissions factors from external agencies (e.g., EPA, SCAQMD, etc.) and research groups (e.g., NCASI), DEQ assumes these entities have employed the appropriate statistical analyses to provide the most accurate and representative emissions factors. In the case where multiple statistical parameters are available from these sources (e.g., mean, median, quartile, confidence interval), DEQ will continue to use the mean value for selecting emissions factors unless the entity provides guidance based on sound statistical analyses as to why an alternative parameter will more accurately reflect emissions.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 855

Comment Category #135: Emissions Inventory - Should include a provision for confidential business information

Description: The proposed CAO rules allow DEQ to request from any source an emissions inventory and modeling information. The information that can be requested is not just "emissions data" but includes production, fuel and material usage rates; projected maximum daily and annual production and process rates; operating schedules and other information. There are no provisions under the proposed CAO rules to protect confidential business information. OAR 340-245-0340 should be revised to include a reference to OAR 340- 214-0130 (Information Exempt from Disclosure).

Response: The provision for protecting confidential business information is included in OAR 340-214-0130, Information Exempt from Disclosure. OAR 340-245-0010, Applicability and Jurisdiction, lists other divisions of air quality rules that apply to sources subject to Cleaner Air Oregon, division 245. Among this list of other applicable divisions is division 214 Stationary Source Reporting Requirements, which includes Information Exempt from Disclosure. Owners or operators that want to protect confidential business information can do so by following the procedures in OAR 340-214-0130.

DEQ agrees with the commenter that the production, fuel and material usage rates requested for the emissions inventory should be submitted if it is used to calculate emissions.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867, 888, 629, 667

Comment Category #136: Emissions inventory - supports reporting of 660 air toxics

Description: Commenter supports required reporting of 660 air toxics from all commercial and industrial facilities that emit air toxics. Add chemicals that may be identified by Federal or State Law as those pollutants surface thru innovation and not wait until permits are reviewed or reissued.

Response: DEQ agrees that a comprehensive emissions inventory will be invaluable to Cleaner Air Oregon. Sources are required to report emissions of approximately 600 toxic air contaminants. Of those approximately 600 toxic air contaminants, approximately 260 have toxicity data for which DEQ and OHA are proposing Risk Based Concentrations for permitting purposes. If there are toxic air contaminants without Risk Based Concentrations that facilities emit at high levels in Oregon, the agencies will consider developing Risk Based Concentrations for those toxic air contaminants.

Changes to the list of reporting toxic air contaminants and permitting toxic air contaminants occur through rulemaking. People can request that DEQ add or remove toxic air contaminants from either list but must follow the procedures in OAR 340-245-0310 Process for Updating Lists of Regulated Toxic Air Contaminants and Their Risk-Based Concentrations.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 22, 138, 259, 262, 297, 300, 308, 506, 515, 551, 651

Comment Category #137: Environmental Justice - Cully neighborhood impacted disproportionately

Description: The residents of Cully, often under-represented and ignored in the racial and class set-up of Portland, have historically experienced the effects of these pollutants and toxins disproportionately. Cully's many schools house children from challenging socioeconomic communities. Cully's new residents, who arrive seeking an affordable place to live their dreams, and raise their families, are often perplexed and confused by nuisance odors and the lack of accountability by state agencies to deal with chronic, persistent, industrial pollution. For the original stakeholders, elderly and working residents, who have been ignored and marginalized, it is just more of the same that industrial polluters have succeeded in normalizing.

Response: DEQ and OHA have incorporated environmental justice considerations into multiple aspects of the draft Cleaner Air Oregon regulations. While the scope of the draft regulations is not large enough to include issues like nuisance odor, the agencies anticipate that Cleaner Air Oregon will provide additional health protection for sensitive populations living near industrial facilities through the following measures:

- proposed protective risk based concentrations;
- consideration of multi-pathway exposures;
- consideration of total cancer risk and noncancer effects at regulated facilities;
- proposed reasonably protective Risk Action Levels;
- development of procedures to prioritize facilities for call-in that consider sensitive populations and overburdened communities; and
- development of robust public engagement procedures and guidelines.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 108, 519

Comment Category #138: Environmental Justice - DEQ has not met its obligations

Description: DEQ should explicitly outline the agency’s statutory obligations under federal and state law (including Title VI of the Civil Rights Act of 1964, Executive Order 12898, and ORS 182.545) to account for the environmental justice impacts of the proposed rules. These obligations should be clearly outlined in the rules and include a description of how the rules provide “equal protection from environmental and health hazards, and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality, and play.” DEQ needs to fully staff and resource a Citizen Advocate position to ensure that underrepresented and disproportionately impacted communities have opportunities to meaningfully participate in critical permit and rulemaking processes. The Area Multi-Source Risk Determination as outlined in section 340-245-0090, however, would benefit greatly from the enhanced community engagement that such a fully-staffed and resourced position would bring. DEQ and EQC have legal obligations under both federal and state law to account for the environmental justice impacts of the proposed rules. These legal obligations require DEQ to utilize demographic data to assess whether the benefits and burdens of the CAO program will be shared equally by all communities in Oregon regardless of race, ethnicity, income, or other demographic considerations.

Response: DEQ agrees that it has the legal responsibilities outlined by the commenter. DEQ and OHA believe that the proposed provisions of Cleaner Air Oregon rules will address environmental justice concerns and provide sufficient tools and opportunities to ensure equal protection from environmental and health hazards and meaningful participation in decisions that affect the environment in which people live, work, learn, practice spirituality and play, in accordance with Title VI of the Civil Rights Act of 1964, Executive Order 12898, and ORS 182.545. It is not necessary to restate these legal authorities in the Cleaner Air Oregon regulation.

Current DEQ funding includes 0.2 Full Time Equivalent (FTE) allocated for an Environmental Justice advocate position to serve all agency programs. A preliminary draft policy option package submitted as part of DEQ’s Agency Request Budget includes 1 FTE, one full time position, specifically for Environmental Justice and Title VI work. That requested position would assume the current advocate responsibilities and expand on DEQ’s meaningful engagement on agency decisions and activities. That requested position would also hold the primary responsibility for Title VI compliance at DEQ. This proposed position, if approved by the Legislature, would be part of the DEQ 2019-21 budget.

The proposed rules provide requirements and options for conducting community engagement, as well as resources that DEQ may develop or consult with. The recent legislation and this rule package provide 2 FTE of resources to this work to ensure robust, proactive community engagement and coordination: a Cleaner Air Oregon community engagement coordinator at DEQ, and community engagement and health education specialist at OHA. These positions would lead the development of a comprehensive set of procedures and guidelines for proactive communication and provide flexibility in working with communities to keep neighbors informed and involved in the process. DEQ and OHA will base these procedures on community engagement best practices including consideration of resources provided by the Oregon Environmental Justice Task Force, and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow for greater detail and flexibility to tailor the community engagement process to the needs of communities.

Senate Bill 1541 adopted into law by the 2018 Legislature created a Pilot Program “for evaluating and controlling public health risks from toxic air contaminant emissions from multiple stationary air contamination sources.” Because Senate Bill 1541 mandates specific requirements of the pilot program, many of the comments on the Area Multi-Source rules in the first Cleaner Air Oregon public comment period are no longer applicable. The current draft of the Cleaner Air Oregon rules contains no reference to Area Multi-Source risk. DEQ will be undertaking a separate rule-making effort to establish the pilot program to evaluate and control public health risks from multiple facilities. DEQ anticipates that specific procedures for identifying, evaluating and choosing the multi-source pilot location, as well as other key details such as the Clean Communities Fund, will be addressed in the separate rule-making work for this program element. DEQ received 1.0 FTE to develop and support any programs or rules related to this pilot program. DEQ appreciates public interest in this issue. We encourage commenters to participate in the pilot program rulemaking when it begins, and at that time make additional comments specific to the proposal as governed by Senate Bill 1541.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 846, 250, 276, 491, 552, 571

Comment Category #139: Environmental Justice - include farm workers

Description: In order to improve upon the accuracy of the description of “environmental justice” and provide the protective language environmental justice demands, OAR 340-245-0020(15) should be altered to explicitly include the farm worker population. Community engagement procedures in rural communities with farm worker populations should be specifically tailored to meet the communication needs of this population so that all affected community members may be present and meaningfully involved in processes which impact the air they breathe.

Response: DEQ has proposed the use of Oregon's Environmental Just Task Force definition of environmental justice and wants to continue using that definition since it is widely known and used. The EJ Task Force definition states "Environmental Justice communities include minority and low-income communities, tribal communities, and other communities traditionally underrepresented in public process." This does not mean that underrepresented communities exclude farm workers because they are not listed. Potentially other communities that are traditionally underrepresented in the public process are not listed. In some cases, listing specific classes of individuals could lead to the unintended interpretation of excluding others who are not specifically listed.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the

procedures. Compared to having a prescriptive process in the regulations, this approach will allow greater flexibility to tailor the community engagement process to the needs of communities.

The definition of "acute exposure location" means a place outside the boundary of a source being modeled for 24-hour average concentrations of a toxic air contaminant, and that is either or both:

(A) A chronic exposure location; or

(B) A location where a person may spend several hours of one day, such as but not limited to parks, sports facilities and agricultural fields.

Since agricultural fields are considered acute exposure locations for risk assessment, the health of farm workers will be considered in assessing potential risk and risk reduction when necessary.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 217

Comment Category #140: Environmental Justice - supports prioritization of EJ communities

Description: Commenter supports prioritization of environmental justice communities in implementation and enforcement.

Response: Using low income and minority population data in the overall prioritization of facilities for Cleaner Air Oregon is an important part of DEQ's effort to address environmental justice by reducing disproportionate impacts of toxic air contaminant risk on overburdened populations. The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations.

In the 2018 draft rules, DEQ has removed the detailed procedures for prioritizing sources for call-in as well as the limit on the number of sources to call in during the first five years of the program. Under the current proposal, DEQ would use the following criteria to call-in facilities:

- same formula including low income and percent minority as the 2017 draft rules;
- relative severity of health risks;
- existing facility pollution controls;
- exposure distance;
- additional information on emissions and risk screening;
- any changes in emissions that DEQ learns about that were not captured in the initial screening; and
- efficient allocation of DEQ resources.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 812, 822, 824, 825, 835, 22, 846, 847, 31, 51, 197, 217, 242, 250, 259, 261, 273, 297, 300, 303, 308, 315, 319, 341, 350, 351, 367, 402, 438, 441, 452, 464, 469, 478, 487, 506, 511, 515, 528, 591, 599, 637, 649, 651, 659, 661, 807, 702, 777, 686, 697, 720

Comment Category #141: Exempt and de minimis sources - allow sources to go directly to risk assessment requirements

Description: Proposed OAR 340-245-0050(c)

This subsection requires a source to prove that it is exempt or de minimis before performing a risk assessment. If a source recognized that its unlikely (or impossible) for it to be exempt or de minimis, the source should be able to move directly to developing a work plan for modeling, monitoring and a risk assessment as appropriate. There is no value to the source or the department for an empty exercise. The rule should be revised to make clear that a source can go directly to modeling, monitoring and a risk assessment as appropriate.

Response: The proposed OAR 340-245-0050(1)(c) states "Except for exempt sources, the owner or operator must first assess risk to demonstrate that the source is de minimis or that risk from the source is less than or equal to the TBACT Level." The requirement says "or," not "and." DEQ has never intended that all sources prove they are exempt or de minimis. Exempt sources are not required to perform risk assessments so these proposed rules do not apply to them.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #142: Exempt TEUs - do not require an emissions inventory for these TEUs

Description: The inclusion of exempt TEUs in the emissions inventory imposes a significant and unnecessary burden on sources. Exempt TEUs include Categorically Insignificant Activities such as office activities, janitorial activities, grounds keeping, repair shops, routine maintenance, and many others. Tracking the usage of products such as cleaners, lubricants, and paints in small amounts in these activities is a burden that will provide no useful information or environmental benefit. Since emissions

from exempt TEUs are not included in source risk assessments, sources should not be required to track and report them in their inventories. The CAO rule should not require inventories to include exempt TEUs, particularly Categorically Insignificant Activities.

Response: DEQ agrees with the commenter and has changed the proposed rule language to clarify that exempt Toxic Emission Units do not have to be included in the emission inventory. DEQ has also changed the proposed language to include maintenance and repair shops as exempt TEUs but may require their emissions to be included in a risk assessment if DEQ finds that potential emissions could create a significant risk to human health.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 841

Comment Category #143: Exempt TEUs - do not require risk assessment to prove exempt and add language about trace amounts

Description: The demonstration that a TEU is unlikely to emit toxic air contaminants does not require a risk assessment. At most, a review of materials handled, processes involved, and materials emitted will be sufficient. DEQ should delete the requirement for using a DEQ-approved risk assessment to show that a TEU is exempt.

The standard for exemption ("not likely to emit toxic air contaminants") is inconsistent with the examples that the rule provides of the types of information that may be relevant. The standard could be misinterpreted as meaning that no toxic air contaminants may be emitted by an exempt TEU. However, the rule provides examples of information that could be relevant to demonstrating exempt status, including "[a]ny toxic air contaminant present in materials emitted are only trace contaminants that are not intentionally present in the materials handled, processed or produced in the TEU. The actual standard for exemption is "not likely to emit toxic air contaminants in more than trace amounts."

Response: DEQ agrees with the commenter. DEQ has removed the language requiring a risk assessment to prove a Toxic Emission Unit is exempt. DEQ did not intend for exempt Toxics Emissions Units or exempt source to perform risk assessment. DEQ added a subsection of OAR 340-245-0030 stating when a submittal to prove exempt source status is due. DEQ also added the language "in more than trace" amounts to the criteria for determining if an Emission Unit is exempt.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 841, 888

Comment Category #144: Exempt TEUs - include emergency generators

Description: The proposed rules greatly reduce the exclusion of categorically insignificant emissions, such as those from emergency generators. Emissions from these sources are likely to be minimal, as they operate infrequently, and application of the regulations to these sources will demand considerable resources for both regulated businesses and for DEQ. The commenter recommends that DEQ maintain the categorically insignificant exclusion for emergency/stand-by generators.

Response: DEQ has not changed the exclusion of categorically insignificant activities for emergency generators. As defined in division 200, the exemption for emergency generators states:

Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;

Sources with emergency generators that meet the criteria above are categorically insignificant and no emissions from those generators would be included in a CAO risk assessment.

If an emergency generator does not meet the criteria above, then its toxic air contaminant emissions from non-emergency use (including maintenance checks and readiness testing) must be included in a CAO risk assessment. Emissions from emergency use during outages would not be included in CAO risk assessments. Please see also Category #18: Applicability - exempt backup power generation because of natural disaster

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 887, 892

Comment Category #145: Exempt TEUs - include public input

Description: The owner or operator of a Toxics Emissions Unit seeking exemption from the rules may demonstrate to DEQ that the unit is not likely to emit air toxics, placing the burden on the owner/operator to explain to DEQ's satisfaction why their unit should be exempt. There is no opportunity for additional information from community individuals or organizations to be presented to DEQ while DEQ considers the request for exemption. This provision needs to be altered to include an opportunity for public input and information sharing regarding potentially exempt TEUs.

Response: If the owner or operator demonstrates to DEQ's satisfaction that a Toxic Emission Units is exempt, that demonstration will be available on DEQ's website since DEQ is posting all Cleaner Air Oregon submittals. If all TEUs are exempt, then the source would also be exempt and would not be required to obtain a Toxic Air Contaminant Permit Addendum. DEQ will maintain a list of sources that are not required to obtain a Toxic Air Contaminant Permit Addendum and make that list available for public review.

All Toxic Air Contaminant Permit Addendums require public notice. DEQ will identify a source that has exempt TEUs in the Review Report, which explains the legal basis of the Toxic Air Contaminant Permit Addendum. Both the proposed Toxic Air Contaminant Permit Addendum and the Review Report will be available to the public during the public notice period.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 217

Comment Category #146: Exempt TEUs - include TEUs that are unlikely to emit air toxics at more than a trace level at new and existing sources

Description: Given the characteristics of the material being processed, all wastewater treatment units should qualify as exempt. To make the standards for TEU exemption clear and internally consistent, the CAO Rules should require that exempt TEUs be unlikely to emit air toxics at more than a trace level. Even though it is likely that many TEUs at POTWs will be exempt, the requirement to demonstrate exemptions will create a significant and unnecessary burden on the regulated community and DEQ. Instead, the CAO Rules should allow sources to apply the rules and determine whether they are exempt and not require DEQ approval.

Since new sources may also meet the standards for exemption, DEQ should allow new sources to secure exempt status.

In addition to the requirement to submit supporting information to DEQ, the proposed CAO Rules require the owner or operator seeking an exemption to submit a Risk Assessment Notification. Defined only as a form that must be submitted to request de minimis or exempt status, there is no explanation of the content of the form or the level of effort that may be required to complete it.

Response: The draft rule language defines an exempt Toxic Emission Unit and already includes references to materials that may have toxic air contaminants in trace amounts, not intentionally present:

(a) The TEU is listed in the definition of categorically insignificant activity in OAR 340-200-0020, excluding subsections (a) and (m) of that definition; or

(b) The owner or operator of the TEU has demonstrated to DEQ's satisfaction in an approved risk assessment that the TEU is not likely to emit toxic air contaminants. The demonstration may include any information the owner or operator considers relevant, including but not limited to:

(A) The chemical make-up of the materials handled or processed in the TEU; the type of handling or processing in the TEU, including whether or not the handling or processing is likely to alter the chemical make-up of the materials; and the chemical make-up or likely chemical make-up of the materials emitted by the TEU; and

(B) Any toxic air contaminant present in materials emitted are only trace contaminants that are not intentionally present in the materials handled, processed or produced in the TEU, and are present in such small amounts that they would typically not be listed in a Safety Data Sheet, product data sheet or equivalent document.

Owners or operators of wastewater treatment plants may submit an analysis that shows their TEUs are exempt. Emission factors for toxic air contaminants from publicly owned treatment works are available from the South Coast Air Quality Management District so proving exempt status for toxic emissions units is not burdensome for the source or DEQ. In fact, some publicly owned treatment works have done risk assessments for the South Coast Air Quality Management District.

DEQ will change the draft rule language to clarify that new sources can also be exempt.

DEQ removed the concept of a Risk Assessment Notification. DEQ will now require use of applications for Toxic Air Contaminant Permit Addendums.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 502, 639

Comment Category #147: Exempt TEUs - maintenance and repair shop emissions should be exempt

Description: DEQ's June 2018 proposed rules do not classify categorically insignificant maintenance and repair shop activities as exempt TEUs. This is inconsistent with DEQ's prior versions of the CAO rules, which grouped maintenance and repair shops among the other types of categorically insignificant activities exempt from consideration as TEUs. DEQ has provided no rationale for carving out maintenance and repair shops while retaining the exemption for other, similar types of insignificant activities. Maintenance and repair shops at industrial stationary sources are rarely the source of anything more than a handful of inconsequential emissions. However, making these shops fully regulated TEUs will require a substantial effort in regards to building an emissions inventory, modeling and ongoing monitoring. If there is a particular issue of concern relating to certain maintenance shops, then that issue should be addressed. However, requiring that every maintenance and repair shop be regulated as a TEU is excessive.

Response: DEQ excluded maintenance and repair shops from being exempt Toxic Emission Units because of information indicating that potential high risk could result from the use of molten metal pots. Upon further investigation, DEQ determined that toxic air contaminant emissions from these molten metal pots did not pose high risk. Some owners or operators did report toxic air contaminant emissions from their maintenance and repair activities, for which potential risk should be evaluated further. Therefore, DEQ has changed the proposed language to include maintenance and repair shops as exempt TEUs but may require their emissions to be included in a risk assessment if DEQ finds that potential emissions could create a significant risk to human health.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 841, 859, 867, 888

Comment Category #148: Exempt TEUs - should not be required to obtain construction approval

Description: The proposed language requiring that sources provide 10 days written notice prior to constructing an exempt TEU should be revised. If a TEU is exempt from the program, it should not be subject to any further requirements, let alone a 10 day delay in being able to proceed with construction.

Response: Categorically insignificant activities are exempt from the requirement to submit a Notice of Construction unless they are subject to NESHAP or NSPS requirements. DEQ will apply the same criteria to exempt Toxic Emission Units.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867, 871, 884, 887, 888, 903, 908

Comment Category #149: Existing rules are adequate

Description: Adequate rules covering point-source issuance of targeted chemicals and substances have existed for many years in the Code of Federal Regulations. Oregon has benefited environmentally in many ways from these already stringent regulations, resulting in very good air quality that has improved drastically over the past ten years. Due to substantial investments in pollution control technology, Oregon industrial sources now account for less than 15 percent of air pollutants. Adequate enforcement

of existing Federal and State regulations should be carried out before adding additional and perhaps unnecessary, unjustifiable, and burdensome standards to Cleaner Air Oregon's rulemaking.

Response: DEQ agrees that federal regulations of emissions of toxic air contaminants from industrial facilities have resulted in significant environmental benefits over the last 20 years. Many facilities in Oregon have made emission reductions based on the National Emission Standards for Hazardous Air Pollutants (NESHAPs) - the Maximum Achievable Control Technology (MACT) standards, the follow-up Residual Risk standards, or both.

As effective as the NESHAP program has been, there can remain various gaps in regulatory protection of public health at the state and neighborhood level. The federal standards only regulate 187 hazardous air pollutants compared to the 660 toxic air contaminants proposed in Cleaner Air Oregon. Some categories of industrial activity in Oregon emit toxic air contaminants that EPA has never regulated under the NESHAPs. DEQ has petitioned for development of MACT standards for these categories but EPA has not responded.

EPA hazardous air pollutant regulations have size cut-offs and other exclusions, further resulting in industrial toxic air contaminants that are not covered by federal controls. If a facility is covered only by a MACT (based on what is technologically achievable by the top 12% of best performing facilities), and EPA has not yet performed Residual Risk analysis, there could be levels of unaddressed risk from hazardous air pollutants. If EPA has performed a residual risk analysis and promulgated additional regulations to control risk, resulting regulations could allow risk higher than the Risk Action Levels of Cleaner Air Oregon. It is also possible that modeling used in residual risk determinations is not specific to local conditions near a facility covered by the regulations.

Finally, under a federal executive order, some federal hazardous air pollution standards have been or are proposed for deregulation (<https://www.epa.gov/laws-regulations/epa-deregulatory-actions>). In addition, the scope of major source MACT applicability has been potentially drastically reduced with the recent repeal of the "Once in Always in" EPA policy for implementation of the Clean Air Act. This change in policy would allow sources that were once considered major sources and have reduced emissions so they are no longer major sources to be exempt from MACT applicability and requirements. These actions could severely impact the scope and protectiveness of some NESHAP standards for facilities in Oregon.

In response to the comment about the relative contribution of industrial point sources compared to other emitters, the levels of contribution of different sources of toxic air contaminants, for example industry, on and off road engines, wood burning and other residential and commercial activity, is greatly affected by the size and location of areas investigated. When averaging different source contributions to toxic air contaminants across Oregon counties, industrial emissions are typically about 10%, while other emissions, especially those from wood burning and gas and diesel engines can be much greater. Significant levels of toxic air contaminants such as formaldehyde are formed in the atmosphere from precursor chemicals. However, in neighborhoods within a half mile to a mile of industrial facilities, health risk from industrial pollutants can greatly outweigh risks from other sources. Cleaner Air Oregon focuses on understanding and managing the risk to people living near industrial facilities.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 216, 352, 376, 550, 740, 672, 736, 744, 732, 737, 735

Comment Category #150: Exposure location - clarify requirements for sources with public access

Description: Level 2, 3, and 4 risk assessments are to be conducted at exposure locations approved by DEQ according to OAR 340-245-0050. As written, the rules currently contain uncertainty for regulated sources that have public access. These sources include, but are not limited to, hospitals, industrial facilities with commercial/retail sales on-site, and airports. Commenter recommends that DEQ clarify whether exposure includes the public access areas within a facility's operational boundary. If so, it underscores the need to accurately assess and represent the small risk associated with the diesel generators that these vital facilities rely on.

Response: The proposed rules state that risk must be assessed at "a location where people live or congregate and will be exposed to a toxic air contaminant present in the air." If a source has public access within their operational boundary, they would be required to evaluate risk at these exposure locations. Since these public-access exposures are transient, the toxics of concern are those with short-term acute effects.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 842, 851

Comment Category #151: Exposure location - definition is inconsistent with statute

Description: DEQ should limit assessments to locations where people actually live or normally congregate, as required by SB 1541.

Response: To be more explicitly in compliance with statute (SB 1541), DEQ will revise the definition of "exposure location" as follows:

(22) "Exposure location" means a location where people actually live or normally congregate and where people, including sensitive populations, will be exposed to a toxic air contaminant present in the air, and thus be the location of an air quality modeling receptor at which toxic air contaminant concentrations and risk are evaluated by exposure type. Exposure locations are identified based on uses allowed by land use zoning, except as allowed under OAR 340-245-0210(1)(a)(F) or when DEQ has sufficient information to determine that an area is being used in a manner contrary to its land use zoning. An

exposure location may be subcategorized as either or both a chronic exposure location or an acute exposure location.

(4) “Acute exposure location” means an exposure location outside the boundary of a source being modeled for daily average concentrations of a toxic air contaminant, and that is:

(a) A chronic exposure location; or

(b) A location where people may spend several hours of one day.

(11) “Chronic exposure location” means an exposure location outside the boundary of a source being modeled for annual average concentrations of a toxic air contaminant, and can be either:

(a) A residential exposure location; or

(b) A non-residential exposure location.

One of the comments states that SB 1541 allows only the source to rebut the land use determination of exposure location, and that DEQ is not authorized to disagree with the land use determination. SB 1541 says nothing about limiting the powers of DEQ to make a determination that actual use of a location does not conform to the land use classification. SB 1541 states that DEQ can determine the land use classification is not representative based on the documentation provided by the source.

If SB 1541 recognizes that DEQ has sufficient expertise to make an actual-use determination based on information provided by the source, then DEQ has expertise to make an independent actual-use determination on the same level of evidence that may be used by the source. The absence of specific language in SB 1541 regarding any assessment by DEQ of the actual land use status of a location is not a prescription against DEQ undertaking that assessment. DEQ has the same opportunity for assessing actual use that is explicitly provided to sources.

Since actual use and type of exposure location are key factors in the risk determination, it does not make sense to provide the ability for one party to make that correction and not the other. The fact that a specific prescription was not provided in SB 1541 indicates that was not the intent of SB 1541.

A location where people may congregate, or a location where a single person may be for a portion of a day, will likely be the same location. For example, public parks, sports fields or agricultural fields may be an acute exposure location.

DEQ agrees that a conditional use permit may allow a use not included in the original land use classification. However, the purpose of the word “contrary” in “contrary to the land use zoning” is to identify those circumstances where “actual” use may depart from the formal land use designation, so that a source can rebut the presumption that actual use conforms to land use zoning.

DEQ does not agree that the definition of “Non-resident exposure location” should be modified to read: “in areas zoned for commercial or industrial uses.” The presumption of use where a “person or persons may reasonably be present” is the same level of presumption as using land use designations that are subject to the provision in SB 1541 that allows a source to rebut the presumption and replace with actual use.

In addition, the implementation of the proposed rule would identify any mixed-use residential-commercial areas or buildings and classify them as residential exposure locations. As noted above, a source may rebut the presumption that land use designation defines the exposure location. An example of how this might be applied is the case of a store in a commercially zoned area with an apartment above: the intent of the proposed rule would be to consider the actual use of this location as residential. A primary goal of Cleaner Air Oregon is to assess risk on exposed populations, and a family exposed at a conditional-use residential location within an area zoned commercial is no different than a family exposed in an area zoned residential.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867, 871, 880, 884, 888, 893, 907, 908, 927, 912, 928, 918

Comment Category #152: Exposure Location - do not require sources to report changes in zoning

Description: Do not require all addenda to “include a condition that requires the owner or operator to notify DEQ within 60 days of a change in zoning within 1.5 kilometers of the source if zoning results in a change to the source’s risk.” There are no readily available tools to track zoning changes within a given radius in real time.

Response: Counties and larger cities in Oregon maintain online zoning maps that can be periodically checked to determine if zoning changes have occurred near a facility. Given the importance of knowing the different populations that may be exposed to toxic emissions from a facility, DEQ considers this simple check a reasonable requirement.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 842, 851, 859, 867, 888

Comment Category #153: Exposure location - inclusion of sports facilities is inappropriate

Description: Inclusion of “sports facilities” is inappropriate. Indoor facilities present significantly different exposure scenarios than outdoor playgrounds/athletic fields. First, such places are not where people actually live nor “congregate” as required by law. The events at such places are on varying schedules with differing populations for various time periods. Second, “agricultural fields” are not where people “actually live or normally congregate” as required by SB 1541.

Response: Risk assessment as part of the proposed rule is of ambient air outside of buildings. The risk assessment of exposures to people who congregate in outdoor sports facilities is for toxic air contaminants with acute effects, which includes exposures of 24 hours or less. Evaluating acute exposure at sports facilities is reasonable because, by design, people will normally congregate at these locations. The fact that participant and spectator populations will vary is not a consideration for acute exposure because the rule is intended to protect against adverse health effects occurring over a short period of time. Workers at facilities will also be evaluated for chronic exposure.

Agricultural fields may have farm laborers who normally conduct work such as tilling, sowing, and harvesting. Even if the work is seasonal, it is relevant to evaluate exposure because people may be exposed to emissions of acute toxic air contaminants for 24 hours or less. If a source has evidence that the land use designation does not represent actual activity, it can disprove the presumption of agricultural use.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #154: Exposure location - remove duplicative residential areas, commercial areas and public space from modeling requirements and clarify language

Description: The terms “residential areas,” “commercial areas,” and “public space” should be removed from the modeling section since they are not defined and the definitions for exposure locations already define where modeling receptors are placed. Second, SB 1541 requires that the analysis evaluate “locations where people actually live or normally congregate.” Thus, this rule should simply apply to “nonresidential exposure locations” and “residential exposure locations,” which are defined in the rule.

Proposed OAR 340-245-0210(5)(b). The rule remains vague as to what the Department would consider an area “not being used in the manner allowed by the land use zoning at the time.” This would require far too much analysis of the permitted uses and the uses actually established on the ground. And, it could be read to require inclusion of an area that was largely undeveloped but which may have, for example, one old farmhouse. Also, use of the term “manner allowed” is confusing, as even nonconforming uses are “allowed,” meaning that this could be used by DEQ to basically knock down every analysis. This section should be replaced as follows: “An owner or operator may provide documentation to demonstrate an area is not being used in the manner intended by the land use zoning of the area at the time the modeling is to be performed. An area zoned primarily for residential uses, including single-family residential, multi-family residential, or mixed-uses, is considered to not be used for its intended residential purposes if it is developed with a residential density of less than two (2) dwelling units per acre within an urban growth boundary or less than one dwelling unit per acre outside of an urban growth boundary.”

The use of the dwelling unit/area measure allows the rule to be implemented. Sources can seek such information from the local assessor; such information is available. The current draft rule seeks information that is not known or is not tracked in an accessible format.

Proposed OAR 340-245-0210(5)(b)(B). For the same reasons, this section should be replaced as follows: "If DEQ approves the exclusion, the owner or operator must annually submit to DEQ documentation showing the excluded zoned area continue to not be used in the manner intended by the land use zoning of the area. An area zoned primarily for residential uses is considered to still not be used for its intended residential purposes if it is developed with a residential density of less than two dwelling units per acre within an urban growth boundary or less than one dwelling unit per acre outside of an urban growth boundary."

Response: DEQ agrees that it would be helpful to provide additional details on criteria for allowing an exclusion from current land use zoning. We propose that this be added to the Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments document. DEQ does not intend to include arbitrary limits on residential density. Instead, we can specify that in a very sparsely populated area, air modeling can include individual residential houses or businesses that are currently occupied, without the need to model the entire zoned area.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #155: Fees - based on level of risk assessment rather than outcome

Description: Fees should be related to the amount of work necessary for the review activities involved, particularly for the Standard and Title V permits, similar to the sliding scale proposed for the base fees. It is likely that permitting and risk assessment activities for Title V permits will be more complex than Standard permits so the structure should reflect this additional level of complexity.

Response: In OAR 340-216-8030 Table 3, the Specific Activity Fee Table contains different fees for Title V, Standard, Simple and Basic/General permittees because of the difference in complexity of these source categories. Most of the fees are the same for Title V sources and ACDP sources but the fees for the more complex levels of risk assessment are different based on the estimated hours to review the applications and draft the permits. The proposed rules also contain a sliding scale fee based on the level of risk assessment, Levels 1 through 4.

If the outcome of the risk assessment shows that potential risk is above Risk Action Levels, then a Risk Reduction Plan is required. More work is required to review those types of applications that include community engagement, pollution prevention or control, or inability to pay. DEQ has changed the proposed fees for the Risk Reduction Plan to separate out the risk assessment review because sources may want final approval of their risk assessment before determining how much their risk needs to be

reduced. DEQ has changed the proposed rules to eliminate the TBACT Plan and just make the TBACT requirement part of the Risk Reduction Plan, which is the overarching plan to reduce risk.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 244, 639

Comment Category #156: Fees - clarify language about fees being due

Description: Proposed OAR 340-245-0400(5)(c) is missing word: see "fees be due" in final line of this subsection.

Response: DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #157: Fees - clarify modeling only fee

Description: Please provide clarification in rule for when the Level 2 and Level 3 "modeling review only" fees would be applied.

Response: The 'modeling review only' fees are needed if a source requests approval of a new or modified Toxics Emissions Unit and modeling is required under OAR 340-245-0060. The modeling may be required for just the Toxics Emissions Unit being approved, not the whole facility.

DEQ agrees with commenter and changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 244

Comment Category #158: Fees - Funding must be adequate. Fund CAO with increased fees or general fund if necessary

Description: Increase fees on industry, both permitted and unpermitted facilities to cover expenses if that's needed. Adequate funding should be paid through the air quality permits. Hybrid methods of funding such as general fund appropriation and the ability of DEQ to levy fees could also be used.

Resources for emission inventory improvement/availability, community liaison/outreach and environmental justice are necessary to keep moving in the right direction.

Legislators need to adequately fund the DEQ and the OHA to enforce these rules. Funding for this enforcement should come from those that need air quality permits. Since DEQ is now funded, the public urgently needs our agencies to utilize the most health protective science available. The public will hold Oregon Health Authority (OHA) accountable to their duty to protect public health which means using the most up to date science.

Response: DEQ agrees with the commenters that adequate funding for Cleaner Air Oregon is critical to the success of the program. DEQ is proposing fees that owners or operators of sources will have to pay to implement Cleaner Air Oregon. DEQ will charge a base fee that all current permittees must pay annually, a call-in fee that sources who are called into the program will have to pay for DEQ resources to help sources prepare Toxic Air Contaminant Permit Addendum applications, and Specific Activity Fees that will be submitted when any applications are submitted. DEQ also receives general fund money to pay for a portion of the program. A portion of the fees will also pay for staff at OHA.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 812, 825, 11, 12, 13, 839, 20, 22, 36, 85, 92, 94, 102, 104, 107, 108, 111, 114, 138, 149, 158, 193, 206, 218, 224, 242, 259, 265, 280, 300, 308, 321, 341, 350, 351, 418, 424, 425, 485, 499, 506, 507, 515, 559, 566, 571, 580, 582, 625, 638, 660, 804, 762,

Comment Category #159: Fees - lower fees for CAO Monitoring Plan review

Description: The \$59,000 fee for submission of the Cleaner Air Oregon Monitoring Plan (the highest of the current proposed activity fees) may provide a disincentive for entities to voluntarily collect air monitoring data. This level of fee could prevent collection of data for industries that currently have limited or inaccurate data and emissions factors for use in inventories and modeling. The commenter recommends a sliding scale for fees based on the effort of review for DEQ.

Response: Ambient air monitoring is costly because good estimates of an annual average concentration typically require monitoring at least one day in six over a full year. In addition, ambient monitoring for 24-hour concentrations could potentially require daily monitoring. Cleaner Air Oregon ambient monitoring is the most complex type of permit application that can be submitted and the fee was based on the estimated hours of work needed to review this type of application along with the ambient monitoring data that is submitted.

Siting ambient monitors requires detailed modeling in addition to the risk assessment because ambient monitoring can only delay required risk reduction if potential risk is above 200 in a million or a hazard index of 20. This evaluation cannot be done without an assessment of potential risk. Quality assurance/quality control is critical to gathering accurate data. Evaluating a year's worth of ambient

monitoring data is very time consuming, especially when meteorological data and production data must be evaluated with the ambient monitoring data.

Ambient monitoring measures concentrations of toxic air contaminants, not emissions, so it will not be possible to determine emission factors from ambient monitoring. Continuous Emissions Monitor Systems or source testing would be the best methods to determine emission factors.

DEQ did not change the proposed rules in response to this comment but did make changes to the proposed structure of the specific activity fees. DEQ separated the proposed risk assessment fee from the risk reduction fee, the air monitoring fee and the postponement of risk reduction fee. This will allow a source to obtain approval before determining if risk reduction, air monitoring or the postponement of risk reduction are necessary. The total cost of air monitoring ranges from approximately \$46,000 to \$60,000 depending on the level of risk assessment used. The level of work needed to review an ambient monitoring plan does not depend on the complexity of the source so a sliding scale is not necessary.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 244, 415

Comment Category #160: Fees - Object to fees for TBACT review

Description: Commenter objects to the excessive and unreasonable fees of \$6,000 per TEU associated with TBACT determinations. The rules are not clear about whether if a source has to perform an annual update of TBACT it will be charged the full \$6,000 per TEU. It is also excessive to impose this charge on a "per TEU" basis when a typical source would likely have ten or more TEUs. In the major New Source Review program, the Department does not charge fees equal to anything near that amount.

DEQ increased the fee by now stating that it is \$3,000 per TEU and type of toxic air contaminant. This means that an emission unit that emits 4 or 5 types of toxics (e.g., volatiles, acid gases, metals, and dioxins) could face a fee of \$12,000 per TEU. This fee is excessive. Where a source needs to submit annual reviews per proposed OAR 340-245-0140(4)(a), it would face that same \$12,000 fee (per TEU) annually even though little effort was required by DEQ.

We request that the fee table in OAR 340-216-8030 be revised to reflect that the TBACT fee is not duplicated where there are similar TEUs being assessed.

Response: A TBACT determination is only required if a source exceeds the TBACT Risk Action Level and is required to install TBACT on all significant Toxics Emissions Units. If a source can reduce toxic air contaminant emissions and comply with the TBACT Risk Action Level, TBACT is not necessary. In order to make a TBACT determination, DEQ must research all similar TEUs across the nation and see what types of controls are required. Since there is no TBACT clearinghouse, like there is for Best Available Control Technology for criteria pollutants, DEQ will be required to call state and local agencies to see what they require for TBACT for toxic air contaminants.

DEQ will also verify that an owner or operator installed TBACT and is achieving the desired results. Gathering this information could take days. But DEQ recognizes that in many cases, TBACT for toxic air contaminants may be the same as BACT for criteria pollutants, making the determination easier, and therefore, less costly. DEQ has changed the proposed TBACT determination fee from \$6,000 to \$3,000. In addition, DEQ has clarified that if multiple TEUs are similar and require the same pollution control device, one TBACT fee may be charged. If a Toxics Emissions Unit emits different types of toxic air contaminants, DEQ must do a TBACT determination for each type of toxic air contaminant because a control device that reduces volatile organic compounds will not reduce metals or acid gases, necessitating the need for a separate fee.

The proposed rules clearly state that the TBACT/TLAER Review Fee is for DEQ's review and approval of the TBACT analysis, not for review of TBACT annual report. In addition, the fee rules in division 245 clearly state that the TBACT fee is not duplicated where there are similar TEUs being assessed so the fee table in OAR 340-216-8030 does not need to be revised.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 888, 631

Comment Category #161: Fees - other funding mechanisms

Description: Seek other funding sources from new programs like cap and trade, or from the VW settlement.

Response: Through Senate Bill 1541 the legislature authorized full funding of the Cleaner Air Oregon Program through permitting fees. There currently is no cap and trade program in Oregon. Volkswagen settlement money (the Environmental Mitigation Fund) is only available to support a defined list of projects that offset the excess air pollution created by VW's cars.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 300, 566, 792

Comment Category #162: Fees - provide updated table

Description: DEQ should provide an updated fee table (OAR 340-216-8030 Table 3) for public review and comment. The fee table, which is referenced through OAR 340-245-0080, Source Risk Assessment was not provided in the proposed rulemaking.

Response: The 'OAR 340-216-8030 Table 3' fee table was included in the proposed changes to the existing rules since all of the current Air Contaminant Discharge Permit fees are within the existing division 216. DEQ posted the fee table on the website at the same time it posted Proposed Division 245 rules.

DEQ has updated the fee table based on new thinking about submittal of the risk assessment in pieces that need DEQ approval before the owner or operator submits the next piece. DEQ must approve the first submittal, the emissions inventory (using emission factors that can include source test data), before the modeling protocol is submitted. After receiving approval of the emissions inventory, the owner or operator must submit the modeling protocol for approval. Depending on the level of risk assessment being submitted, the next piece is the Level 1 or Level 2 Risk Assessment or the work plan for the Level 3 or 4 Risk Assessment. After DEQ approves the work plan, the owner or operator must submit the Level 3 or 4 Risk Assessment. If risk reduction is required, the last submittal is the Risk Reductions Plan.

DEQ changed the proposed fees to reflect submittal of the risk assessment in pieces that need DEQ approval before the owner or operator submits the next piece.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 244

Comment Category #163: Fees - reduce annual fees for de minimis sources and reassess fees periodically

Description: The proposed CAO annual fee for permitted sources in OAR 340-216-8020 Table 2 Part 3 is based only on the type of permit held. As risk assessments are performed over time, it would be equitable to reduce the annual fees for exempt and de minimis sources since they will demand less of DEQ's resources for management of their permits. DEQ should revise the CAO Annual Fees so that exempt and de minimis sources pay a reduced annual fee.

OAR 340-245-0400(3) requires the owner/operator of a source that must perform a risk assessment to pay the "existing source call-in fee," which is found in OAR 340-216-8030, Table 3, CAO Specific Activity Fees. The commenter acknowledges the need to fund the CAO program through permittee fees, there is no justification given in the public notice documents for the level of the activity fees proposed. The fees were apparently based on a five-year planning horizon, during which the highest risk sources would be called in for risk assessments requiring more DEQ staff time. Presumably, as sources with lower risk (exempt, de minimis and not those requiring Risk Reduction Plans) are called in, demands on DEQ will decrease and more sources will be reviewed in a given year. DEQ should review the fees periodically to determine whether the fee levels should be adjusted to reflect DEQ's actual needs.

Response: The proposed annual fees based on the type of permit held are set in SB 1541. There is no provision for de minimis source fees in SB 1541. As stated in another response, DEQ will perform the Level 1 Risk Assessment for all permitted sources in order to categorize them for call-in. If a source screens out based on DEQ's Level 1 Risk Assessment by being either a de minimis source or a source with potential risk less than the Community Engagement Level, DEQ is not planning to call those sources into the program at this time. DEQ will work with these sources and write a memo to the file as allowed under OAR 340-245-0050(6) and (7). DEQ will review the fees periodically to determine whether any adjustments should be made to reflect DEQ's actual needs, as DEQ does with all its air quality permitting programs.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 841

Comment Category #164: Fees - simplify fees to encourage more accurate risk assessments

Description: SB 1541 created a framework for fees that funded CAO. However, in the latest proposed CAO draft rules there are numerous "activities fees" that go beyond base fees and emission fees. The structure leaves the costs confusing and potentially open ended. The Fee Structure should be fair, easy to follow and not discourage efforts to clarify emission rates and risk. The commenter requests that DEQ evaluate their activity fees to simplify in a way that is easy to understand costs for budgeting and does not discourage industries and businesses from pursuing better risk assessments, monitoring plans, better data, etc.

Response: SB 1541 specifically states:

"(1) The fee schedules authorized under ORS 468.065 (2) for permits described in subsection (2) of this section may include fees that are reasonably calculated to cover the direct and indirect costs of the Department of Environmental Quality and the Environmental Quality Commission in developing and implementing, under sections 2 to 7 of this 2018 Act, a program and rules described in section 3 of this 2018 Act or a pilot program described in section 4 of this 2018 Act.

(2) The fees authorized by subsection (1) of this section shall:

(a) Apply for any class of air contamination sources classified pursuant to ORS 468A.050 for which a person is required to obtain a permit under ORS 468A.040 or 468A.155 or is subject to the federal operating permit program pursuant to ORS 468A.310; and

(b) Be in addition to, and not in lieu of, any other fee required under ORS 468.065 or 468A.315."

DEQ established specific activity fees, as supported by the Rules Advisory Committee, in order to avoid having higher base fees for all currently permitted sources. Without specific activity fees, the Cleaner Air Oregon program would be fully paid for by base fees and emission fees. It is not fair to require smaller, less complex businesses to pay for review of submittals for larger businesses that may be required to submit very complex risk assessments. Smaller businesses may only have to pay the base fee because they may not be required to do a risk assessment if their potential risk is very low. In addition, DEQ established lower specific activity fees for businesses on General or Basic permits. There may be cases where a source with a general permit poses potentially high risk but this will probably be the exception. DEQ does not feel the specific activity fee schedule discourages accurate risk assessments based on the most accurate emissions inventory but allows for less complex sources to pay lower fees.

In OAR 340-216-8030 Table 3, the Specific Activity Fee Table contains different fees for Title V, Standard, Simple and Basic/General permittees because of the difference in complexity of these source categories and the work needed to review these submittals. Most of the fees are the same for Title V sources and ACDP sources but the fees for the more complex levels of risk assessment are different based on the estimated hours needed to review the applications and draft the permits. The proposed rules also contain a sliding scale fee based on the level of risk assessment, Levels 1 through 4. If the outcome of the risk assessment shows that potential risk is above Risk Action Levels, then a Risk Reduction Plan is required. More work is required to review those types of applications that include community engagement, pollution prevention or control, or inability to pay. DEQ will change the fee for the Risk Reduction Plan to separate out the risk assessment review because sources may want approval of their risk assessment before determining how much their risk needs to be reduced. DEQ has changed the proposed rules to eliminate the TBACT Plan and made the TBACT requirement part of the Risk Reduction Plan, which is the overarching plan to reduce risk.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 908

Comment Category #165: Fees - Source test fees and de minimis source fees are too high

Description: The source test fees should not be duplicative if a source conducts more than one source test. Fees for determining if a source is de minimis are too high.

Response: The proposed Cleaner Air Oregon fee rules in OAR 340-245-0400 clearly state that the complex source test fee of \$6,000 is for multiple TEUs and multiple toxic air contaminant source test methods. The moderate source test review fee is for a single TEU and multiple toxic air contaminant test methods. The simple source test review fee is for a single TEU and a single toxic air contaminant test method. If a source conducts multiple complex source tests, then those tests would be covered under the complex source test fee to review multiple toxic air contaminant source test methods.

If a source demonstrates that they are a de minimis source, they can use any of the levels of risk assessment, Levels 1 through 4. The fees for these levels of risk assessment are based on the amount of work needed to review each type of risk assessment. Review of a Level 4 Risk Assessment to demonstrate a source is de minimis is high because it includes reviewing an emissions inventory, a modeling plan, complex modeling, a risk assessment work plan and the risk assessment. The fees for de minimis sources are less than fees for sources that are not de minimis because de minimis sources do not require a permit addendum.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888

Comment Category #166: Fiscal impact - If CAO is not fully funded, negative health impacts will impact state's economy

Description: The Economic Impact Statement should support this finding that if Clean Air Oregon is not fully implemented and managed economically, it would allow negative long term health and safety impacts to the working class that support Oregon's economy. Commenters urge DEQ to give deep and thoughtful consideration to these benefits for improved health outcomes for all Oregonians, including but not limited to lower health care costs, lower asthma rates, and lessened cancer risks.

Response: Through Senate Bill 1541, the legislature fully funded the Cleaner Air Oregon Program through fees on permitted facilities.

In the fiscal impact statement, DEQ has provided information about potential health benefits of Cleaner Air Oregon.

DEQ will not make changes to the rule in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 321, 438, 759, 802

Comment Category #167: Fiscal impacts - agency failed to mitigate fiscal impact on small business

Description: The commenter believes these rules will have a very adverse impact on small businesses. The agency fails to account for and mitigate those impacts in the current rulemaking process, including high/unaffordable fees, cost of emissions inventory, modeling, and potential monitoring. Business should spend money on reductions not analysis. Streamline and simplify rules to decrease small business burdens of assessment and focus spending on controls. The DEQ has an opportunity to correct

this and identify the adverse impacts that this will have on businesses and communities across the state, and work to mitigate those impacts.

Response: DEQ acknowledges that the proposed rules could have an impact on small businesses, although the extent of that impact is unknown because it depends on future analysis of source emissions and risk, and any required emission controls.

DEQ proposed several measures to lower cost, streamline procedural requirements, and provide flexibility for small business. DEQ proposed measures in response to comments received in both the first and second comment periods, and in response to input during two fiscal advisory committee meetings. Small business fiscal impact mitigation measures in the draft rules include the following:

- Sources on General and Basic Air Contaminant Discharge Permits (approximately 2,200 sources, including gas stations and dry cleaners) are not required to do an emissions inventory, as was required by all other permitted sources. DEQ will do the emissions inventory for these sources. Only sources on General and Basic Air Contaminant Discharge Permits that do material balance (less than 75 sources) are required to do their own emissions inventories.
- New sources on General and Basic Air Contaminant Discharge Permits (approximately 2,200 sources, including gas stations and dry cleaners) would not be required to perform risk assessments.
- Cleaner Air Oregon base fees are a percentage of existing permit base fees. Facilities with few emissions units are on General or Basic Air Contaminant Discharge Permits, with lower base fees so their CAO base fee is also low.
- Sources on General and Basic Air Contaminant Discharge Permits (approximately 2,200 sources, including gas stations and dry cleaners) are not required to perform Level 1 risk assessments. DEQ would do that work. If DEQ determines that risk from sources with these permit types may be above de minimis levels, DEQ would call them into the program.
- Given the lower potential for higher risk emissions, smaller businesses are likely to be called-in sometime after the potentially higher risk facilities, delaying regulatory costs for some smaller businesses. These businesses will be able to use screening tools to determine whether they could undertake emission reductions or process changes to avoid more costly assessment measures like modeling or monitoring.
- Fiscal impacts to businesses, including small businesses, generally decreased between the 2017 and 2018 draft regulations because risk action levels became less stringent or allowed more risk as required by SB 1541.
- The SB 1541 requirement that sources, including small businesses, complying with federal NESHAPs would presumptively meet TBACT requirements would be expected to further limit Cleaner Air Oregon fiscal impacts for many sources.
- Sources that are de minimis or exempt would not need to take action under Cleaner Air Oregon.
- To the extent that small businesses pose low risk, the proposed changes to source permitting and TEU de minimis levels will further mitigate impacts on small business by lessening the burdens associated with permitting.
- The proposed change to the significant TEU level would reduce the burden on businesses that exceed the TBACT or TLAER levels, by ensuring that they don't have to conduct

TBACT/TLAER analyses or install TBACT/TLAER on TEUs that only pose a very small part of their total risk.

- Sources can delay or postpone risk reduction based on financial hardship.
- Air monitoring, which can be very expensive, is optional. No source is required to do air monitoring.
- The program will include a technical assistance staff person to help sources explore and analyze emission reduction options if they are required.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 25, 871, 888, 188, 432, 631, 639, 912

Comment Category #168: Fiscal impacts - Sufficiency of fiscal impact statement

Description:

Response: DEQ used EPA Air Pollution Control Technology Fact Sheets to estimate ranges of costs for pollution control equipment that facilities may need to install if required to control toxic air contaminant emissions under CAO. DEQ contacted several pollution control equipment suppliers but they were not able to provide more detailed cost estimates without site-specific data (i.e., toxic air contaminant emitted, exhaust airflow and temperature, and space availability). Throughout the rulemaking process, DEQ also requested specific information on fiscal impacts from regulated sources who have cost information for relevant to the proposed rules. During the two fiscal impact review processes and public comment periods, DEQ received a limited amount of information from committee members and commenters on costs of purchasing, installing and operating specific pollution control equipment. DEQ incorporated those estimates, after verification, in the fiscal impact statement.

In November 2016, DEQ sent a request to permitted facilities that may be subject to Cleaner Air Oregon rules to report on their toxic air contaminant emissions. Facilities have submitted emissions data and DEQ worked with facilities to check the quality of their information. While this level of emissions inventory is sufficient to begin the prioritization and call-in process, the more detailed data and analysis necessary to calculate a facility's risk is not available yet. Each affected facility will need to go through the proposed risk screening and assessment process to gain accurate knowledge about risk posed and regulatory requirements.

Some businesses will not be called-in to demonstrate compliance and will experience little fiscal impact, some will "screen out" at more simple assessment levels and will experience relatively low fiscal impact, while others will be required to implement more complex and costly steps to assess and reduce risk from their toxic air contaminant emissions. Without a facility proceeding through the full steps of risk screening and assessment, it is not possible to predict with accuracy how much a particular business would have to spend to comply with risk reduction requirements, or how much benefit from reduction of associated toxic air contaminant risk could occur for people living nearby.

Because of the high level of uncertainty about who will be affected and how, the fiscal analysis addresses potential ranges of impacts for business, government and the public, rather than develop speculative scenarios for hypothetical facilities or for each of the approximately 2,700 facilities that could be affected by Cleaner Air Oregon rules. Generating scenarios for each potentially affected facility would have required additional research and modeling work for which resources were not available.

MFA Cost of Compliance Calculations

Included in public comments DEQ received was a cost benefit analysis performed by Maul Foster Alongi on behalf of Oregonians for Fair Air Regulations, a business interest group. The MFA analysis submitted by OFAR during the first public comment period concluded that CAO would cost facilities between \$44 million and \$8.4 billion over the first 20 years of the program. An updated analysis submitted during the second public comment period concluded that CAO would cost facilities between \$44 million and \$34 billion over the first 20 years of the program.

DEQ reviewed MFA's analysis, but the information submitted with the public comment was not sufficient to fully reconstruct it. However, DEQ can comment on the assumptions that were listed.

The MFA analysis was designed to "bracket" potential CAO compliance costs between a low and high scenario, with a medium scenario in between. The low scenario is based on an assumption that all facilities will screen out of CAO requirements with a Level 1 risk assessment, which does appear to represent a lower bound to what CAO compliance costs could be for facilities. DEQ analyzed the medium and high scenarios proposed by MFA and believes that they include several factors that tend to significantly overestimate the total costs.

MFA assumed that all facilities with air permits will be called in to CAO during the first 20 years of the program, which would overestimate costs because DEQ will likely not call in facilities that screen out as de minimis based on emissions inventory data.

MFA also appeared to assume that all facilities that are above the TBACT level after a Level 3 risk assessment will proceed to Level 4, though DEQ anticipates that few facilities will have the unusual exposure scenarios under which it would benefit them to perform a Level 4.

MFA also assumed that all facilities that proceed to Level 4 will ultimately install pollution controls. This is likely an overestimate because many facilities above the TBACT level may qualify as having presumptive TBACT, based on the new rule provisions brought in from SB 1541. Also, the increase in the RALs between the first and second public comment periods should reduce the number of facilities that will be required to install pollution controls, but did not reduce MFA's estimate of that parameter. Lastly, each tier of risk assessment will generally result in a lower risk value due to refined parameters and additional considerations at each tier. So it's very likely that some facilities who run Level 4 assessments do so in order to demonstrate that risks are below actionable levels.

MFA's estimate of the cost of installing and operating pollution controls for CAO is also likely to be an overestimate, particularly for their most recent submittal, because they took an average of a list that included the very high costs associated with controls for a coal-fired power plant. That is likely to be an overestimate because Oregon's only coal-fired power plant is mandated by rule to close in 2020, and Oregon statutes phasing out coal-fired power mean that new coal-fired power plants in Oregon (with attendant high pollution control costs) are unlikely.

MFA acknowledged that their analysis, “does not reflect any specific Oregon facility, and the information available to MFA is insufficient to allow estimation of whether any specific facility will incur increased costs or the value of those costs.” The ultimate compliance costs of the program would depend on many factors, including facility risk assessments and TBACT analyses that are not yet complete.

MFA Health Benefits Analysis

DEQ and OHA have also reviewed the health benefits analysis prepared by MFA and submitted during the first public comment period. Overall, the agencies conclude that multiple parameters needed to accurately quantify potential health benefits are not yet available. For example, DEQ and OHA do not yet know which types of chemicals are currently present at levels that may increase health risks or which facilities will be required to reduce emissions under CAO. The agencies therefore don’t yet know which kinds of chemical exposures and which types of health risks will be reduced or which communities will be impacted. MFA acknowledges these limitations at the beginning of its analysis. The updated MFA analysis submitted during the second public comment period contends that pollution reduction efforts should be focused on other areas such as mobile source diesel emissions, but did not attempt to quantify the potential health benefits. Mobile source diesel emissions are not in scope for this current rulemaking effort.

MFA Analysis of the Relative Contribution of Industrial Sources to Toxic Air Contaminants

MFA estimated the portion of emissions that are from industrial sources by looking at data from DEQ’s Portland Air Toxics Solutions model. The PATS dataset is limited to just 19 air toxics in the Portland Metro Area. The model is not representative of risk from all of the approximately 260 air toxics regulated by Cleaner Air Oregon across the whole state. The PATS model is not considered to be a good predictor of industrial emissions because DEQ lacked necessary data on industrial emissions when it was developing the model. In part, it was the inability of the PATS model to accurately predict high concentrations of cadmium that led to additional testing of moss and air, which ultimately revealed the regulatory gap Cleaner Air Oregon is designed to fill. In addition, one of the key conclusions of PATs was that people’s exposure to different sources of air pollution is dependent on where they live.

Based on analysis of the PATS data for 19 chemicals, MFA estimates that 6.25% of emissions are from industrial sources while most are from mobile sources. DEQ and OHA agree that mobile sources are an important source of health risk. However, most of the approximately 260 industrial chemicals that would be regulated under Cleaner Air Oregon are unlikely to be emitted by mobile sources. Furthermore, the relative toxicity of chemicals is variable and the types of chemicals that are emitted by industrial processes may pose specific health risks that are different from risks posed by emissions from mobile sources. DEQ and OHA conclude that the PATS model does not contain the information that would be needed to estimate the relative contribution of industrial and mobile sources to health risks from toxic air contaminants across the state.

In an additional analysis provided during the second comment period, MFA makes a similar case about the magnitude of the contribution of mobile sources to cancer risk from toxic air contaminants. MFA cites a Washington State Department of Ecology analysis of National Air Toxics Assessment data in Washington. The analysis from Washington State is focused on a small subset of the chemicals relevant for CAO and is limited to cancer risk, excluding the wide range of non-cancer health risks associated with toxic air contaminants. Importantly, NATA is designed to estimate regional health risks and it is not

designed to predict potential health risks for people living near facilities. As stated in the Washington NATA analysis "Industrial sources make up only a small percentage of risk overall; however industrial sources may have more impact in certain neighborhoods than NATA can determine." The goal of CAO is to characterize and regulate emissions based on local risks to health.

MFA Estimate of Health Benefits of CAO

MFA calculated potential health benefits of Cleaner Air Oregon by multiplying total health costs of asthma, cancer and cardiovascular disease in Oregon by the fraction attributable to environmental factors, and multiplying that by the fraction attributable to industrial point sources of toxic air contaminant emissions. DEQ and OHA concluded that this approach is not well supported by evidence and excludes substantial contributors to health costs.

The attributable fractions cited in the CAO fiscal analysis are examples from the literature. They do not match the health outcomes for which DEQ estimated total health costs and they are not designed to predict the portion of disease attributable to the set of air toxics covered by Cleaner Air Oregon. For example the estimate of total direct medical costs for cancer in Oregon are limited to adult cases while the attributable fraction cited in the fiscal analysis is designed to estimate the environmental contribution to childhood cancer. The fiscal analysis did not include estimates of the fraction of cardiovascular disease attributable to environmental factors and it is not clear how MFA arrived at the estimated range of 1-10%.

MFA estimates that 10% of environmentally attributable illnesses calculated based on attributable fractions may be due to toxic air contaminants, but does not explain the basis for that assumption. MFA further assumes that only 6.25% of toxic air contaminants in Oregon are from industrial point sources. This assumption appears to be based on the analysis of data from the PATS model. As described above, PATS is likely to underestimate the contribution of industrial sources because it was developed with limited data on industrial emissions.

Toxic air contaminants are associated with a wide range of health outcomes that were not considered in the MFA estimate of health benefits. Health outcomes that were excluded from the analysis include neurological effects, impaired brain development, fertility problems, miscarriage, pre-term birth, birth defects, liver disease, kidney disease, and reduced immune function.

The MFA calculation of health benefits is limited to a consideration of direct medical costs. Direct medical costs are only a portion of the total burden of disease. Estimates of health costs in the literature often take into account indirect costs of illness such as missed days of work and school, the costs of unpaid caregivers, and the indirect medical costs of predisposition to future disease. Other costs include the social costs of families experiencing stress and loss. These costs are more difficult to quantify but important to acknowledge.

The methods MFA used in each step of its health-related calculations are not clear. DEQ and OHA attempted to reproduce MFA's calculations based on the information provided. The agencies were unable to replicate MFA's results, concluding that the analysis either excluded important information about calculation methods or made several math errors that would further contribute to an underestimate of estimated health benefits.

DEQ and OHA believe that it is overly speculative to attempt to quantify potential health benefits of CAO at this time. DEQ and OHA have reviewed the analysis of health benefits provided by MFA and do not believe the conclusions and underlying calculations and assumptions are well supported by the available evidence. In the fiscal analysis, DEQ and OHA have presented information about what is known about potential health costs of air toxics, including known data gaps.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 827, 25, 867, 888, 903, 228, 301, 432, 500, 594, 615, 616, 623, 626, 631, 634, 644, 765

Comment Category #169: Gardening - safety of garden vegetables

Description: The agencies should consider how air toxics can impact the safety of gardening. Agencies should perform research to better understand how plants may be contaminated by air toxics.

Response: DEQ and OHA agree that exposure through soil and food may be an important route of exposure for some chemicals. The extent to which toxic air contaminants may be a concern for gardening will vary substantially across chemicals and plant species. For chemicals that are known to be persistent in the environment, multi-pathway factors are incorporated into the RBCs proposed in Cleaner Air Oregon to account for additional exposure that may occur through soil and homegrown garden produce.

OHA and DEQ both work to help communities determine whether their gardens may be impacted by contamination. DEQ has performed soil testing in some communities to help residents determine the extent to which metals emitted to air may be present in soil. OHA, in collaboration with other agencies, has hosted free soil shops for residents to test their soil for heavy metals. OHA uses findings from academic research to help evaluate potential health risks from contaminated soil.

While the agencies agree that further research on chemical deposition from air and uptake from soil would be informative, that work is beyond the scope of the Cleaner Air Oregon rules.

DEQ will not make changes to the rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 215, 403, 407, 794

Comment Category #170: General opposition - miscellaneous comments

Description:

Response: The State government is the most appropriate entity to protect health from the risks of industrial toxic air contaminant emissions beyond existing federal regulations.

In developing Cleaner Air Oregon, DEQ and OHA have analyzed other state and local risk based toxic air contaminant permitting programs, and strive to assemble the most effective regulatory elements in a way that is tailored to the needs and conditions of Oregon communities. Senate Bill 1541 has established funding, standards, and procedures for a reasonably health protective, science based and predictable Cleaner Air Oregon program.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 137, 141, 159, 163, 168, 177, 184, 187, 190, 210, 212, 216, 228, 230, 258, 266, 277, 279, 301, 302, 307, 310, 312, 313, 333, 335, 342, 353, 376, 390, 409, 432, 495, 500, 535, 550, 556, 611, 658, 754, 765, 749, 745, 734, 748, 744, 739, 733, 671, 741, 743,

Comment Category #171: General support - miscellaneous comments

Description: General support of Cleaner Air Oregon

Response: The State government is the most appropriate entity to protect health from the risks of industrial toxic air contaminant emissions beyond existing federal regulations.

In developing Cleaner Air Oregon, DEQ and OHA have analyzed other state and local risk based toxic air contaminant permitting programs, and strive to assemble the most effective regulatory elements in a way that is tailored to the needs and conditions of Oregon communities. Senate Bill 1541 has established funding, standards, and procedures for a reasonably health protective, science based and predictable Cleaner Air Oregon program.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 2, 4, 814, 816, 817, 818, 819, 822, 828, 7, 834, 11, 835, 836, 14, 15, 840, 19, 22, 23, 25, 28, 31, 51, 75, 79, 85, 909, 90, 91, 92, 93, 94, 98, 100, 101, 102, 104, 108, 109, 111, 112, 113, 115, 117, 119, 128, 130, 133, 140, 146, 147, 148, 149, 150, 152,

Comment Category #172: Hazard quotient - values must undergo analysis for consistency with "serious health effects" language in statute

Description: This comment category asserts that RBCs in draft rules have not been evaluated to determine whether they are based on the air concentration "at which no serious adverse human health effects are expected to occur" as referenced in Senate Bill 1541 as part of the definition of "Hazard

Quotient." This comment category argues that noncancer RBCs could be much higher (less stringent) for some toxic air contaminants and still be set such that "no serious adverse human health effects are expected to occur." This comment category urges DEQ to do a full review of its noncancer RBCs to determine which ones could be made less stringent and still meet this statutory requirement. As part of this category of comment, Gradient, an environmental toxicology consulting firm, performed an analysis of a subset of toxic air contaminants and their noncancer RBCs proposed in draft rules on behalf of Stoel Rives LLP. In its analysis, Gradient highlighted examples of several toxic air contaminants for which noncancer RBCs could be made less stringent and still meet the statutory requirement such that "no serious adverse human health effects are expected to occur" by Gradient's criteria.

Response:

Whether a noncancer RBC is set such that it is 10-fold or 10,000-fold lower than levels at which adverse health effects have been documented in humans, it would be equally compliant with the statutory definition of "Hazard Quotient" in Senate Bill 1541. In either case, depending on chemical-specific characteristics, agencies and communities in Oregon could be confident that "no serious adverse human health effects are expected to occur" when exposed at that concentration.

All scientific studies include uncertainty, and conditions in toxicological studies rarely match exactly the conditions in which community members in uncontrolled settings are likely to be exposed to toxic air contaminants. In light of these uncertainties, agencies such as EPA and ATSDR set noncancer RBCs with an ample margin of safety to account for those areas of scientific uncertainty. Senate Bill 1541 does not specify what margin of safety should be applied between concentrations where noncancer RBCs are set and concentrations that have been documented to cause serious adverse health effects in humans. As a program designed explicitly to protect the public health of Oregonians from exposure to toxic air contaminants, it is appropriate for CAO to adopt the margins of safety applied by federal agencies responding to the same charge to protect public health in the face of scientific uncertainty.

The seriousness of a health effect is determined not only by the concentration of a toxic air contaminant to which a community is exposed or the amount of time they are exposed, but also by the makeup of that community. Gradient's analysis of RBCs did not address this human variability component contributing to seriousness. Many noncancer RBCs are set based on occupational studies in which healthy adult males are exposed. An exposure that would not cause a serious health effect in a healthy adult male might cause a very serious health effect in a young child already suffering from asthma.

Noncancer RBCs that are set based on studies in animals are intentionally set based on "less serious" health effects in those animals (such as the hyperplasia in nasal epithelium highlighted in some of Gradient's examples) because there is uncertainty about how a "less serious" health effect in a healthy adult rodent may translate into effects in a young child with asthma or an elderly person with a respiratory or heart condition. Even an effect like mild respiratory irritation in a healthy adult could trigger an asthma attack that results in hospitalization for a child with asthma.

In addition, the seriousness of a health effect is not defined in statute and is not well suited to scientific definition. A health problem that one person considers serious may not be considered serious to someone else.

Noncancer RBCs currently proposed in draft rules are compliant with the definition of "Hazard Quotient" in Senate Bill 1541 because agencies and communities in Oregon can be as confident as is possible that at those concentrations "no serious adverse human health effects are expected to occur" in any population.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 880, 888, 893, 908, 928, 927

Comment Category #173: Implementation - clarify Tier 1 process

Description: For the Tier 1 analysis, DEQ should identify in the rule how the dispersion factor will be calculated for each stack and the source of information for the demographic data. Currently it isn't clear whether a single dispersion factor will be used for an entire site and if so, what distance to nearest receptor will be used.

For the demographic data, the four parameters chosen by the DEQ are clearly calculated in EPA's EJSCREEN tool. Will the DEQ go direct to Census data and if so, where on the property will the center of the circle be located for determining the 1 km radius? How will it be treated if the circle around the facility only partially touches a Census block? Would the whole Census block be included, because currently there are no population density numbers available. They would need to be created for each Census block. How will % minority be determined since this is not directly reported in Census data? Will it be total population minus Caucasian, divided by total population?

Response: The dispersion factors, based on stack height and distance to receptor, are stack specific. However, multiple stacks may be combined in many cases following methods described in the Draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessment. The acute, chronic noncancer, and cancer risks from the stacks, as finally configured, are additive. For example, the risk from stack A (10 m tall and 50 m to receptor) is added to the risk from Stack B (15 m tall and 75 m to receptor).

For demographic data, DEQ will use the American Community Survey, for which data is collected throughout each year, and as such offers a timelier, more evolving picture of demographics than the 10-year census. A general overview of the American Community Survey can be found here: <https://www.census.gov/programs-surveys/acs/>. The ACS demographic data is provided at block-group resolution.

DEQ will estimate the minority population using the same process as EPA EJSCREEN. The minority population is determined by the number or percent of individuals in a block-group who list their racial status as a race other than white alone and/or list their ethnicity as Hispanic or Latino. That is, all people other than non-Hispanic white-alone individuals. The word "alone" in this case indicates that the person

is of a single race, since multiracial individuals are tabulated in another category – a non-Hispanic individual who is half white and half American Indian would be counted as a minority by this definition.

The DEQ will resolve the American Community Survey block-group data to Census block level using an approach developed by EPA for EJSCREEN, which is based on Census block internal points. DEQ will estimate the fraction of the Census block-group population that is inside the buffer by using block-level population counts from Census 2010. These blocks provide data about where residents are at a higher resolution than block-groups.

Each block has an internal point defined by the Census Bureau, and the entire block population is counted as inside or outside the buffer depending on whether the block internal point is inside or outside. This assumption typically introduces relatively little error because blocks are small relative to the buffer, so only a small fraction of the total buffer population is in blocks that span an edge of the buffer. Also, any blocks along the edge of a buffer whose populations are close to 0 or 100% inside the buffer will be well represented by this assumption.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 409, 497, 594, 610, 626, 639, 667, 791, 793

Comment Category #174: Implementation - do not include small businesses in Tier 1

Description: Commenter asks that the DEQ does not require small businesses to be among the initial sources that are required to undergo the rigors of the Cleaner Air Oregon rules. Small business is defined as employing less than 500 people.

Response: All businesses that currently hold air permits are subject to Cleaner Air Oregon, regardless of their number of employees. DEQ currently regulates businesses that emit air pollution over certain thresholds. These businesses are small, medium and large businesses. DEQ has identified potential fiscal impacts of proposed Cleaner Air Oregon rules on small businesses and developed mitigation measures to minimize the impact of the regulations.

For small facilities, which are also generally small businesses, DEQ has performed the emission inventory, will estimate risk, will provide technical assistance, and can provide extensions of time to control emissions if justified. The higher Risk Action Levels provided in SB 1541 will cause more small facilities to screen out or have less stringent requirements to reduce risk.

DEQ plans to call in businesses with the highest potential risk first, which would delay regulator costs for most small facilities. If a small business exceeds any Risk Action Level, they would be required to take appropriate action to reduce their risk, like any other business. As DEQ has experienced, the number of employees working at a business is not a consistent indicator of potential risk. Many small facilities will

have lower risks because of their size, but some emitting more toxic pollutants can pose a significant threat to the health of people living nearby.

Oregon Revised Statute 183.310 defines small business as "a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses and which has 50 or fewer employees."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 301, 432

Comment Category #175: Implementation - do not include sources subject to a NESHAP

Description: Any sources that are subject to federal MACT standards regulating significant portions of a facility should be deferred from the initial call-in based on the "top 80" list

Response: The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations. In the 2018 draft rules, DEQ has removed the detailed procedures for prioritizing sources for call-in as well as the limit on number of sources to call-in during the first five years of the program. DEQ does not anticipate that it will perform a specific ranking of sources, but instead expects to group sources into high, medium and low categories.

Under the current proposal for which facilities are brought into the program soonest, DEQ would use the same formula including low income and percent minority. Prioritizing all existing permitted sources using the formula is not difficult and can be done in a single spreadsheet or database. DEQ is also proposing additional criteria including relative severity of health risks, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

Since DEQ is considering existing facility pollution controls in determining which sources to call in first into Cleaner Air Oregon, that analysis will include looking at sources that are subject to federal MACT standards. If potential risk is still high from these facilities and more can be done to reduce toxic air contaminants, DEQ will place those facilities in the high category.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 610, 623, 665

Comment Category #176: Implementation - do not limit and allow citizens to petition additions to the list

Description: Do not include a maximum limitation on the number of existing sources (80) and Multi-Source Risk Area designations (1) performed in the first five years of the program. There is no justification for this limitation other than to unreasonably restrict the potential pace and progress of risk reduction and public health protections that will result from the CAO program. The number of sources should be determined from the review of the baseline emissions inventories required by DEQ in 2017 and the best available science to do the ranking. This will target the facilities that pose the greatest risk to public health, and bring those facilities into the program first.

Response: The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations. In the 2018 draft rules, DEQ has removed the detailed procedures for prioritizing sources for call in as well as the limit on number of sources to call in during the first five years of the program. DEQ does not anticipate that it will perform a specific ranking of sources, but instead expects to group sources into high, medium and low categories. Under the current proposal for which facilities are brought into the program soonest, DEQ would be using the same formula including low income and percent minority.

Ranking all existing permitted sources using the formula is not difficult and can be done in a single spreadsheet or database. DEQ is also considering additional criteria including relative severity of health risks, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 22, 26, 111, 128, 206, 224, 242, 244, 250, 262, 265, 488, 491, 499, 509, 515, 552, 571, 625, 651, 759

Comment Category #177: Implementation - ensure complete and accurate emissions inventory data for ranking

Description: Since the ranking process depends on emissions data, DEQ must ensure that the emissions data submitted by facilities is accurate and complete.

Publicly Owned Treatment Works learned that there are very few published emission factors necessary for estimating toxic emissions from treatment units. These emission factors are rated as being of unknown or poor quality and are based on emissions modeling (published in 1987) of a hypothetical POTW. Their applicability to modern treatment plants carries significant uncertainties. Using the

published emission factors to produce estimates of air toxics emissions from treatment units at POTWs would not result in representative, reliable information. The only alternative would be to use sophisticated modeling to produce emission estimates, or to conduct actual measurements of emissions, expenses that are not justified for a screening level study.

Response: DEQ agrees that accurate emissions inventory data is needed for the facility prioritization process. It is also true that for many facilities, this is the first time they have been required to submit a comprehensive emissions inventory for toxic air contaminants. DEQ emissions inventory staff have been working since early 2017 to produce the most accurate emissions inventory possible, through technical assistance to companies, identifying facilities that did not submit data or submitted incomplete data, and checking facility data to the extent possible. However, it is also important to start the program and start reducing toxic air contaminant risk, even if perfect emissions data is not available from all companies.

DEQ does not plan to require facilities to submit a new inventory before facility prioritization for Cleaner Air Oregon. Requiring a new emissions inventory before facility prioritization would pose a significant workload on facilities and DEQ without providing DEQ with a new way to verify facility emissions. However, facilities can submit corrected data if they have discovered an error in their previously submitted data.

DEQ obtained emission factors for Publicly Owned Treatment Works from the South Coast Air Quality Management District. This agency has required POTWs to perform risk assessments using these emission factors. DEQ will share these emission factors with the commenter.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 867, 499, 611, 615, 623, 921

Comment Category #178: Implementation - include these companies in Tier 1

Description: Call in these companies to Cleaner Air Oregon in the first 5 years: Nike, Intel, Amerities, ELR/ORRICO in Hayden Island.

Response: The 2017 draft rules proposed to prioritize sources using a formula that considers a Level 1 risk estimate and demographic data about the surrounding area including population and the proportion of nearby residents who are a member of a minority group, low income, or less than 5 years old. In the 2018 draft rules, DEQ has removed the detailed procedures for prioritizing sources for call-in as well as the limit on number of sources to call-in during the first five years of the program.

Under the current proposal for which facilities are called-in to the program soonest, DEQ would use the same formula, but also consider additional qualitative criteria that are not part of the formula. Other criteria for consideration include relative severity of noncancer health effects, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in

emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 162, 726, 725, 727, 730

Comment Category #179: Implementation - initial ranking should not use Level 1 Risk Assessment Tool

Description: DEQ intends to perform the initial ranking of sources for purposes of identifying the “List of 80” using the Level 1 Risk Assessment Tool in OAR 340-245-8060, Table 6 and assuming that the stack height and distance to the nearest receptor are the lowest values on the table. If this understanding is correct, we strongly urge DEQ to revise its approach. Rural sources are often hundreds, if not thousands, of yards from the nearest building. Stacks are often significantly higher than 50 meters. Sources should be allowed to submit stack height and exposure location distance data to the Department for use in that screening exercise. Otherwise, a source that is far from any receptors could be pulled into the List of 80 even though it has little likelihood of causing impacts above the RALs.

Response: The dispersion factors shown in the Level 1 Lookup Table were modeled at each receptor distance using a set of conservative emission temperatures, stack parameters, building parameters, wind directions, and wind speeds. Therefore, the dispersion factors are the result of a very conservative combination of these parameters, and are themselves conservative.

DEQ proposes to use the Level 1 Lookup Table to group all currently permitted sources for call-in to the Cleaner Air Oregon program. DEQ realizes that this grouping will provide a very conservative estimate of potential risk for all sources but the consistent application of this approach will put all sources on a level playing field for grouping. DEQ proposes to call-in high risk sources based first on the Level 1 Lookup Table but also plans to look at other criteria such as:

- the relative severity of the potential noncancer health effect of a toxic air contaminant emitted by a source;
- whether or not the source has existing control devices to reduce its toxic air contaminant emissions;
- the distance from a source to its closest exposure location;
- information about background exposure from other point and non-point sources of toxic air contaminants in the area;
- the likelihood that risk from a source may be greater or lower than estimated from the Level 1 Risk Assessment Tool;

- DEQ's knowledge of changes in a source's toxic air contaminant emissions not captured in the emissions data used in the ranking equation; and
- the efficient allocation of DEQ resources.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 610, 611, 615, 764

Comment Category #180: Implementation - phase in more slowly

Description: The DEQ has indicated that the Cleaner Air Oregon program will begin with an initial group of 80 sources, in groups of 20. Commenter feels that the program should be phased in, in smaller groups.

DEQ should also reduce from 80 to 20 the number of facilities it intends to identify has the highest risk, as well as establish a reasonable time frame within which it will issue permits and CAO permit attachments.

Response: The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations. In the 2018 draft rules, DEQ removed the detailed procedures for prioritizing sources for call-in as well as the limit on number of sources to call-in during the first five years of the program. The rules DEQ proposes for EQC adoption contain requirements for sources, not requirements for DEQ. DEQ does not anticipate that it will perform a specific ranking of sources, but instead expects to group sources into high, medium and low categories.

Under the current proposal for which facilities are brought into the program soonest, DEQ would use the same formula including low income and percent minority. Prioritizing all existing permitted sources using the formula is not difficult and can be done in a single spreadsheet or database. DEQ is also proposing additional criteria including relative severity of health risks, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

Since Cleaner Air Oregon is a new program, DEQ does not know exactly how long it will take to review Risk Assessments and issue Toxic Air Contaminant Permit Addendum. DEQ and OHA will provide technical assistance to all sources that are called in to Cleaner Air Oregon. Some sources may need more or less technical assistance than others.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 301, 409, 432, 446, 598, 627, 665, 673

Comment Category #181: Implementation - ranking/call-in schedule for Tier 2 is vague

Description: The process for ranking and designations of sources for Tier 2 are vague. The proposed rules do not make it clear when all other businesses (besides the top 80 emitters) will be required to be called into the program and perform a risk assessment. Implementation should require a complete ranking and assessment of emissions inventory data across the state as soon as possible.

Response:

The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations. In the 2018 draft rules, DEQ has removed the detailed procedures for prioritizing sources for call-in as well as the limit on number of sources to call-in during the first five years of the program.

DEQ does not anticipate that it will perform a specific ranking of sources, but instead expects to group sources into high, medium and low categories. Under the current proposal for which facilities are brought into the program soonest, DEQ would be using the same formula including low income and percent minority. Ranking all existing permitted sources using the formula is not difficult and can be done in a single spreadsheet or database.

DEQ is also considering additional criteria including relative severity of health risks, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

DEQ did not change the proposed rules in response to this comment.

Response Type: not applicable- this concept has been dropped in the revised rules

Comments linked to this category: 242, 244, 502, 571

Comment Category #182: Implementation - ranking criteria should include economic impact of facility emissions

Description: Impacts to human welfare need to be taken into account in the ranking process, such as the effect on home sales, neighboring businesses' work conditions, motels' business, wildlife, tourism and agriculture.

Response: While toxic air contaminant emissions do have impacts on neighboring people and businesses, it would be very difficult to consider that in a quantitative way as part of the CAO source

prioritization process. To DEQ's knowledge, there is no standardized source of data for existing economic impacts on communities and the environment near sources emitting toxic air contaminants.

DEQ did not change the proposed rules in response to this comment.

Response Type: not applicable- this concept has been dropped in the revised rules

Comments linked to this category: 189

Comment Category #183: Implementation - ranking formula should not use percent low income or percent minority

Description: The ranking of sources for the first eighty facilities should not consider the percent low income and percent minority.

Response: Using low income and minority population data in the overall prioritization of facilities for Cleaner Air Oregon is an important part of DEQ's effort to address environmental justice by reducing disproportionate impacts of toxic air contaminant risk on overburdened populations. The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations. In the 2018 draft rules, DEQ has removed the detailed procedures for prioritizing sources for call in as well as the limit on number of sources to call in during the first five years of the program. DEQ does not anticipate that it will perform a specific ranking of sources, but instead expects to group sources into high, medium and low categories.

Under the current proposal, DEQ would use the same formula to prioritize sources including the number of low income and minority in an area. Ranking all existing permitted sources using the formula is not difficult. DEQ is also considering additional criteria including relative severity of health risks, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

DEQ did not change the proposed rules in response to this comment.

Response Type: not applicable- this concept has been dropped in the revised rules

Comments linked to this category: 765

Comment Category #184: Implementation - ranking process is too onerous and confusing, needs to be fair

Description: The process of scoring and ranking all existing permitted sources could take a significant amount of time. The rules should be revised to include a mechanism for DEQ to prioritize a source for notice outside of the tedious scoring and ranking process under special circumstances. Our concerns also apply to the process for identifying and ranking potential multi-source risk areas for designation,

which effectively requires DEQ to identify all potential multi-source areas in the entire state and rank those areas before it can even begin to evaluate a single area for designation. Additionally, DEQ should consider revising the rules to require risk assessment and CAO permitting for all other existing sources based on the sources' existing permit renewal cycle.

The equation for scoring facilities for Tier 1 implementation is confusing. DEQ and OHA should elaborate on how this was determined (i.e., precedent) to improve transparency and confidence in the prioritization of facilities. The ranked list generated by DEQ should be publicly accessible and published on the agency's website, including company name and address of the permitted facility.

We are asking that DEQ ensure that facilities are ranked fairly based on their realistic emissions and that the process be transparent for those facilities affected. Facilities with extensive emissions data should not be unfairly disadvantaged in the risk ranking process. DEQ should carefully review emissions data submitted by all companies to ensure all facilities have provided complete emissions inventories. Only once DEQ has carefully worked through the inventories and ensured a consistent level of detail in the responses should DEQ begin the ranking process.

Response:

The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations. In the 2018 draft rules, DEQ has removed the detailed procedures for prioritizing sources for call-in as well as the limit on number of sources to call-in during the first five years of the program. DEQ does not anticipate that it will perform a specific ranking of sources, but instead expects to group sources into high, medium and low prioritized categories.

Under the current proposal for which facilities are brought into the program soonest, DEQ would be using the same formula including low income and percent minority. Ranking all existing permitted sources using the formula is not difficult and can be done in a single spreadsheet or database. DEQ is also considering additional criteria including relative severity of health risks, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

Senate Bill 1541 adopted into law by the 2018 Legislature created a Pilot Program "for evaluating and controlling public health risks from toxic air contaminant emissions from multiple stationary air contamination sources." Because Senate Bill 1541 mandates specific requirements of the pilot program, many of the comments on the Area Multi-Source rules in the first Cleaner Air Oregon public comment period are no longer applicable. The current draft of the Cleaner Air Oregon rules contains no reference to Area Multi-Source risk.

Because DEQ wants to focus on sources with the highest potential risk, tying Cleaner Air Oregon to operating permit renewals will probably not achieve that goal.

DEQ presented the prioritization equation in great detail to the Rules Advisory Committee on August 29 and 30, 2017, "Ranking Formula for Use in Tiered Implementation Approach." The presentation can be accessed on the Advisory Committee Meeting Schedule portion of website

(<https://www.oregon.gov/deq/Regulations/rulemaking/Pages/Rcleanerair2017.aspx>) and goes into great detail about how the agencies developed the prioritization formula. The presentation even includes different options the agencies considered before choosing the final facility prioritization formula. The Rules Advisory Committee did not express concern about confusion using this formula.

DEQ is doing a thorough review of the emissions inventory data facilities submitted in 2017. DEQ is working with sources to address "insufficient information" in their emissions inventory submissions. In addition, DEQ will check the accuracy of source's emissions inventory information and use the most accurate, up-to-date information available at the time of facility prioritization.

DEQ will post the updated emissions inventories, facility prioritization and the call-in list of sources at the same time on DEQ's website.

DEQ did not change the proposed rules in response to this comment.

Response Type: not applicable- this concept has been dropped in the revised rules

Comments linked to this category: 409, 499, 552, 626

Comment Category #185: Implementation - regulate smaller businesses, including unpermitted sources

Description: There is no plan in this rule to identify sources of emissions that are not currently permitted. While it is true that Oregon has historically done nothing to regulate pollution by small and medium sized companies, or even to determine what emissions are occurring, that doesn't mean we shouldn't start.

Response: DEQ has regulated air pollution since 1951, criteria pollutants since 1970 and 187 hazardous air pollutants since 1993 from small, medium and large businesses. The draft Cleaner Air Oregon rules require reporting of approximately 600 toxic air contaminants and regulation of approximately 260 toxic air contaminants with risk-based concentrations, a much more comprehensive list of pollutants than previously regulated.

The proposed rules apply to existing sources with an operating permit and new sources that will apply for an operating permit in the future. The proposed rules currently do not require unpermitted sources to reduce risk, as limited by SB 1541 but do give DEQ the authority to require unpermitted sources to submit emissions inventories and risk assessments.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 162, 764

Comment Category #186: Implementation - require fees for Tier 2 sources and release ranking/schedule prior to rule adoption

Description: Tier 2 should not be limited in rule by DEQ funding. The ranking should be completed and released prior to rules being approved to provide more clarity to existing sources regarding when they would potentially be called-in to the program. Rather than being phased in over time, the rules should be written to encourage industry to take advantage of current favorable lending rates to re-invest in capital equipment purchases to bring about a rapid decrease in emissions.

Response: The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations. In the 2018 draft rules, DEQ has removed the detailed procedures for prioritizing sources for call in as well as the limit on number of sources to call in during the first five years of the program. DEQ does not anticipate that it will perform a specific ranking of sources, but instead expects to group sources into high, medium and low categories, eliminating Tier 1 and Tier 2.

Under the current proposal for which facilities are brought into the program soonest, DEQ would be using the same formula including low income and percent minority. Ranking all existing permitted sources using the formula is not difficult and can be done in a single spreadsheet or database. DEQ is also considering additional criteria including relative severity of health risks, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

DEQ did not change the proposed rules in response to this comment.

Response Type: not applicable- this concept has been dropped in the revised rules

Comments linked to this category: 1, 244, 499

Comment Category #187: Implementation - Sources do not know when risk assessment must be submitted and need one year advance notice

Description: The call in process is too subjective. Human health risks are the focus of the CAO, yet the call in process includes factors unrelated to health risks. A good example is that an application for NSR/PSD permit, which by definition is triggered by criteria pollutants, triggers a call in under the toxics program. DEQ has also moved the call in criteria to guidance, which is not subject to public notice-and-comment rulemaking, is not useful and it erects a barrier to industry and public having confidence in the process. Facilities that are competitors must be treated similarly and have confidence that they will be called in and permitted in a manner which is predictable and transparent. This is an unlawful delegation of authority to the agency and inconsistent with the Oregon Administrative Procedures Act.

The notice to submit a risk assessment should be one budget year in advance to facilitate efficient capital and resource planning. Advance notice is critical for the sources the department envisions

including in the CAO program in 2019. The extensive work and expenses will be made even more burdensome if sources cannot plan.

Response: The 2017 draft rules proposed to prioritize sources using a formula that considers risk, exposure, and minority and low income populations. In the 2018 draft rules, DEQ removed the detailed procedures for prioritizing sources for call-in as well as the limit on number of sources to call-in during the first five years of the program. The rules DEQ proposes for EQC adoption contain requirements for sources, not requirements for DEQ. DEQ does not anticipate that it will perform a specific ranking of sources, but instead expects to group sources into high, medium and low categories.

Under the current proposal for which facilities are brought into the program soonest, DEQ would use the same formula including low income and percent minority. Prioritizing all existing permitted sources using the formula is not difficult and can be done in a single spreadsheet or database. DEQ is also proposing additional criteria including relative severity of health risks, existing facility pollution controls, exposure distance, additional information on emissions and risk screening, any changes in emissions that DEQ learns about that were not captured in the initial screening, and efficient allocation of DEQ resources.

DEQ presented the process for prioritization of facilities in great detail to the Rules Advisory Committee on August 29 and 30, 2017, with the presentation "Ranking Formula for Use in Tiered Implementation Approach." The presentation is available on the CAO Rules Advisory Committee website (<https://www.oregon.gov/deq/Regulations/rulemaking/Pages/Rcleanerair2017.aspx>). The Rules Advisory Committee did not express concern about confusion using the ranking equation.

When DEQ developed the Title V program, those rules did not include any criteria on when sources would be called into the program. Using this same procedure for Cleaner Air Oregon is not inconsistent with the Administrative Procedures Act. For Title V, DEQ selected sources for called-in across the DEQ regions and across industry types to balance workload. DEQ published the call-in list shortly after the rule adoption and plans to do the same for Cleaner Air Oregon. DEQ also plans to publish a list of sources whose risk is below the Community Engagement Level and the Source Permit Level based on the Level 1 Risk Assessment procedure. This will provide certainty to many sources.

Any source that triggers major source New Source Review or Type A State New Source Review permitting under division 224 is increasing emissions by more than a significant emission rate. Some toxic air contaminant emissions that could pose very high risk are classified as particulate matter (significant emission rate of 15 tons per year or 30,000 pounds per year) or volatile organic compounds (significant emission rate of 40 tons per year or 80,000 pounds per year) under the New Source Review program.

Particulate matter includes metals such as arsenic, cadmium, hexavalent chromium, and lead, all of which Cleaner Air Oregon considers toxic air contaminants. Volatile organic compounds include acetaldehyde, benzene, formaldehyde, naphthalene, tetrachloroethane, and toluene, all of which Cleaner Air Oregon considers toxic air contaminants. Even if the source triggers New Source Review for only a single emissions unit, the risk from that emissions unit can potentially cause very high risk based on those emission increases. DEQ would not want that emissions unit to have to be re-evaluated under

Cleaner Air Oregon and potentially be required to install a different control device or maybe not even be allowed if that emissions unit were reviewed only under the New Source Review rules.

DEQ will give sources as much notice as possible before being called-in to Cleaner Air Oregon. DEQ extended the amount of time a source has to submit the emissions inventory from 30 days to 90 days DEQ changed the proposed rules so that a source submits their risk assessment in pieces that need DEQ approval before a source submits the next piece. After DEQ approves the emissions inventory, the owner or operator must submit the modeling protocol for approval.

Depending on the level of risk assessment being submitted, the next piece is the Level 1 or Level 2 Risk Assessment or the work plan for the Level 3 or 4 Risk Assessment. After DEQ approves the work plan, the owner or operator must submit the Level 3 or 4 Risk Assessment. If risk reduction is required, the last submittal is the Risk Reductions Plan. Since DEQ separates the process into individual pieces, the owners or operators have more time to prepare submittals.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867, 888

Comment Category #188: Implementation - timeline is too long

Description: The commenter believes the implementation timeline is too long. DEQ and OHA need adequate funding to get the program up and running with enough trained personnel and equipment to allow more facilities into the program after a shorter learning curve. Under the current proposal, a company could be in a tier for five years. During that time, it should be able to update to compliance.

Response: SB 1541 provided certainty about implementation of Cleaner Air Oregon for DEQ and sources by authorizing 11 new staff positions and the associated fees. DEQ removed the detailed procedures for prioritizing sources for call-in as well as the limit on number of sources to call-in during the first five years of the program.

The proposed fees are designed to generate the revenue necessary to support staffing resources for five years. These fee-funded positions would supplement existing staff resources, all of which are funded by Oregon's general fund. DEQ cannot implement Cleaner Air Oregon as proposed in this rulemaking without the revenue generated by the fees proposed in this rulemaking. The budget report also authorizes a fee revenue transfer to OHA to support 2.6 positions.

DEQ will implement Cleaner Air Oregon based on the resources approved by SB 1541 and as time allows. Implementing a new program takes time. DEQ plans to call-in as many companies as resources allow. Companies can make changes at their facility in accordance with existing rules until they are called-in to Cleaner Air Oregon or are issued a Toxic Air Contaminant Permit Addendum.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 817, 825, 831, 9, 11, 12, 109, 149, 151, 183, 186, 193, 201, 206, 215, 224, 235, 259, 260, 261, 268, 300, 308, 341, 350, 351, 413, 418, 424, 506, 507, 625, 784, 759, 793, 782, 785, 787, 915, 729, 913

Comment Category #189: Implementation - unpermitted sources should not be called in unless criteria are specified

Description: By allowing for the arbitrary call in of unpermitted sources with no guidelines regarding when or why this might be needed, DEQ imposes an enormous uncertainty on all businesses in Oregon, and particularly the businesses least able to sustain uncertainty, or disruption - small businesses. We firmly believe DEQ should be able to articulate the reasons a business might need to be called in to the program. Where there is no need to do so, it is clearly overreaching to allow it by rule.

Response: Senate Bill 1541 stated that DEQ could not require emissions reductions under Cleaner Air Oregon for facilities that are not otherwise required to have an air permit. DEQ has changed the rules in order to comply with SB 1541.

However, SB 1541 did not address whether an unpermitted facility could be required to take other actions such as submitting emissions information and performing a risk assessment. The focus of CAO is on permitted facilities, and DEQ anticipates that call-in of unpermitted sources would be rare. The proposed rules would provide DEQ the authority to require these actions even if a facility does not currently require an air permit. In some cases, this may reveal important information about public health risks.

DEQ has described criteria for call-in of permitted sources in the Facility Prioritization Protocol, but has not proposed similar criteria for unpermitted sources. Emissions information used for prioritization may not be available for unpermitted sources until after call-in.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 667

Comment Category #190: Land Use Concerns - account for changes in land use patterns

Description: Requirements should be different for facilities in densely populated areas or near vulnerable populations.

Response: DEQ and OHA agree that land use plays an important role in determining who will be exposed to emissions from a specific source. Addressing land use through Cleaner Air Oregon is a challenge given the differences in local land use rules in different communities across the state.

The proposed rules address differences in land use and community demographics in two ways. First, the rules propose to prioritize facilities based on a combination of potential health risks and demographic factors including population density. This prioritization approach will allow the program to focus on the facilities that pose the greatest risk to the greatest number of people first.

Second, risk for each facility is calculated based on land use and potential exposures to people. If a facility is located in a residential area, health risks will be calculated based on the assumption that children may be present in each house. If a facility is located in an industrial area that is not zoned for housing, health risks will be calculated based on exposures for workers at nearby facilities during work hours. In response to requirements of SB 1541, DEQ revised the draft rules to allow facilities to calculate risk based on actual land use rather than zoning. Facilities are required to report any changes in land use and update risk assessments appropriately.

While population density and land use patterns will inform prioritization and risk calculations, DEQ and OHA aim to provide the same level of health protectiveness for all communities across the state. For this reason, risk action levels are designed to be consistent for all facilities. This approach is meant to ensure that even communities with lower density are protected to the same degree. It also helps to prevent future scenarios where facilities that have previously been allowed to emit at a higher level eventually find that a community has grown up around them.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 188, 447, 509

Comment Category #191: Modeling - air quality dispersion modeling should be used only for screening purposes

Description: Proposed CAO rules apply many layers of conservatism into the analysis, including adding maximum risk from individual TEUs even if they occur at different exposure receptors.

Response: DEQ agrees there are health-protective assumptions included in the risk assessment process, especially at the initial levels. Risk assessment Levels 1 and 2 evaluate risks from individual stacks, or emission points (TEUs), at the nearest exposure receptor to that stack. At these analysis levels, the maximum risks from individual stacks will occur at different receptor distances, and these are additive even though they represent different receptor locations. This gives an intentionally conservative result.

However, at higher risk assessment levels (3 and 4), which use AERMOD, all emission points (TEUs) are modeled together, and risk is determined at the single exposure receptor with the maximum cumulative risk. This is true for both the annual and 24-hr averaging times, corresponding to chronic and acute risk.

As a result, the cumulative risk from all TEUs is evaluated during the same 24-hr period under the same meteorological conditions.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 906, 665

Comment Category #192: Modeling - air quality dispersion modeling will overestimate concentrations and associated risk

Description: AERMOD over predicts under certain conditions, such as downwash with squat buildings, and low wind speeds. In addition, the CAO rule is silent on the use of multiple years of meteorological data for deriving an annual average concentration as the basis for the 70-year chronic exposure. DEQ should explicitly state and use the average of the annual yearly concentrations for the long-term risk calculations.

Response: Air dispersion models attempt to mimic, through mathematical approximations, the actual dispersion of emissions as it occurs in the real world. Models, such as AERMOD, are constantly refined as experience in their use suggests improvements in the mathematical algorithms that make up their structure. Two examples are improvements over the years in estimating downwash and the treatment of low wind speeds. These improvements will continue as models are refined and tested.

Dispersion models are a valuable tool, and AERMOD, as an EPA approved model, has a long regulatory history in providing consistency across a range of emission source types as a basis for comparison of impacts. For Cleaner Air Oregon, the goal in using AERMOD is to provide this same consistency across different source types in evaluating risk. Models are designed to err on the side of conservatism, that is to minimize false negatives, but this conservative framework is applied evenly as much as possible to all sources evaluating risk in the CAO program.

The rule currently does not explicitly state the number of years of met data that must be used to predict annual concentrations for evaluating chronic risk. It also does not address which value from the distribution should be used. That detailed information will be included in the Draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessment.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 906, 907, 188, 348, 665, 742, 733, 772, 752

Comment Category #193: Modeling - do not use modeling for initial demonstration of risk

Description: The rules should be revised to state that modeling is not required for those TEUs for which a Source Risk Limit is proposed at the time that the initial assessment is performed. Modeling may be required as part of the compliance demonstration, but that should be developed in relation to the monitoring requirements when the Permit Attachment is issued and not as part of the initial demonstration of risk.

Response: All of the levels of risk assessment, Levels 1 through 4, are based on modeling. Unless ambient monitoring (which is very expensive and time consuming) is completed, modeling must be used to estimate ambient concentrations used to assess potential risk. Modeling can be also used for compliance demonstration but DEQ plans to use simpler methods of determining compliance in most permits.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 631

Comment Category #194: Modeling - generate a five-year model-ready meteorological data set for pre-selected sites to be made available for affected facilities

Description: All modeling must be based on 40 CFR 51, Appendix W, which requires selection and processing of representative meteorological data that must be reviewed and approved by DEQ prior to completing the modeling.

Commenter proposes that DEQ generate a five-year model-ready meteorological data set for pre-selected sites to be made available for affected facilities. Each site would be predetermined to be representative of an area (e.g., county) or alternatively, that DEQ generate a refined three-year prognostic meteorological data set (with appropriate evaluation and quality assurance) that can be used to extract model-ready meteorological data for a selected site.

Response: Although 40 CFR 51, Appendix W is the reference guidance for modeling in Cleaner Air Oregon, changes in models and procedures can be approved by DEQ and incorporated in the modeling protocol. As a result, the EPA requirements for New Source Review regulatory modeling of Criteria Pollutants, such as the number of years of meteorological data, can be modified to suit the needs and resources of the CAO program.

The selection and preparation of five-year sets of met data for locations across the state would be ideal, but is beyond the resources of DEQ at this time. An initial set of met data for a single year (2011) for 20 sites in Oregon has been compiled from data that EPA processed for the initial release of the 2014 NATA

modeling in 2016. Currently, this data can be used for CAO modeling if it is considered representative for a specific analysis and if it is approved by DEQ as part of the modeling protocol.

Three-year sets of prognostic Mesoscale Model Interface data at a 12 km grid resolution is currently available for the entire state. However, because of the relatively coarse resolution it may not be representative of a local area with significant topographic relief. DEQ can provide this data to those who wish to consider it, but its eventual use in CAO modeling would be subject to approval by DEQ.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 851, 859

Comment Category #195: Modeling - make any dispersion modeling studies available to the public

Description: It is important that any dispersion modeling studies used to establish ambient air concentrations used for permitting, screening or evaluation be made public. This would include any lookup table, AERSCREEN or AERMOD studies. Mistakes and inaccuracies in modeling are inevitable and are best left to independent bodies to evaluate. Independent analysis can only be done if information used to perform studies is publicly available.

Response: DEQ changed the proposed rules so that a source submits their risk assessment in pieces that need DEQ approval before a source submits the next piece. After DEQ approves the emissions inventory, the owner or operator must submit the modeling protocol for approval. Depending on the level of risk assessment being submitted, the next piece is the Level 1 or Level 2 Risk Assessment or the work plan for the Level 3 or 4 Risk Assessment. After DEQ approves the work plan, the owner or operator must submit the Level 3 or 4 Risk Assessment (which includes the modeling studies). If risk reduction is required, the last submittal is the Risk Reductions Plan. DEQ will post each submittal on DEQ's website.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 509, 803

Comment Category #196: Modeling - supports modeling as a means for estimating emissions

Description: For some chemicals there are no validated detection methods, making it difficult to sample for that chemical in air. The absence of a reliable or practical detection and/or physical monitoring capability underscores the importance of modeling as an acceptable means for estimating emissions.

Response: DEQ agrees with the commenter that modeling is needed when there is no ambient monitoring method available for the air toxic in question.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 586, 791

Comment Category #197: Modeling - supports using local atmospheric conditions and stack parameters

Description: Commenter supports the consideration of local community specifics such as local atmospheric conditions. Look more carefully at impact. Study height of smoke stacks and how far pollution carries.

Response: The air quality modeling will incorporate local data to the extent possible. Model inputs will include detailed information about emission points, building dimensional information, and location of property lines and the locations of sensitive humans. The meteorology used in the modeling will be representative for the facility location. Other local information, such as the prevalence of stagnant air and temperature inversions, will be used to the extent possible. The AERMOD model predicts downwind concentrations based on the facility data and meteorology at a range of modeling receptors that capture the effects of air dispersion downwind of the facility.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 315, 689, 770

Comment Category #198: Modeling - The modeling process needs to be corrected

Description: At complex sources, the closest offsite receptor will differ for each emission unit, with some receptors impacted by multiple emission units. Clarify that the acute modeling analysis is based on the assumptions that the highest daily (24-hr) emissions and the worst case meteorological dispersion characteristics occur on the same day that a person is located at (occupies/remains) at the single highest point of exposure.

Response:

It is true that highest impacts from individual TEUs will be at different locations, but AERMOD, used in Levels 3 and 4, models all emission points (TEUs) together and risk is determined at the single exposure receptor nearest to the facility with the maximum cumulative risk. This is the case for both the annual and 24-hour averaging times, corresponding to chronic and acute risk. The goal is to estimate total risk from the facility, which may have multiple TEUs. If necessary, the contribution of a single TEU to total cumulative risk at an exposure receptor can be calculated, but generally it is total facility risk that is estimated.

For example, for acute risk the cumulative risk from all TEUs is evaluated during the same 24-hr period under the same meteorological conditions. The maximum concentrations and risk are the result of emission rates, the location and configuration of the emission source, adjacent building characteristics, and the most conservative set of meteorological parameters for that emission source, whether for a single year or multiple years. For acute risk and 24-hr average concentrations, it is not known if the maximum-modeled exposure concentration occurs when a person may be present. There is no certainty as to the behavior of people at a given location, singly or in a group, so the analysis assumes a person could be present during times of worst-case meteorological conditions and highest modeled concentrations.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 616

Comment Category #199: Natural gas - Natural gas exemption does not go far enough

Description: DEQ should completely exempt gas-fired combustion units from review and Health Risk Assessment requirements. If not completely exempted, the exemption for gas combustion should extend to natural gas, liquefied petroleum gas, methane (including landfill gas) propane, biogas, synthetic natural gas and other similar gas streams. Digester gas (biogas) from Publicly Owned Treatment Works has similar properties to natural gas and should be included in the exemption for determining compliance with the Source Risk Action Levels. Clarify throughout the rule the applicability of the special treatment of natural gas, and clarify that natural gas shall receive such special treatment in the context of Multi-Source Risk Areas.

The proposed rule states that DEQ must review and approve "all calculations and determinations" associated with natural gas and propane combustion units. If a source with predominantly gas-fired combustion devices must submit a Level 1 Risk Assessment within 30 days of receiving notice from DEQ, the source would not meet the 30-day deadline.

Combustion of natural gas should be expressly identified in the rule as constituting TBACT for any combustion device.

Response: DEQ has expanded the list of gases to include liquefied petroleum gas, pretreated landfill gas and pretreated digester gas (or biogas) because these gases are similar to combustion of natural gas and propane. EPA states in its factsheet titled U.S. EPA Landfill Methane Outreach Program and Landfill Gas Energy, "Landfill gas (LFG) is a natural byproduct of the decomposition of organic material within landfills, and contains about 50 percent methane (CH₄) and 50 percent carbon dioxide (CO₂)." Based on this information, DEQ agrees with the commenter that digester gas (biogas) from solids digestion should also be exempt from compliance with Risk Action Levels. DEQ has added a provision that exemption of pretreated landfill gas and pretreated digester gas must have DEQ approval because of issues with contaminants in these gases and the extent to which they are pretreated.

DEQ is requiring sources to estimate potential risk from the combustion of natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas in order to know what this potential risk is and then determine whether any reductions is needed. DEQ realizes that the natural gas suppliers would be the ones to more accurately estimate toxic air contaminant emissions from gas combustion and possibly remove metals such as arsenic from the gas stream. If potential risk from combustion of the above listed gases is high, DEQ will consider working with gas suppliers in order to reduce risk.

DEQ has modified the Submittal Deadlines rule that requires consecutive submittals of the emissions inventory, modeling protocol, risk assessment protocol and risk reduction plan so sources should have adequate time in between submittals to create these documents. DEQ also removed the Multi-Source Risk Area rules and will be proposing these rules later.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 841, 238, 419, 435, 500, 502, 594, 631, 647, 667

Comment Category #200: Natural gas - Should not exempt natural gas from the rules

Description: Exempting the risk from air toxics emitted solely from the combustion of natural gas or propane must be stricken from the rules. Oregon has three natural gas facilities and the emissions from these facilities affect the health of their communities. Natural gas combustion produce hazardous air toxics such as arsenic. If a facility emits air toxics at a level which would otherwise require inclusion in the Source Risk Action Level, the facility must appropriately account for these emissions and include them in their Risk Reduction Plan. Natural gas and propane facilities must be regulated in the same manner as other facilities and they must account for and reduce their risk, if needed, in the same manner as other facilities regulated by CAO.

Response: Accurately quantifying the amount of metal, including arsenic, and organic air toxics emitted from the combustion of natural gas is difficult because of the low quality ratings of the EPA emission factors used in the calculations. Low quality ratings mean

- that the emission factors are below average or poor because they are from a small number of facilities,
- there may be reason to suspect that these facilities do not represent a random sample of the industry,
- evidence of variability within the source population, or
- tests are based on an unproven or new methodology or are lacking a significant amount of background information but the method may provide an order-of-magnitude value for the source.

Concentrations of metal and organic toxic air contaminants from natural gas combustion are very low so performing source tests to measure emissions is very expensive due to the amount of time needed to collect enough sample to accurately quantify emissions.

In addition, arsenic treatment systems are used at natural gas processing plants and treat the gas before it is introduced into the pipelines that deliver gas to customers. Staff was not able to find small-scale systems that can remove or treat arsenic at the customer's location. It would be more effective and efficient to require treatment of natural gas by the suppliers, not by the customers. DEQ regulates the natural gas compressor stations, not the suppliers of natural gas.

Staff reviewed EPA's Reasonably Available Control Technology, Best Available Control Technology, Lowest Achievable Emission Rate (RACT/BACT/LAER) Clearinghouse, and found only one facility with a BACT determination for arsenic. BACT was determined to be use in natural gas (presumably pipeline quality natural gas); no add-on controls were specified. Combustion of natural gas and propane also results in emissions of organic toxic air contaminants, such as formaldehyde. The primary means of reducing organic toxic air contaminant formation is to utilize good combustion practices.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 217, 654

Comment Category #201: Outside of CAO proposed rules

Description: DEQ and OHA received many comments that are outside the scope of Cleaner Air Oregon. For example, some of these comments included:

Continue legislation banning fossil fuels.

Do not allow backyard or field burning.

Plant more trees.

Chinese air pollution is reaching the Pacific Northwest.

Could the high rates of suicide in certain states be related to pesticide poisoning or something in the air?

Regulate radiation from cell phones

Regulate pesticide/herbicide spraying for mosquitoes or in forestry operations

Response: Governor Brown initiated the Cleaner Air Oregon rulemaking to set up health risk-based rules for industrial toxic air contaminants. While there are many other valid concerns, DEQ is not able to address them as part of this rulemaking.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 808, 821, 823, 272, 805

Comment Category #202: Pair EJ demographics with epidemiological studies

Description: The agencies should perform studies to gather data about the demographics (including socio-economic and racial factors) of communities living near environmental polluters in connection with epidemiological studies.

Response: The draft rules incorporate several elements that reflect the need to prioritize communities that may be disproportionately impacted by pollution. The agencies agree that more research is needed to understand how socio-economic and racial factors interact with environmental pollution to impact health. While this type of research is beyond the scope of what our agencies can do as part of Cleaner Air Oregon, the program will generate new data on potential exposures to toxic air contaminants that could be useful for environmental justice and epidemiology researchers in the future.

DEQ will not makes changes to the rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 319

Comment Category #203: Permissive language for DEQ - convert to mandatory language

Description: Where it says DEQ may do something, it should say shall or must.

Response: In a new complex program like Cleaner Air Oregon, DEQ anticipates needing ample flexibility and discretion that is allowed by the language "may" rather than "shall" or "must". In addition,

mandating steps for DEQ could result in process defects if DEQ was not able to accomplish the steps, or needed more flexibility than anticipated to implement the new program. The process defects could then become barriers to program implementation.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 824, 837

Comment Category #204: Permit denial - DEQ may deny a permit without explicitly providing the conditions

Description: Allowance to deny permits without defining conditions under which a permit would be denied will create a perception that this program will become political in its implementation as opposed to science and data based. This subjects businesses to an enormous uncertainty.

Response: For a new source, if potential risk is over 25 in a million or a hazard index of 1, DEQ will deny a new source the Toxic Air Contaminant Permit. For an existing source, if potential risk is over 500 in a million or a hazard index of 20, DEQ will deny a source the Toxic Air Contaminant Permit. DEQ eliminated the Director Consultation concept in part in response to SB 1541, which provided certainty by setting benchmarks and action thresholds, and because of public comments. There was much concern about the uncertainty of how the consultation process would work.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 667

Comment Category #205: Pilot program - should be expanded and include reductions from non-industrial risk

Description: The pilot program to address area multi-source risk should be expanded and should include reductions that factor in non-industrial risk.

Response: SB 1541 limits DEQ authority to regulate multiple source impacts to one area in the state. Under pre-existing toxic air contaminant regulations, DEQ has authority to assess and seek risk reductions commensurate with source category contributions in geographic areas throughout the state. Senate Bill 1541 limits the applicability of Cleaner Air Oregon to "reducing public health risks from emissions of toxic air contaminants from individual stationary industrial and commercial air contamination sources." This limitation prevents DEQ from factoring in risk from nearby non-industrial emissions of toxic air contaminants such as vehicle engines.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 921

Comment Category #206: Pollution prevention - expand TUR program to include air toxics

Description: DEQ should fund and expand/use their Hazardous Waste Toxics Use Reduction program to address air toxics and promote the use of less toxic materials that will not cause air toxics risk downstream.

Response: DEQ is currently evaluating the Toxics Use and Hazardous Waste Reduction Act. DEQ will consider this comment during future phases of evaluation.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 913

Comment Category #207: Pollution prevention - how will DEQ know what is less hazardous or good work practices?

Description: How will facilities determine what materials are less hazardous to use as substitutes for hazardous materials and monitor for them? If DEQ includes substitution in its regulation, then it must understand potential shortcomings of this alternative and have some control over it, otherwise we could end up with a worse problem. How will DEQ work with OR OSHA to ensure that changes in work practices will not cause increased risks to employees?

Response: DEQ recognizes the potential for facility owners or operators to replace a chemical that can pose toxic hazards when emitted to air with a less well known and studied chemical that has similar hazard characteristics. The replacement chemical could also have different, but equally significant, hazard characteristics. Given this concern, DEQ developed Recommended Procedures for Pollution Prevention that were included as an addendum to the Cleaner Air Oregon rulemaking package.

These procedures include specific elements of a chemical alternatives assessment. The procedures outline the criteria for determining whether a chemical substitute, or non-chemical alternative, will achieve an overall reduction in hazards compared with the chemical a source is seeking to replace. The Pollution Prevention procedures document also includes references to established screening and evaluation tools that sources can use to ensure the alternatives selected are demonstrably less hazardous.

An evaluation of pollution prevention measures that may reduce or eliminate toxic air contaminants must be included in a Risk Reduction Plan for sources whose risk is greater than or equal to the TBACT

Level before any additional risk reduction measures are included. In reviewing that plan, DEQ will assess the owner/operator's evaluation of Pollution Prevention Measures to ensure it was sufficiently comprehensive and consistent with the procedures document referenced above.

In addition, the proposed rules require that a TBACT determination for a TEU include an evaluation and consideration of pollution prevention alternatives. A source submits these TBACT determinations submitted to DEQ for review and approval. For case-by-case TBACT determinations, the rules describe specific components of the required analysis of pollution prevention measures, including the evaluation of the hazard characteristics of chemical input alternatives. DEQ will review that analysis to ensure that it is consistent with the rule language and the Pollution Prevention Procedures document.

For chemical substitutes identified as viable by the owner/operator, DEQ will evaluate whether the chemical hazard assessment criteria and steps described in the procedures document are followed. Chemical hazard assessment also includes exposure assessment, which is relevant to both public and worker protection. In general, alternatives that will lower risk to the public, will also lower risk to workers.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 613

Comment Category #208: Pollution Prevention - "may reduce" should be replaced

Description: It is unfair and burdensome to require a source to evaluate all pollution prevention measures "that may reduce" [toxic emissions]. "Probable"/"likely" are concepts that can be implemented; "may" is not.

Response: DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #209: Pollution Prevention - proposed pollution prevention measures are excessive

Description: Businesses frequently have process information that is confidential in nature developed by process engineers that are very skilled at process design. The pollution prevention requirements in the

proposed rules are excessive, should be more flexible, and should not impose process redesign requirements on a facility.

Response: The pollution prevention requirements of the draft rules do not require facilities to redesign processes or implement any specific pollution prevention measures. Rather, they require, in some instances, facilities to conduct pollution prevention assessments that include certain elements. The conclusions and outcomes of these assessments are not prescribed by the rules.

A facility has the flexibility to select the pollution prevention measures, if any, it deems appropriate to achieve required levels of risk reduction, based on the assessment it completes. Submittals of Risk Reduction Plans to DEQ can omit confidential business information associated with industrial processes that sources may describe as part of a pollution assessment. The detailed assessment information generated by the facility that could include confidential business information will remain at the facility, and is not required to be shared publicly.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 667

Comment Category #210: Pollution prevention - support requirement

Description: Commenter supports pollution prevention requirements in Cleaner Air Oregon

Response: DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 817, 825, 259, 308, 551

Comment Category #211: Postponement of Risk Reduction - clarify how long postponement would be allowed

Description: DEQ should clarify how long a postponement or continuation of risk reductions would be allowed.

Response: DEQ has changed the proposed rules to allow postponement of risk for one five-year period. After that five-year period, the owner or operator of the source must reduce risk in accordance with the Risk Reduction Plan rules. Sources cannot ask for an extension on postponement of risk reduction.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 244

Comment Category #212: Postponement of Risk Reduction - do not allow

Description: The waiver allows businesses to continue to create more health risks if local politicians support their exemptions and the DEQ director approves it.

Response: In specific cases where businesses could experience harmful financial impacts, proposed Cleaner Air Oregon regulations have provisions that would allow for more time to comply or other types of regulatory flexibility. DEQ and OHA heard from participants in the Cleaner Air Oregon process that there could be communities whose economic health could be radically affected by CAO risk reduction requirements. While DEQ and OHA prioritize protection of public health, the agencies recognize that local economy is one of the social determinants of health and that in some cases severe damage to local economic health could result in damage to human health and welfare. A holistic approach to community health and welfare requires an opportunity to consider and balance multiple factors for individual communities.

There would be a careful consultative process involving the weighing of many factors and an opportunity for community engagement preceding approval of postponement of risk reduction for potential risk over 50 in a million for cancer or a noncancer hazard index above 5. DEQ expects that requests to operate at these risk levels would be infrequent and would receive rigorous review and discussion. A similar detailed and broad level of documentation and discussion would precede permission to postpone risk reduction.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 9, 201, 224, 240

Comment Category #213: Postponement of Risk Reduction - do not allow for new sources

Description: We have several concerns pertaining to postponement of risk reductions. First, under no circumstances should postponement be available to new sources. The rules authorize DEQ to consider a postponement request where a source demonstrates inability to pay to implement TBACT or other risk reduction measures and weigh that inability to pay against the health risk to the surrounding community. If a new source is unable to pay to implement all currently available TBACT and other risk reduction measures, then the source should not be permitted. Thus, we request that DEQ revise the rules to clearly limit the availability of postponement of risk reductions to only existing sources.

Response: DEQ moved the postponement of risk reduction to its own rule and clarified that it is only available for existing sources. If a new source wants to build in Oregon and cannot comply with the Risk Action Levels, DEQ will not permit the new source.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 183, 186, 552

Comment Category #214: Postponement of Risk Reduction - do not allow time extensions

Description: It is unclear how the postponement provision relates to the provision allowing for additional time extensions for implementation of a Risk Reduction or TBACT Plan. If DEQ grants initial or continued postponement of risk reduction in an Air Toxics Permit Attachment, the source should not later have the ability to request even more time extensions. We propose that DEQ amend the rules to specify that after any period of postponement of risk reductions, no additional time extensions will be authorized for implementation of risk reduction measures. Along these same lines, it is unclear from the draft rules how long postponement will last. Is it left to the owner or operator of the source to propose a specific timeline for postponement? We request that DEQ revise the rules to make clear that postponement will be granted on a temporary basis, we suggest a one-year maximum.

Response: DEQ has changed the proposed rules to allow an owner or operator of an existing source to ask for postponement of risk reduction for one five-year period without the ability to request continued postponement. DEQ has also included a provision in the proposed Risk Reduction rules that if an owner or operator was granted a postponement of risk reduction, they will be required to reduce risk in the first two years after the postponement period has ended and will not be able to ask for an extension.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 839, 151, 240, 552

Comment Category #215: Postponement of Risk Reduction - include community advocacy groups in decision making

Description: Another opportunity for community engagement may also exist with implementation of 340-245-0160, if the agency empowers a recognized community advocacy group to become a part of the decision-making process, for or against the issuance of any exemption permit.

Response: If a source asks for postponement of risk reduction, the potential risk for that source would be more than the Community Engagement Level so that source would be required to participate in community engagement. That community engagement would happen before DEQ places the draft permit on public notice so the community advocacy group would be able to provide input in the decision-making process.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 839

Comment Category #216: Postponement of Risk Reduction - remedy detrimental effects on sensitive populations rather than just consider them

Description: OAR 340-245-0230 says that DEQ will consider presence of sensitive populations and percentile of low income, etc. when considering approval of postponement of risk reduction. The commenter believes that, in places where “consider” is used, replace it with the sentence: Evaluate and if you find detrimental effects (on sensitive populations, etc.), take positive steps to remedy the situation.

Response: DEQ moved the postponement of risk reduction to its own separate rule, OAR 340-245-0160. In the process for a requested postponement of risk reduction, DEQ has proposed that a facility must prove inability to pay for measures that would reduce risk to Risk Action Levels. The facility must submit financial information including tax returns and an audited financial statement. To make the postponement decision for the facility and area affected by the higher risk, DEQ would evaluate four factors:

- 1) the presence of sensitive populations,
- 2) the percentile of low income, minority and persons under the age of five,
- 3) the total population within one kilometer of the facility, and
- 4) the potential economic harm to the business of requiring that the identified risk reductions be made against the burden of risk to the exposed population if the risk reductions are postponed.

The analysis of these four factors does not reveal whether detrimental effects on sensitive populations have already occurred. This type of health analysis is not a part of the Cleaner Air Oregon regulatory process. Cleaner Air Oregon protects sensitive populations by reducing risk from facilities whose risk is above Risk Action Levels. The analysis of these four factors identifies potential vulnerability in sensitive populations and contributes to the determination of a postponement of risk reduction request.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 259

Comment Category #217: Prevent cooperation between DEQ and regulated facilities

Description: Regulations should be put in place to prevent blatant cooperation between industry and regulatory agencies to the detriment of public health. One example is that DEQ issued permits to operate to one of the polluters. One polluter operated for years after illegally having removed their limited safety equipment, which was designed to protect the public from breathing their carcinogenic exhaust with DEQ knowledge, putting the public at risk for numerous respiratory illnesses, including cancer.

Response: Cleaner Air Oregon regulations are designed to ensure that DEQ, sources and the public have consistent science-based knowledge about the potential health risk to the public from industrial toxic air contaminant emissions. Prior to Cleaner Air Oregon, this type of information was undeveloped and not uniformly available. The proposed rules would make source risk information available to the public. When source emissions cause risk above risk action levels, DEQ would engage communities to share and discuss source risk information and proposed emission reduction measures. DEQ anticipates that Cleaner Air Oregon will result in a protective and predictable process by making risk information readily accessible to the public, conducting a transparent process and requiring sources to comply with risk action levels.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 838, 74

Comment Category #218: PTE or Risk Limit - clarify that PTE or risk limit to stay below RAL does not trigger Risk Reduction Plan, etc.

Description: The proposed CAO rules allow a source to request a PTE or a risk limit to demonstrate compliance with the applicable Source Risk Action Levels and avoid the Risk Reduction Plan process. DEQ should clarify that requesting a PTE or risk limit for purposes of demonstrating compliance with the applicable Source Risk Level Action does not trigger the Risk Reduction Plan requirements under OAR 340-245-0220. As currently drafted, it is not clear whether requesting a PTE or risk limits automatically triggers the Risk Reduction Plan requirements.

Response: In OAR 340-245-0050, Source Risk Assessment, the rules state that the owner or operator of a source must first attempt to demonstrate compliance with the applicable Source Risk Action Levels in OAR 340-245-8010 Table 1 by performing a Risk Assessment using any of the Level 1 through 4 Risk

Assessment procedures. Each of the Level 1 through 4 Risk Assessment procedures allow an owner or operator to voluntarily accept a Potential to Emit or risk limit to demonstrate compliance. If the owner or operator cannot demonstrate compliance with the applicable Source Risk Action Level, then the owner or operator must comply by proposing a Risk Reduction Plan or doing air monitoring.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 629

Comment Category #219: PTE - supports using PTE for modeling

Description: The commenter supports using the Potential to Emit of a source in the modeling and risk assessment because it is more protective and allows room for industrial growth. This will create regulatory certainty for industry as they plan for the future in terms of their emissions controls. It is also a wise land use move and will allow new industry certainty when they are choosing placement of their facility and addresses cumulative impact in a way. It will give the public reassurance. Business is growth driven, to not plan for growth is short sighted when we think about actual emissions to potential emissions.

Response: DEQ is requiring all sources to assess risk based on actual emissions. This information will tell the public what the actual potential risk is from the facility. If the owner or operator chooses to be permitted at their actual emissions level, no further modeling is required but a permit limit that further limits emissions at actual emissions would be required.

If an owner or operator chooses to be permitted at a higher level, modeling must be done at that higher level or Potential to Emit. DEQ anticipates that the higher level would be the PTE that is currently allowed under the existing air quality permitting program. Sources may want to take a further limit on their PTE if they determine the risk at potential to emit is above Risk Action Levels. In that case, modeling would be done at the restricted PTE. Modeling at PTE could create regulatory certainty for sources and the ability to plan for future growth. It would also tell the community what the source is capable of emitting and what potential risk those emissions would cause.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 812, 837, 217

Comment Category #220: Public Hearing Testimony - oral comments from Coos Bay public hearing 11/16/2017

Description: Transcribed oral testimony from the Coos Bay public hearing on 11/16/2017

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 937, 933, 935, 936, 934

Comment Category #221: Public Hearing Testimony - oral comments from Corvallis public hearing 11/20/2017

Description: Transcribed oral testimony from the Corvallis public hearing

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 762, 760, 756, 757, 763, 758, 759, 761

Comment Category #222: Public Hearing Testimony - oral comments from Eugene public hearing 12/7/2017

Description: Transcribed oral testimony from the Eugene public hearing

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 755, 735, 736, 738, 753, 737, 740, 734, 754, 752, 746, 750, 749, 745, 748, 744, 739, 733, 741, 747, 742, 732, 743, 751

Comment Category #223: Public Hearing Testimony - oral comments from Eugene public hearing 8/1/2018

Description: Transcribed oral testimony from the Eugene public hearing on 8/1/2018

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 915, 917, 914, 916, 923, 919, 920, 921, 918, 922

Comment Category #224: Public Hearing Testimony - oral comments from Medford public hearing 11/15/2017

Description: Transcribed oral testimony from the Medford public hearing

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 310, 311, 312, 313, 314

Comment Category #225: Public Hearing Testimony - oral comments from Pendleton public hearing 11/28/2017

Description: Transcribed oral testimony from the Pendleton public hearing

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 764

Comment Category #226: Public Hearing Testimony - oral comments from Portland public hearing 7/12/2018

Description: Transcribed oral testimony from the Portland public hearing on 7/12/2018

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 929, 928, 932, 925, 931, 930, 926, 927, 924

Comment Category #227: Public Hearing Testimony - oral comments from Portland public hearing at Convention Center 12/2/2017

Description: Transcribed oral testimony from the Portland public hearing at the Convention Center

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 784, 793, 797, 792, 774, 775, 776, 779, 780, 782, 783, 785, 786, 787, 788, 789, 790, 794, 795, 796, 778, 777, 781, 791

Comment Category #228: Public Hearing Testimony - oral comments from Portland public hearing at PCC 11/29/2017

Description: Transcribed oral testimony from the Portland public hearing at PCC

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 798, 805, 801, 802, 799, 803, 804, 806, 807, 800

Comment Category #229: Public Hearing Testimony - oral comments from Salem public hearing 12/8/2017

Description: Transcribed oral testimony from the Salem public hearing

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 766, 768, 773, 771, 772, 767, 765, 769, 770

Comment Category #230: Public Hearing Testimony - oral comments from The Dalles public hearing 12/14/2017

Description: Transcribed oral testimony from The Dalles public hearing

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 728, 726, 725, 729, 727, 731, 730

Comment Category #231: Public notice – Fewer than 10 requests for hearing in rural areas and EJ communities

Description: The requirement of a number of community people (10) needed to engage this process is more difficult to meet in rural areas, but may not mean the issue is insignificant.

Response: The current version of proposed rules do not trigger community engagement meetings by requests from 10 or more people. Instead, DEQ will plan them based on risk levels and permitting events. The first draft of Cleaner Air Oregon rules would have triggered a requirement for industry to establish an ongoing community forum based on requests by ten or more people. DEQ deleted this requirement from the current version of the rules because SB 5141 requires DEQ to hold all public meetings. Sources could still voluntarily establish an ongoing community forum.

A request for a public hearing during the public notice period does require that DEQ receive written requests from ten persons, or from an organization representing at least ten persons. In some instances,

DEQ will schedule a public hearing when the notice is sent out without waiting for a request for a hearing.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 300

Comment Category #232: Purpose - 2030 goal is too high

Description: The long-term goal of Cleaner Air Oregon is that the risk from all existing facilities be below 100 in 1 million and hazard index of 3 by the year 2030. The commenter recommends that number be below 25/1 million by 2030. The long-term goal of the CAO program falls short. The long-term goal(s) of Cleaner Air Oregon should include reducing risk from all existing facilities to below the Source Risk Action Level of 25 in 1 million and hazard index of 1 by a date certain. Setting the ultimate goal at 100 in 1 million and hazard index of 3—the third tier Risk Action Level for existing sources—accepts that Oregonians will continue to be subject to significant risk from industrial air toxics emissions into the foreseeable future and is inconsistent with the above-stated purposes.

There should be a goal of zero net emissions by 2050. This goal should be implemented aggressively on a realistic trajectory to meet the goal without an assumed “cliff” of sudden action immediately prior to the deadline. Progress towards this deadline should be immediately noticeable with a stretch goal of meeting it by 2035.

Response: DEQ has revised its previous long-term goal of 100 and 3 by 2030 to be more protective of public health. The current proposal sets a long-term goal as a "50% reduction in the number of existing facilities posing either an excess cancer risk of more than 25 in a million or a Hazard Index of more than 1 by the year 2034." This goal provides an initial framework for measuring program success over the first approximately 15 years of program implementation, and does not limit additional progress in any way. The goal is not a regulatory program element and based on experience implementing a new complex regulatory program. DEQ may need to revise the goal.

Since comprehensive risk assessment of Cleaner Air Oregon sources has not yet occurred, there is no way to know how much or little risk to human health facilities currently pose statewide. As DEQ gets more experience implementing Cleaner Air Oregon and better information about the level of risk from sources, DEQ will better understand the achievability of the proposed long-term goal and the amount of time it will take to reach it. There will always be some toxic air contaminant emissions from industrial facilities and other sources such as engines and wood heating, so zero net emission goals are generally not realistic or achievable.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 215, 259, 552

Comment Category #233: Purpose - 2030 long term goal is too far out

Description: CAO won't deliver clean air until 2030, which is an unacceptable timeframe.

Response: DEQ is proposing a long-term goal to achieve a 50% reduction in the number of existing facilities posing either an excess cancer risk of more than 25 in a million or a Hazard Index of more than 1 by the year 2034. This goal provides an initial framework for measuring program success over the first approximately 15 years of program implementation, and does not limit additional progress in any way. Since DEQ has not completed analysis of emissions and risk for sources in Cleaner Air Oregon, it is difficult to understand how much or little risk to human health facilities currently pose statewide. As DEQ gets more experience implementing Cleaner Air Oregon and better information about the level of toxic air contaminant risk industrial facilities pose to human health, DEQ will better understand the achievability of the proposed long-term goal and the amount of time it will take to reach it.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 224

Comment Category #234: Purpose - addressing gaps in federal regulations

Description: Commenters said that federal air toxics regulations are sufficient, no evidence/data shown to support need for additional state regulation and the opposite - federal regulations are not sufficient to protect public health, especially in a climate of federal deregulation.

Response:

Federal regulations have gaps that can result in insufficient protection of public health. Cleaner Air Oregon is designed to address many of those gaps. Two key gaps are the lack of EPA NESHAPs regulations from some types of industry that operate in Oregon that emit toxic air contaminants, and the fact that EPA limits the scope of NESHAPs to 187 toxic air contaminants.

Under a federal executive order, some federal hazardous air pollution standards have been or are proposed for deregulation (<https://www.epa.gov/laws-regulations/epa-deregulatory-actions>). In addition, the scope of major source MACT applicability has been potentially drastically reduced with the recent repeal of the "Once in Always in" EPA policy for implementation of the Clean Air Act. This change in policy would allow sources that were once considered major sources (and have reduced emissions so they are no longer major sources) to be exempt from MACT applicability and requirements. These actions could severely impact the scope and protectiveness of some NESHAP standards for facilities in Oregon.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 213, 389, 798

Comment Category #235: Purpose - CAO should include all emissions (background too)

Description: The commenters request the agencies amend the draft rules to account for background sources of air toxics. We firmly believe that, in order for Oregon's air toxics program to actually be protective of public health, the rules must take into account cumulative risk from multiple pollutants and facilities as well as background sources.

Response: Senate Bill 1541 limits the applicability of Cleaner Air Oregon to "reducing public health risks from emissions of toxic air contaminants from individual stationary industrial and commercial air contamination sources." This limitation prevents DEQ from factoring in risk from nearby non-industrial emissions of toxic air contaminants such as vehicle engines, which are considered mobile sources. Senate Bill 1541 does allow that the choice of a multi-source area for the pilot program can be based, among other factors, on the "degree to which the level of excess lifetime cancer risk in the area from all sources of toxic air contaminants exceeds the statewide mean excess lifetime cancer risk from all sources of toxic air contaminants." When DEQ begins developing the area multi-source pilot program, there can be consideration of how to factor in risk from non-industrial emissions as a pilot location selection factor.

The emission inventory and risk assessment for Cleaner Air Oregon sources include stationary sources of diesel emissions located within facilities, provided they are not de minimis or categorically exempt. For example, toxic air contaminant emissions from larger diesel boilers and diesel backup generators must be included in risk assessments.

For the last 15 years, DEQ has categorized emissions from diesel engines as a significant threat to public health in Oregon. DEQ has been working on various approaches including incentives, working with government and industry partners, and development of regulatory approaches. DEQ and OHA are concerned about risk from all sources of air pollution, and DEQ has been taking steps to address health risk from non-industrial sources of toxic air contaminants such as engines and wood burning. The solutions to these problems are complementary to Cleaner Air Oregon objectives.

DEQ is currently undertaking a non-road inventory and a diesel-monitoring project to better understand, quantify and define public health effects from diesel exhaust.

DEQ will put the toxic air contaminant emissions inventories and all other submittals for Cleaner Air Oregon on DEQ's website. People may find out the potential risk from other sources of hazardous air pollutants (HAPs) using the results of the 2014 National Air Toxics Assessment (NATA). NATA is a

screening tool prepared by EPA that provides estimates of exposures and risks related to 180 of the 187 HAPs listed under the Clean Air Act, as well as diesel particulate matter (PM). NATA results are available at the US Census tract level, and are found here: <https://www.epa.gov/national-air-toxics-assessment>

The risks analyzed as part of NATA include both cancer and non-cancer health effects based on chronic exposure from outdoor sources of the listed pollutants and the non-cancer health effects related to diesel PM. NATA is developed by entering the data from the National Emission Inventory (NEI) into inhalation exposure and risk models. Since the NEI includes emissions estimates from nonpoint (area), non-road, event (wildfires and prescribed burning), on-road, background and biogenic (vegetation) sources, NATA provides potential risk for all of these source categories. State and local air quality agencies participated in the development of NATA by reviewing and providing information for the inventory and the modeled results. For talking points for states (prepared by EPA), click here: http://www.4cleanair.org/sites/default/files/Documents/NATA_Key_Talking_Points_8-20-18_Version_for_States.pdf

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 812, 31, 867, 910, 94, 104, 111, 117, 128, 149, 155, 163, 251, 252, 266, 300, 315, 341, 350, 351, 376, 402, 488, 491, 509, 515, 517, 552, 564, 567, 637, 654, 661, 772, 768, 798, 682, 764, 694, 678, 701, 677, 690, 793, 771, 698, 683, 779, 795, 693, 800, 66

Comment Category #236: Purpose - DEQ and OHA should develop performance metrics and milestones for Cleaner Air Oregon

Description: DEQ should provide more information in the annual reports to the EQC: permits approved; spatial maps of modeled risk levels showing changes over time; percentage of reductions of specific toxins being emitted by regulated facilities; or the percentage reduction in risk to populations living near regulated facilities, summary statistics on emission inventory changes to better understand long-term reductions in toxics. In addition, the report should include new and ongoing Conditional Risk Level permits that have been issued; the rationale for why the permit was issued, corrective actions the facility has or will complete to reduce public health risk, and an estimated timeline for bringing the each facility below the applicable risk action level.

This report should also include public health monitoring conducted by OHA. Currently there is no evaluation plan to measure or monitor public health impacts. Lack of data on public health baselines and air toxics emission effects also means economic impacts of health improvement cannot be quantified in the fiscal impact statement. The development of a public health monitoring and evaluation plan should be prioritized and not wait until rules are complete.

Identifying the elements that are working successfully or not, and the elements that can be changed through rule making will be critical in the first years of implementation.

Response: DEQ plans to report results and progress updates to the Environmental Quality Commission at years two and five after rule adoption. The proposed regulations contain the longer-term goal of achieving a 50% reduction in the number of existing facilities posing either an excess cancer risk of more than 25 in a million or a Hazard Index of more than 1 by the year 2034. Senate Bill 1541 requires that DEQ report to the interim committees of the Legislative Assembly related to the environment no later than September 15, 2026 on the costs and benefits of regulating existing air contamination sources based on the cancer and noncancer risk levels. DEQ and OHA are currently working to identify data to track for program evaluation and are considering metrics and milestones.

DEQ has removed annual reporting requirements to EQC from the rules. Even though these requirements are not in the rules, DEQ will provide regular reports to EQC regarding the implementation of Cleaner Air Oregon. The EQC has expressed great interest in Cleaner Air Oregon and DEQ has updated them on progress at every EQC meeting since work began. DEQ will report the information included in the first draft of the rules to EQC:

The number of risk assessments performed and the results of those assessments, including:

- The number of sources whose risk is below Risk Action Levels; and
- The number of sources whose risk is above Risk Action Levels, the actions taken, such as requesting a Risk Reduction Plan and the risk reductions achieved;
- The number of sources that performed Risk Assessments prior to being notified by DEQ that they must perform a Risk Assessment; and
- To the extent possible, the number of sources that reduced risk prior to being notified by DEQ to conduct a Source Risk Assessment.

In addition to this information, DEQ estimates that the majority of the initial facilities called in to Cleaner Air Oregon will be required to do some type of modeling. This modeling can be overlaid on a map to show modeled risk levels and which permit attachments have been approved.

Commenters requested reporting on Conditional Risk Level permits. This permit type has been removed from the rules (see comment response regarding Conditional Risk Levels) and will therefore not be included in updates to EQC.

Commenters suggest that DEQ and OHA engage in long-term tracking and mapping of changes in emissions, health risks, and health outcomes over time. The agencies agree that there is an important opportunity to document such changes as DEQ implements Cleaner Air Oregon. The agencies are currently exploring potential data sources, metrics, and analysis methods for tracking changes in emissions, exposure, health risks and health outcomes across in specific communities and across the state.

DEQ agrees with the commenters but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 242, 499, 566, 657, 703, 911

Comment Category #237: Purpose- DEQ should limit the influence of industry lobbyists

Description: Commenters feel that industry has had excessive influence on Legislation or rulemaking for Cleaner Air Oregon.

Response: The legislative process is separate from the rulemaking process. Since the beginning of Cleaner Air Oregon Program development, DEQ and OHA have sustained a commitment to an open, fair and transparent rulemaking process. The agencies have listened to all comments and concerns, considered them thoroughly, and made proposals based on protection of public health, good governance and wellbeing of Oregon communities. The agencies will continue to strive for an open, fair and transparent process in implementing and making any needed revisions to Cleaner Air Oregon in the future.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 818, 843, 108, 284, 286, 498, 506, 513, 551, 663, 789, 806, 728, 678, 684, 792

Comment Category #238: Purpose - Diesel / vehicle emissions should be addressed

Description: Unfiltered industrial trucks are legal here but not in California. This is absurd, as diesel filters are not only quite affordable for large trucking operations, but more importantly they will help save lives. Oregon should require filters and institute a progressive switch away from petroleum towards biodiesel over the next decade. We need to stop allowing dirty diesel trucks to be dumped into Oregon from states that have higher emission standards. Stop making diesel a priority above health. Get rid of diesel! Or develop a combination that is not killing people and the environment. The legislature should pass a law that would require heavy-duty diesel emissions testing, similar to Washington State. The governor herself stated that “upwards of 400 Oregonians are sickened or die each year from diseases caused by diesel emissions” and promised that the Volkswagen \$68 million payout would be used “immediately to protect the health of Oregonians, both now and in the future.” The governor appears to be issuing an executive order that will use a portion of the Volkswagen settlement to pay for electric vehicle charging stations. I support electric vehicle infrastructure improvements, but I am opposed to using those funds at this time for charging stations. These funds should be used to substantially reduce dirty diesel air pollution now.

Another comment mentioned intermodal truck emissions in neighborhood, shipping use of public streets instead of own property.

Response: DEQ is concerned about health impacts from diesel emissions, but they are outside of the scope of Cleaner Air Oregon.

Oregon's Volkswagen (VW) Environmental Mitigation Plan is focused on reducing diesel emissions from at least 450 school buses. In addition, Task 5A of Executive Order No. 17-21 signed by Governor Brown directs the Oregon Department of Environmental Quality to partner with the Oregon Department of Transportation, the Oregon Department of Energy, and the Oregon Health Authority to engage stakeholders and receive public comments on a proposal to leverage up to 15% of the VW mitigation funds to develop and maintain electric vehicle charging stations. DEQ conducted this process and will submit a proposal to the 2019 Oregon Legislature to inform future discussions about funding other diesel emission reduction priorities with eligible VW funds.

State level regulatory solutions to reduce diesel exhaust are very limited by existing federal laws and opposition from organizations representing engine owners. DEQ is currently undertaking a non-road inventory and a diesel-monitoring project to better understand, quantify and define public health effects from diesel exhaust.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 830, 22, 26, 27, 28, 34, 35, 36, 49, 55, 58, 64, 68, 70, 78, 81, 89, 96, 110, 115, 117, 122, 128, 132, 134, 136, 140, 142, 143, 147, 150, 156, 162, 167, 193, 194, 197, 205, 215, 224, 232, 235, 245, 251, 252, 265, 270, 274, 275, 281, 284, 309, 338, 362, 37

Comment Category #239: Purpose - do research into health effects of air toxics and demonstrate CAO rules are protective of health

Description: You should do more work studying the effects of pollution on plant tissue, not just through uptake in soils. Also, please expand your research into health effects from air-pollution so you can better identify victims of pollution for redress.

The stated purpose of Cleaner Air Oregon is to "prioritize and protect the health and well-being of all Oregonians." The burden is on DEQ to affirmatively demonstrate that CAO rules are in fact protective of health. All standards should be protective for even our most vulnerable populations, such as children, and it is DEQ's job to ensure this is the case.

Response: The funding for the proposed Cleaner Air Oregon program would not include funds for toxicology research.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 910, 607

Comment Category #240: Purpose - Enact other toxic air contaminant regulations if they are science-based standards

Description:

Response: DEQ has reviewed the rules of six toxic air contaminant programs as part of the development of Cleaner Air Oregon: Louisville, Kentucky; New Jersey; New York; Rhode Island, South Coast Air Quality Management District in southern California, and Washington. The CAO rulemaking process benefited from consultation with technical experts in other states and from consideration of lessons learned in other programs. Each program is different and tailored to their specific state. While the draft CAO rules borrow many elements from toxic air contaminant programs in other states, they are not exactly the same as any previous program.

The draft rules outline a science-based process to determine potential health risks from each source. Air concentrations of chemicals emitted by each facility would be modeled using validated models developed by the U.S. Environmental Protection Agency. Air concentrations from emissions would be compared to Risk Based Concentrations, which define a level of exposure that is not expected to harm health. RBCs are based on levels identified by authoritative bodies like the EPA through a lengthy peer-review process based on the best available science. DEQ relies on toxicity information from governmental agencies that DEQ and OHA consider authoritative in their scientific rigor methods.

OHA and DEQ will recommend adoption and use of RBCs based on the toxicity information published by the authoritative bodies listed in the proposed rules, and this includes adopting toxicity reference values based on other governmental agencies that meet science-based standards. The general approach to science-based evaluation of health risks and reliance on health-based levels established by authoritative bodies is consistent with the approaches used in other state toxic air contaminant programs.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 259, 580, 764, 677

Comment Category #241: Purpose - Integrate CAO with criteria pollutant program

Description: People are exposed to both criteria pollutants and air toxics, the programs should be integrated to consider whole impact to public health. Generic PSELs do not adequately limit criteria pollutants that increase health burdens and should be eliminated.

Response: DEQ acknowledges that risk to public health from both criteria pollutants and toxic air contaminants may be cumulative. Once DEQ has experience implementing Cleaner Air Oregon, an evaluation of how to coordinate with criteria pollutant regulations could be productive.

The proposed rules focus on regulating industrial emissions based on localized health risks while criteria pollutants are regulated based on regional attainment of national ambient air quality standards. Consideration of cumulative risks from industrial toxic air contaminants and regional criteria pollutants would be best addressed through a program that considers cumulative risks from all sources of pollution in a specific area. SB 1541 allows for a pilot program to consider cumulative area risk from industrial and mobile sources in one urban community. This area risk program will be set up through a separate rulemaking.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 921

Comment Category #242: Purpose - long term goal is inconsistent with Risk Action Level for existing sources

Description: The long term goal of Cleaner Air Oregon is that the risk from all existing facilities be below one hundred in one million and hazard index three by the year 2030. This stated long term goal is in direct contradiction to the required risk assessment levels in the rule. Table 1 in the rule document requires existing sources to meet a cancer risk level of twenty five in one million excess cancer risk and a hazard index of one.

Response: DEQ revised its previous long-term goal of 100 and 3 by 2030 to be more protective of public health. The current proposal sets a long-term goal as a "50% reduction in the number of existing facilities posing either an excess cancer risk of more than 25 in a million or a Hazard Index of more than 1 by the year 2034." The current proposed long-term goal is now consistent with the current Risk Action Levels for existing sources.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 764

Comment Category #243: Purpose - long term goal of 10 in 1 million for existing sources over time

Description: Once CAO is established, it would be desirable to design a program to bring existing facilities under the more stringent rules proposed for new facilities, over time.

Response: DEQ agrees that the ultimate goal of Cleaner Air Oregon is to reduce exposure to industrial and commercial toxic air contaminants but Senate Bill 1541 limits DEQ's authority. SB 1541 allows sources to have permit risk limits up to 200 in a million and a hazard index of 10 as long as the source has TBACT installed on all significant emissions units. DEQ cannot require sources to undertake additional measure to limit or reduce toxic air contaminant emissions beyond TBACT unless risk is above 200 in a million and a hazard index of 10. In that case, sources must go beyond TBACT, potentially curtailing production, to stay below 200/10.

There is a sunset provision for the Risk Action Levels, or benchmarks, set in SB 1541. On January 1, 2029, the TBACT Risk Action Level for existing sources of 50 in a million and hazard index of 5 can be reduced to no less than 25 in 1 million and a hazard index to be set by the Environmental Quality Commission. The sunset provision will help DEQ meet its long-term goal to achieve a 50% reduction in the number of existing facilities posing either an excess cancer risk of more than 25 in a million or a Hazard Index of more than 1 by the year 2034, but not the new source Risk Action Level of 10 n 1 million and hazard index of 1.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 303

Comment Category #244: Purpose - past disregard for human health

Description: Communities have suffered the devastating health effects of exposure to toxins for decades due to our state government's disregard for human health. These industry giveaways show a continued indifference towards the communities that need health-based regulatory reform the most.

Response: The Cleaner Air Oregon program development process occurring at DEQ and OHA is a strong indication of Oregon's commitment to understanding and decreasing public health impacts from industrial toxic air contaminant emissions. DEQ and OHA listen to all concerns and comments about Cleaner Air Oregon, consider them thoroughly, and make choices based on protection of public health, good governance and well-being of Oregon communities.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 7, 31, 36, 74, 88, 108, 113, 117, 118, 128, 147, 154, 162, 197, 199, 217, 224, 250, 286, 298, 299, 303, 321, 322, 391, 400, 418, 490, 498, 513, 519, 544, 551, 563, 564, 638, 660, 661, 778, 807, 725, 726, 775, 917, 803

Comment Category #245: Purpose - prioritize both human health and economy

Description: Rules should be balanced to protect both human health and a healthy economy. Commenters advocate for sound, balanced policies and ground-rules that support economic development and jobs, environmental protection and improvements, and social equity and enhancement.

Response: DEQ agrees that Cleaner Air Oregon regulations need to consider health protection, financial impacts and equity.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 13, 867, 880, 79, 903, 906, 908, 137, 141, 158, 190, 210, 211, 213, 216, 250, 258, 277, 286, 301, 302, 303, 307, 314, 333, 348, 354, 355, 377, 378, 390, 409, 432, 450, 495, 500, 550, 556, 580, 582, 602, 610, 623, 624, 627, 655, 658, 665, 923, 754, 732, 77

Comment Category #246: Purpose - Prioritize health over jobs and corporate profit

Description:

Response: DEQ agrees that Cleaner Air Oregon regulations need to consider health protection, financial impacts and equity, and that these goals do not have to be mutually exclusive. Economic analysis of the Federal Clean Air Act and California toxic air contaminant regulations has shown that programs to control the health risk from industrial toxic air contaminant emissions can have long term financial benefits and did not in general result in job loss. However, in specific cases where businesses could experience harmful financial impacts, proposed Cleaner Air Oregon regulations have provisions that would allow for more time to comply or other types of regulatory flexibility.

DEQ and OHA have heard from participants in the CAO process that there could be communities whose economic health could be radically affected by CAO risk reduction requirements. While DEQ and OHA prioritize protection of public health, the agencies recognize that local economy is one of the social determinants of health and that in some cases severe damage to local economic health could result in damage to human health and welfare. A holistic approach to community health and welfare requires an opportunity to consider and balance multiple factors for individual communities.

DEQ and OHA listen to all concerns and comments about Cleaner Air Oregon, consider them thoroughly, and make choices based on protection of public health, good governance and well-being of Oregon communities.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 818, 6, 828, 829, 7, 831, 832, 835, 836, 839, 16, 19, 20, 845, 847, 31, 35, 62, 67, 890, 74, 81, 82, 83, 909, 90, 92, 94, 96, 104, 108, 115, 117, 118, 122, 128, 147, 172, 174, 195, 197, 199, 206, 215, 217, 222, 224, 233, 240, 246, 248, 250, 251, 268, 271,

Comment Category #247: Purpose - Protect health of children and other sensitive and vulnerable populations

Description: Health protection for sensitive and vulnerable populations

Response: DEQ and OHA wrote the draft rules with the goal of designing a program that protects the health of sensitive populations such as children, pregnant women, elderly people, and people with chronic health problems. The broad scope of the rules make the program more health protective. For example, the rules will apply to both new and existing facilities. In addition, DEQ will regulate facilities based on cumulative health risks from all chemicals emitted by a facility, as opposed to considering risk from each chemical independently. DEQ proposes to prioritize facilities located in communities that may have a high proportion of vulnerable populations.

Several specific elements of the rule also make the program more health protective. For example, the Risk Based Concentrations set for each chemical are based on values developed by authoritative sources using an approach that is intended to be protective of the most sensitive health endpoints in sensitive populations. In addition, emissions models are designed to over-estimate the potential levels of chemicals in air and the risk assessment approach makes conservative, health-protective assumptions about the potential duration and frequency of neighbors' exposure to a facilities emissions.

Risk Action Levels that set the level of risk at which risk reduction may be required under Cleaner Air Oregon were set by the Oregon legislature, but may be decreased for existing facilities in 2029. Risk Action Levels may be lower for chemicals that have developmental toxicity or other severe effects. DEQ and OHA will identify these chemicals in 2019 using input from a technical advisory committee meeting during the fall of 2018 as required by the Oregon legislature.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 825, 828, 831, 832, 835, 837, 845, 846, 847, 858, 149, 200, 240, 561, 917, 794, 919, 921, 783, 929, 913

Comment Category #248: Purpose - protect public health and strengthen rules

Description: Ensure that regulations will be enforced effectively. The current rules create an excess of discretion for enforcement and put a lot of onus on a single entity—the DEQ Director—to interpret and enforce rules. The variety of exclusions and off-ramps for industry also calls into question whether the rules can effectively protect health. These uncertainties make the rules vulnerable to interpretation based on agency budgets, staff appointments and external pressure that can divert efforts from the original directive: health protection. Strengthening the rules and eliminating some exclusions and off-ramps will allow the program to retain its integrity despite any changes in agency staff and budget. Strengthen the rule language to eliminate/reduce DEQ discretion.

Response: DEQ has eliminated the Director Consultation concept. This was done in part in response to SB 1541, which provided certainty by setting certain benchmarks and action thresholds, and as a result of public comments. There was concern about the uncertainty of how the consultation process would work.

In place of Director Consultation, DEQ created specific and transparent criteria that would allow new facilities to exceed a cancer risk of 10 if they use TLAER, or the Toxics Lowest Achievable Emissions Rate. This is lower than the previous hard cap of 50 and 3 on Director Consultation. DEQ made these changes because of public comment and for consistency with other changes made to the RAL table.

DEQ has changed the proposed rules to allow postponement of risk for one five-year period. After that five-year period, the owner or operator of the source must reduce risk in accordance with the Risk Reduction Plan rules. Sources cannot ask for an extension on postponement of risk reduction or on the requirement to reduce risk after the postponement ends.

The October 2017 draft of the proposed CAO rules included a term called the Conditional Risk Level, which allowed facilities that had TBACT installed on all significant emission units to pose a higher level of risk than would be acceptable for other facilities, until a more effective TBACT became available. DEQ remove the term Conditional Risk Level is no longer used in the rules, but the Legislature included this concept in SB 1541 and DEQ retained it in the rules.

Sources whose potential risk is more than the TBACT Risk Action Level are required to meet TBACT for all significant emissions units, and the requirements will be included in the Toxic Air Contaminant Permit Addendum or the operating permit if it is being modified at the time. Sources will be allowed time to install TBACT, up to two years with the possibility of a 2-year extension. DEQ will not allow sources more time than is necessary to install TBACT and therefore, will minimize health risks to people.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 812, 818, 822, 828, 831, 11, 834, 12, 836, 837, 838, 839, 843, 22, 846, 847, 27, 30, 32, 858, 49, 890, 82, 909, 88, 92, 94, 104, 112, 172, 224, 240, 242, 284, 299, 391, 396, 406, 413, 441, 453, 455, 456, 457, 491, 510, 515, 530, 533, 537, 551, 580, 599, 6

Comment Category #249: Purpose - should be based on science, not politics

Description: Cleaner Air Oregon should be based on science, not politics.

Response: DEQ agrees that CAO should be based on science. That is why DEQ selects toxicity reference values from authoritative sources, and follows standard air dispersion modeling and risk assessment procedures. Within the program, though, there are necessary decisions made that are policy decisions, not scientific decisions. The primary example of this is the selection of risk action levels. The risk assessment will provide a scientific calculation of potential risk, but the level of risk deemed acceptable is a policy decision. The current risk action levels proposed in rule are requirements of Senate Bill 1541, the result of a political process. DEQ's rules are required to be in compliance with statute.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 827, 833, 29, 867, 880, 213, 216, 260, 268, 342, 344, 347, 352, 424, 425, 438, 505, 535, 626, 741, 732, 798, 912, 759, 772, 754, 751, 773, 800, 764

Comment Category #250: Purpose - Should be health based, not technology based

Description: Adopt strong rules that discard the old system of technological fixes.

Response: Within the risk levels set by Senate Bill 1541, the proposed rules are health based because they manage risk from industrial facilities to people living nearby. There may be situations where a facility is allowed to operate above Risk Action Levels because it is controlled through National Emission Standard for Hazardous Air Pollutants or has met TBACT requirements, but the rules propose additional reductions beyond upper risk levels and a health backstop of permit denial levels.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 138, 359, 413, 474, 660, 693, 768, 677, 755

Comment Category #251: Purpose - should include odors

Description: It is my understanding that the Draft Air Program Rules have been watered down from the Cleaner Air Oregon program, specifically nuisance implementation policy. Response to nuisance complaints needs be part of the CAO program!

Response: From the beginning of Cleaner Air Oregon program development, including the 2016 kick off by Governor Brown, DEQ and OHA have intended to limit the scope of the program to address health risks from exposure to toxic air contaminants. Cleaner Air Oregon has never included provisions to

address nuisance odors or nuisance odor complaints. DEQ has a separate and distinct nuisance odor strategy. In addition, Senate Bill 1541 limited the Cleaner Air Oregon program to reduce public health risks from emissions of toxic air contaminants.

In some cases, toxic air contaminants can be harmful at levels that cause nuisance odors. If a source emits a toxic air contaminant that is above Risk Action Levels and also odorous, Cleaner Air Oregon is designed to protect against the health effects of such a pollutant. However, many air pollutants can cause nuisance odors while not exceeding toxic air contaminant risk action levels. The majority of toxic air contaminants regulated by Cleaner Air Oregon can be harmful at levels that do not cause noticeable odors or the pollutants of concern are not inherently odorous. Sources that are required to maintain a complaint line under Cleaner Air Oregon could potentially receive complaints about odors also related to concerns about risk from toxic air contaminants.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 134, 370, 396, 420, 430, 496, 510, 530, 569, 577, 581, 608, 638, 664, 730, 727, 725, 726, 792, 787, 788

Comment Category #252: Purpose - should limit pesticide/herbicide application

Description: We fight the toxic poisoning of our farm fields, road shoulders, and our forests. They are sprayed with multiple deadly herbicides like roundup, 2,4-D atrazine, chlorpyrifos and bee killing neonicotinoid that cause cancers. THIS MUST STOP!

Response: DEQ does not have the authority to regulate agricultural operations. The Department of Agriculture regulate these activities.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 405, 411, 417, 471, 479, 767

Comment Category #253: Purpose - should limit petroleum extraction

Description: There is no reason why we should be using petrol or fossil fuel products. We can run cars, trucks, on solid hydrogen. We can run trains and fly planes on biodiesel. We can even make plastic like products from biomass cellulose products so there is no reason why we should be using petrol products at all. So please stop allowing drilling for oil, fracking for gas, which pollutes the atmosphere and destabilizes the earths crust by drilling and fracking.

Response: DEQ does not have the authority to allow or stop drilling for oil or fracking for gas. The Oregon Department of Geology and Mineral Industries regulates these activities. If DOGAMI approves the drilling operations and hydraulic fracturing, then DEQ would be involved in permitting under the Safe Drinking Water Act and Clean Water Act. Air permits may also be required if emissions exceeded permitting thresholds.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 362

Comment Category #254: Purpose - should not regulate woodstove smoke

Description: Don't limit ability of low income residents to heat their homes with wood

Response: The proposed Cleaner Air Oregon rules would not limit residential wood burning.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 459

Comment Category #255: Purpose - should regulate chemtrails

Description: I hope we will be the 1st state in the nation to ban persistent jet chemtrails, causing added air, water and earth pollution at extreme levels.

Response: The proposed Cleaner Air Oregon program does not include regulation of emissions from mobile sources, including airplanes.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 470

Comment Category #256: Purpose - should regulate woodstove smoke and field burning

Description: Do not allow backyard or field burning! The woodstoves are bad enough, but at least they have smokestacks. I start coughing in September and don't stop until May, and I have inflammation and headache all that time also. Oregon has had enough smoke. T

I live near Medford, Oregon. When we have still weather conditions, the diesel, woodsmoke, and industry pollution build up to such unhealthy levels that I cannot garden, walk, or do any exercise outside! As I am low-income and need to grow a lot of my own food, and walk to errands, this is a very dire situation for me. I would like to see some programs that replace old woodstoves with newer, cleaner ones.

Response: The proposed Cleaner Air Oregon program does not include regulation of emissions from woodstoves or field burning.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 3, 5, 133, 224, 327, 407, 411, 412, 416, 805

Comment Category #257: Purpose - support health based program

Description: The commenter especially likes that the basis of Cleaner Air Oregon is changing from a technical regulatory structure to a health-protective oriented structure. Commenter wants agencies to adopt reasonable regulations that are focused on public health needs, informed by scientific research, and implemented quickly with sufficient legislative appropriations to ensure compliance.

Response: Senate Bill 1541 authorized fees to fund full implementation of Cleaner Air Oregon. The proposed Cleaner Air Oregon program is intended to address health risks from toxic air contaminant emissions to people near industrial facilities. It is a risk based program using the most current science to set toxicity reference values for risk assessment.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 6, 12, 206, 235, 242, 259, 260, 262, 280, 281, 297, 300, 303, 308, 315, 319, 341, 350, 351, 367, 374, 402, 418, 424, 446, 451, 452, 474, 478, 487, 490, 502, 505, 510, 511, 515, 518, 520, 521, 522, 523, 525, 527, 536, 561, 563, 565, 570, 571, 575, 580, 581

Comment Category #258: RALs - action levels are too high

Description: Requested change: Reduce the RALs to a lower cancer limit and a noncancer HI of 1.

Response: Senate Bill 1541, adopted into law by the 2018 Legislature, established public health benchmarks for non-cancer hazard index and excess cancer risk to determine if emissions reductions would be required of toxic air contaminant sources. DEQ revised the proposed rules to conform to these statutory requirements.

Hazard Index

As a result of SB 1541, the noncancer risk action level for existing facilities increased from an Hazard Index of 1 to an HI of 5. For new facilities, the RAL remains at 1. By definition, DEQ is confident at an HI of 1 that adverse effects in humans will not likely occur. For HI values greater than 1, there is an increased chance of adverse effects. This does not mean that an HI value greater than 1 is necessarily a level that is harmful to the public. It means there is less confidence that the concentrations will be protective.

Because of the complexity of noncancer risk, other toxic air contaminant programs have struggled to define clear noncancer hazard thresholds. Washington and New Jersey use a HI above 1 as a trigger to take a closer look, but leave final decisions about allowable noncancer risk entirely up to agency discretion on a case-by-case basis. Conversely, the South Coast program in California triggers regulatory action for existing facilities when noncancer HI exceeds 3. DEQ's Cleanup Program uses a hazard index of 1 to determine a level below which adverse health effects are not expected. To protect public health, DEQ and OHA did not propose risk action levels greater than those required by Oregon statute.

SB 1541 also provides a mechanism for the EQC to adopt through rulemaking an HI other than 5 (but no less than 3) as a risk action level for some chemicals under certain circumstances. DEQ established an advisory committee to assist with determining which chemicals should be considered for reduced acceptable hazard index levels.

Cancer Risk

As a result of SB 1541, the excess cancer risk action level requiring treatment for existing facilities increased from 25 in one million to 50 in one million. For new facilities, the RAL remains at 1. DEQ revised the draft rules accordingly. According to statute, DEQ may not require an existing source using TBACT to undertake additional measures to limit or reduce toxic air contaminant emissions unless the emissions are greater than 200 in one million. This is called a risk reduction level. In addition, DEQ added an immediate curtailment level of 500 in one million. In 2029, the EQC can revise the risk action level for carcinogens, although the level cannot be lower than 25 in one million.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 812, 824, 825, 828, 831, 9, 12, 13, 837, 22, 846, 858, 886, 890, 107, 115, 128, 149, 170, 215, 224, 250, 261, 262, 265, 268, 297, 300, 308, 309, 424, 441, 491, 506, 507, 513, 515, 567, 579, 613, 637, 661, 758, 706, 681, 680, 695, 707, 683, 708, 921, 759,

Comment Category #259: RALs - action levels are too low

Description: Risk Action Levels (RALs) for cancer and noncancer should be higher. Adopting a noncancer Risk Action Level of 1 is inappropriate given that uncertainties can span an order of magnitude.

Response: Senate Bill 1541, adopted into law by the 2018 Legislature, established public health benchmarks (cancer risk and non-cancer hazard index) for use by DEQ to determine if emissions reductions would be required of toxic air contaminant sources. DEQ revised the proposed rules to conform to these statutory requirements. Under SB 1541, the proposed noncancer risk action level for existing facilities increased from a Hazard Index of 1 to a Hazard Index of 5. By definition, DEQ is confident at a Hazard Index of 1 that adverse effects in humans will not likely occur. For Hazard Index values greater than 1, there is an increased chance of adverse effects.

To protect public health, DEQ and OHA did not propose risk action levels greater than those required by SB 1541. The rules do not require any emissions reductions for any existing facility unless its risk exceeds 50 in 1 million cancer risk or a noncancer Hazard Index of 5 (TBACT RAL). If an existing facility has TBACT, the rules do not require emissions reductions unless a facility's risk exceeds 200 in 1 million excess cancer risk or a noncancer Hazard Index of 10 (Reduction RAL). The remaining lower RALs in the proposed rules do not require any emissions reductions on the part of an existing facility, which is consistent with the text and intent of Senate Bill 1541. RALs for new sources are also consistent with Senate Bill 1541.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867, 880, 159, 301, 342, 432, 500, 505, 594, 598, 611, 615, 616, 626, 631, 640, 643, 644, 742, 673

Comment Category #260: RALs - are inconsistent with statute

Description: There are some things in the proposed rule package that deviate from the intent and objectives of Senate Bill 1541 such as regulatory thresholds, noncancer risks, receptors and best available science.

Response: DEQ has included the benchmarks that were in SB 1541 in the proposed rules. The benchmarks for new or reconstructed sources are called TLAER Level Risk Action Levels: 10 in one million and Hazard Index of 1. The benchmarks for existing sources are called TBACT Level Risk Action Levels: 50 in 1 million and hazard index of 5. The level at which DEQ can require an existing source to go beyond TBACT to reduce emissions (four times the benchmark for excess lifetime cancer risk or two times the benchmark for excess noncancer risk) are called the Risk Reduction Level Risk Action Levels: 200 in 1 million and Hazard Index of 10.

SB 1541 did not address, by either including or prohibiting, benchmarks for other Risk Action Levels even though these Risk Action Levels were included in the proposed rules at the time SB 1541 was enacted:

- TEU de minimis Level (now called Aggregate Significant TEU Level),
- Source de minimis Level (now called Source Permit Level),

- New Source Permit Denial Level, Existing Source Risk Action Level (now called Community Engagement Level), and
- Existing Source Permit Denial Level (now called Immediate Curtailment Level).

Therefore, the proposed Risk Action Levels do not deviate from the intent and objectives of SB 1541.

Please see other categories for responses to comments about receptor locations (Exposure location - definition is inconsistent with statute) and noncancer risk assessment (Hazard quotient - values must undergo analysis for consistency with "serious health effects" language in statute).

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 928, 927

Comment Category #261: RALs - de minimis levels for sources and TEUs are too low

Description: The de minimis source threshold provides a valuable tool for DEQ being able to focus its resources on those sources where there is the potential of a significant risk. However, that threshold is meaningless if the de minimis source threshold is set too low--particularly where risk is determined based not on actual emissions, but on capacity to emit. For existing sources we request that the Department set the de minimis source thresholds at 5 in 1 million for cancer and 1 for Hazard Index.

The de minimis TEU levels provides a valuable tool for DEQ being able to focus its resources on those sources where there is the potential of a significant risk and to avoid expending a lot of time on trivial matters. However, the currently proposed de minimis TEU threshold is meaningless as it is set far too low. For existing sources we request that the Department set the de minimis TEU thresholds at 1 in 1 million for cancer and 0.5 for Hazard Index.

Response: DEQ agrees with the commenter that the de minimis thresholds were too low, and is proposing to increase the de minimis levels for both sources and TEUs.

DEQ proposes to increase the Source Permit Level for existing sources to a cancer risk of 5 in a million and a hazard index (HI) of 0.5. Sources whose risk at capacity (the maximum regulated pollutant emissions from a stationary source under its physical and operational design) is less than or equal to the Source Permit Levels would be considered de minimis and would not be required to obtain a Toxic Air Contaminant Permit Addendum. De minimis sources would still be required to report toxic air contaminant emissions on a regular basis for emissions inventory purposes, and DEQ would use that information to ensure that they are still de minimis. The Source Permit Level for new/reconstructed sources would remain the same at 0.5 in a million and HI 0.5.

DEQ also proposes higher levels and a new way of setting de minimis levels for Toxic Emission Units (TEUs). DEQ is replacing the Significant TEU Level with an "Aggregate TEU Level" for both

new/reconstructed sources and existing sources. Instead of setting a per-TEU de minimis risk level, the Aggregate TEU Level is on a per-facility basis. The facility owner or operator can designate one or more TEUs to be aggregated, as long as their total risk fits below the Aggregate TEU Level. The Aggregate TEU Level for new sources would be 0.5 in a million and an HI of 0.1. For existing sources, it would be 2.5 in a million and HI 0.5.

If a facility were above the TLAER or TBACT risk level, then any TEUs that are included in the Aggregate TEU Level would be considered de minimis and would not have to meet TLAER/TBACT. All other TEUs must meet TLAER or TBACT if required to do so. The Aggregate TEU Level is similar to the Aggregate Insignificant Activities concept in DEQ's Title V program.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 871, 880, 884, 888, 908, 912

Comment Category #262: RALs - do not allow any operation over Permit Denial Risk Action Level or allow for 6 months only

Description: Permit denial RAL did not undergo a public process - the 500 in 1 million excess cancer risk level for permit denial risk action level in particular – should not be included in the draft rules.

Commenter supports the inclusion of the provision that DEQ will not approve a source that exceeds the Permit Denial Risk Action Level and supports the requirement that a source to reduce risk below the Permit Denial Risk Action level within six months “by whatever means are necessary.” A source that poses significant risk to public health should not be allowed to continue business as usual and should be required to take extraordinary measures, beyond traditional technological risk reduction, to reduce its risk to the community. Additionally, DEQ should make clear in the rules that no source will be permitted at a risk level above the Permit Denial Risk Action Level and that failure to reduce risk below that level within six months will result in permit denial and potential enforcement for any unpermitted operations.

Commenter recommends DEQ add a provision to prevent a source from operating above the Permit Denial Risk Action Level while the source is completing its risk assessment for a Conditional Risk Level, TBACT Plan or Risk Reduction Plan. While the source may ultimately obtain approval to operate below the Permit Denial Risk Action Level, DEQ should not allow a source that poses a dangerously high level of risk to the community to continue full operations during the permit application and review process. The permitting process could take longer than one-year to complete, during which time the surrounding community will continue to be subjected to a very high risk levels. To allow this is contrary to the protection of public health and principles of environmental justice. DEQ should have the ability to restrict the facility's operations during the permit process in order to protect public health.

Response: DEQ and OHA held multiple meetings (technical work group meetings, public forums, and Rules Advisory Committee meetings) to discuss the proposed rules for Cleaner Air Oregon. The CAO stakeholder process involved agency research, RAC meetings, written and oral input, and ongoing

thought and discussion by the DEQ/OHA rulemaking team. DEQ and OHA strive to bring key concepts to the RAC for discussion, but because CAO is a complex set of regulations with ongoing discussion by many interested parties, it was not always possible to offer equal time to every rule and program concept.

In drafting regulations for public comment, DEQ is not limited to concepts discussed at advisory committee meetings. The permit denial level was introduced at one of the later RAC meetings and there was an opportunity for discussion. It is not possible to discuss every detail of the rules with the public. That is the purpose of public notice. DEQ has changed the name of the permit denial Risk Action Level for existing sources to Immediate Curtailment Level.

Senate Bill 1541 established the Risk Action Level of 200/10 at which DEQ can require sources to go beyond TBACT to reduce toxic air contaminant emissions. DEQ and OHA wanted to be very clear that with potential risk above the Immediate Curtailment Level, sources would not be allowed to operate for any amount of time. The first draft of the rules allowed operation above the permit denial level for 6 months. DEQ has removed that provision from the proposed rules. DEQ can and has used the Cease and Desist Order to require sources to shut down if they are responsible for emitting contamination into the air that presented an imminent and substantial endangerment to the health of persons in the vicinity of the facility. Otherwise, DEQ will include permit conditions restricting operation above the Immediate Curtailment Level.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 491, 552, 637, 686

Comment Category #263: RALs - new and existing source RALs should be the same

Description: Risk Action Levels for new and existing sources should be the same.

Response: Senate Bill 1541, adopted into law by the 2018 Legislature, established public health benchmarks (cancer risk and non-cancer hazard index) for use by DEQ to determine if emissions reductions would be required of toxic air contaminant sources. DEQ revised the proposed rules to conform to these statutory requirements. SB 1541 sets the RALs for existing sources at 50/5 and for new sources at 10/1.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 21, 111, 115, 117, 128, 162, 170, 193, 206, 215, 252, 259, 261, 270, 271, 280, 308, 309, 341, 350, 351, 370, 396, 400, 418, 441, 446, 488, 490, 491, 506, 510, 511, 530, 538, 552, 568, 577, 599, 602, 604, 613, 651, 661, 663, 758, 793, 680, 694, 699, 759, 9

Comment Category #264: RALs - permit denial RAL discourages growth in Oregon

Description: Permit Denial Level sends a clear message that industry is not wanted in Oregon. Oregon should be encouraging expansion, growth, and investment in the state. A new permit denial level based on modeled risk sends a clear message to industries interested in permitting new sources in Oregon that new investments are not wanted. Having drastically different standards for new and existing sources opens DEQ to extremely complicated legal arguments and permitting challenges.

Response: The permit denial level of 25 and 1 for new sources in Oregon is highly achievable at the stage when new facilities are planned, developed and built. Data from California and Washington toxic air contaminant permitting programs verify this assertion.

As a result of the South Coast Air Quality Management District's air toxic program in Southern California, 95 percent of 1,640 Core facilities (facilities with higher potential risk that have been required to perform health risk assessments) have demonstrated cancer risks below 10 in a million and acute and chronic non-cancer hazard indices of less than 1.0, or their emissions have been low enough to not require a Health Risk Assessment. Washington has the same 10 in 1 million and Hazard Index of 1 governing new source operation that DEQ is proposing.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 908

Comment Category #265: RALs - Permit denial RALs too high

Description: The Permit Denial Risk Action Level for existing sources and new sources are too high.

Response: Senate Bill 1541, adopted into law by the 2018 Legislature, established public health benchmarks (cancer risk and non-cancer hazard index) to be used by DEQ to determine if emissions reductions would be required of toxic air contaminant sources. DEQ has revised the proposed rules to conform to these statutory requirements. DEQ has proposed new source permit denial levels of 25 and 1, and for existing sources immediate curtailment levels of 500 and 20. In considering an upper immediate curtailment level, DEQ found that few other regulatory authorities that use such a limit. The one example DEQ found used 1,000 in a million, which we considered to be insufficiently protective.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 7, 9, 11, 13, 16, 21, 117, 122, 128, 193, 206, 224, 242, 244, 250, 259, 261, 280, 308, 400, 424, 441, 491, 499, 507, 510, 511, 538, 571, 579, 602, 613, 651, 661, 663, 797, 720, 683, 722, 680, 692, 681, 689, 802, 705, 805, 706, 693, 760, 713

Comment Category #266: RALs - provision to change the RALs in 2029 should be included in rule now

Description: The EQC should immediately adopt Oregon's Hazardous Index benchmark to be equal to HI 1 effective 2029. Let's not put this off until 2028!

Response: In SB 1541, the legislature expressly intended for the Environmental Quality Commission to consider setting different cancer and noncancer risk benchmarks for existing facilities in 2029, not during the current rulemaking process. In addition, the Commission will gain insights on the pros and cons of changing the benchmarks after DEQ has ten years of experience, data and metrics from implementing Cleaner Air Oregon.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 825, 913

Comment Category #267: RALs - should consider ecological impact as well as human health

Description:

Response: DEQ's Water Quality Program and Cleanup Program protect both human health and the environment. EQC asked DEQ to focus CAO rulemaking on potential impacts to human health. This makes sense because it is more likely that people will be closer to emission sources and more likely to be exposed than animals in a wildlife area. The proposed rules include provisions to evaluate indirect health impacts if DEQ considers it relevant, such as deposition of chemicals to a lake and subsequent uptake of chemicals into fish, which humans then consume. DEQ considers it likely that indirect pathways of exposure will rarely need to be evaluated. If during implementation of the program over the next few years DEQ finds that indirect pathways are more important than expected, DEQ may consider evaluating potential risks to the environment. This would require additional rulemaking.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 497

Comment Category #268: RALs - support different RALs for new and existing sources

Description: RALs for existing sources should be less stringent than those for new sources

Response: Senate Bill 1541, adopted into law by the 2018 Legislature, established public health benchmarks (cancer risk and non-cancer hazard index) for use by DEQ to determine if emissions reductions would be required of toxic air contaminant sources. DEQ revised the proposed rules to conform to these statutory requirements. SB 1541 sets the RALs for existing sources at 50/5 and for new sources at 10/1.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 935, 934

Comment Category #269: RBCs - 1,3-butadiene

Description: The commenter wants DEQ and OHA to use a TRV calculate by the Texas Commission of Environmental Quality for 1,3-butadiene, rather than the EPA IRIS value from 2002.

Response: DEQ and OHA selected the TRVs for Cleaner Air Oregon from widely-recognized, peer-reviewed, traditional authoritative sources. The Texas Commission of Environmental Quality is not included among the selected authoritative sources. Therefore, DEQ and OHA decline to use the value for 1,3-butadiene as published by the TCEQ, and will instead adhere to choosing TRVs from the authoritative sources already being used, as a matter of policy.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 572, 600, 631

Comment Category #270: RBCs - 215 air toxics may not be enough

Description: RBCs: 215 chemicals may not be enough

Response: The proposed rule would regulate emissions of approximately 260 chemicals based on health risks. The number of chemicals for which authoritative sources have set toxicity reference values limits the number of chemicals. As authoritative sources adopt new toxicity values for chemicals, the rules include a mechanism for adding toxicity values and chemicals into the program.

The program is only able to regulate risk for the approximately 260 chemicals for which health risk data is available. However, the program would still require facilities to report emissions of any of the chemicals included in the broader reporting list (over 600 chemicals).

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 315

Comment Category #271: RBCs - acute RBCs should reflect uncertainty in TRVs

Description: Requested change: Provide mechanism to allow flexibility in risk management decisions based on variable applicability of acute TRVs to various averaging times and severity of associated health effects.

Response: DEQ and OHA designed Cleaner Air Oregon to protect public health by preventing levels of exposure that could cause adverse effects. Cleaner Air Oregon proposed Toxicity Reference Values to identify levels of exposure to each chemical that are not expected to harm health. While there is uncertainty embedded in TRVs, they represent the best available summary of the science around the toxicity of each chemical.

CAO does not use TRVs as regulatory limits. CAO proposed TRVs as a science-based tool to characterize potential health risks of emissions. The Oregon legislature set Risk Action Levels to determine regulatory risk management decisions. The legislature allowed for some flexibility in RALs by creating an opportunity for DEQ to assign chemicals with developmental toxicity or other severe effects to slightly lower Risk Action Levels.

Specific sources of uncertainty for acute TRVs include the uncertainty factors used to derive values and the exposure duration the TRVs are designed around. Uncertainty factors used to derive TRVs are only applied as necessary to protect sensitive populations in the face of scientific uncertainty. TRVs exist for a reason and should not be disregarded. CAO selected acute TRVs according to a hierarchy of authoritative sources. CAO designed the hierarchy for acute TRVs to prioritize sources that best match the 24-hour exposure period. While ATSDR intermediate Minimum Risk Levels are last in the hierarchy for acute TRVs, they are the best available information in the absence of other acute toxicity data.

Most toxicological studies are not designed to detect the exact minimum amount of time required to cause a health effect. Therefore, when evaluating a toxicological study with an intermediate duration exposure (defined by ATSDR as 15 - 364 days), it cannot be assumed that the entire study exposure period was required to initiate or cause the measured effect. This is especially true for toxic air

contaminants that cause developmental effects, where exposures in animal studies are typically administered in utero on specific days of embryonic/fetal development. In such studies, effects are measured at the end of gestation or later in life, not immediately following each exposure day to determine which day of exposure (or how many days of exposure) was most important in causing the measured effect.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 657

Comment Category #272: RBCs - "acute" should include 1-hour or 8-hour averaging times

Description: Commenter requests that rules be changed to include RBCs and RALs for 1-hour and 8-hour averaging times as well as 24-hour RBCs.

Response: Most toxicological studies are not designed to detect the exact minimum amount of time required to cause a health effect. This limitation means that toxicological studies cannot be used to distinguish health effects that follow a 1-hour exposure and ones that follow a 24-hour exposure. There is not high enough resolution in the underlying toxicological science to distinguish a meaningful difference between a 1-hour risk-based concentration and 24-hour RBC in terms of health outcomes. If 1-hour monitoring data becomes available, DEQ could just as appropriately compare it against a 24-hour RBC as to a 1-hour RBC.

Health effects that one could measure following a single 1-hour exposure would be acute enough that emergency response may be appropriate. Agencies intend to regulate in a way that is better aligned with the public health value of primary prevention. If health is protected from health effects following a lower 24-hour exposure, it will also be protected from more acute health effects relevant to a much higher intensity 1-hour exposure.

RBCs established by some jurisdictions, such as California, with an 8-hour averaging time, intend to protect workers exposed to repeated 8-hour exposures over the course of years --- not a single 8-hour exposure. CAO proposed rules already address the worker/non-residential scenario through RBCs for worker and non-residential children. These RBCs assume exposure averaging times appropriate for workplace or school environments, just like the 8-hour RBCs used by California.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 22, 847, 297, 315, 509, 515, 552, 602, 791

Comment Category #273: RBCs - Add additional uncertainty factor to protect children

Description: Children are more susceptible to the harmful effects of chemicals and deserve additional protection from regulators.

Recommend looking into the use of the Uncertainty Factor as an additional safety factor for children.

Response: For noncarcinogens, reference concentrations developed by EPA, OEHHA, ATSDR and others are based on the most sensitive effects. When appropriate, they also incorporate uncertainty factors to consider potential effects on sensitive members of a population. For these reasons, DEQ and OHA consider TRVs to be appropriately protective of children.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 917, 921

Comment Category #274: RBCs - Aggregation of cancer risk

Description: The indiscriminate aggregation of cancer risks is questioned.

Response: The distinction between 'known' and 'probable' carcinogens does not necessarily correspond to potency or degree of cancer risk. Probable carcinogens are often those for which there is not sufficient data on effects in humans. In some cases, the lack of human data is because human exposures are already limited because animal studies have indicated that the chemical is carcinogenic. It would therefore be inappropriate to consider risk from 'probable' and 'known' chemicals differently.

The approach for evaluating cancer risk outlined in the proposed rules will not include chemicals that have limited evidence of carcinogenicity. Cancer RBCs can only be calculated for chemicals for which there is sufficient data to support a dose-response relationship. Chemicals for which there is not sufficient data to support derivation of a cancer slope factor will not have a cancer RBC, and will not be included in cancer risk assessments.

Specific target organs do not define overall increased lifetime cancer risk. Rather, cumulative cancer risk calculations estimate total increased risk of any form of cancer. Many carcinogenic chemicals contribute to cancer risk in multiple organ types. For many chemicals, the complete set of cancer target organs has not been defined. For those chemicals, a target organ-specific approach to cancer risk could underestimate cumulative risk.

In addition, cancer target organs in people may not be completely consistent with target organs in animals. Chemicals that do not have sufficient human data may not accurately identify human target organs. Attempting to calculate cancer risk for specific target organs independently would be inappropriate given that the degree to which each carcinogen contributes to risk of cancer in each tissue type is not clearly quantified.

DEQ will not revised the rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 616

Comment Category #275: RBCs - Cadmium - Acute RBC

Description: Proposes alternate acute TRV for cadmium. Recommends use of Texas Air Quality Commissions exposure period adjustment to the same underlying study used to supported OHA and DEQ's proposed acute TRV that came from ATSDR's Acute MRL for cadmium.

Response:

DEQ and OHA agree that, where possible, the ideal acute RBCs for a 24-hour exposure would be based on studies with 24-hr exposure durations. However, authoritative bodies are inconsistent in the way they define short-term exposure durations. These differences occur largely because study design and exposure duration of studies underlying short-term guidelines are highly variable across chemicals. It is rare for such a study to be designed with the intent to determine the precise minimum exposure duration that could lead to an adverse health effect. This is the case with 1995 NTP study underlying both ATSDR's acute MRL and Texas's acute toxicity value for cadmium.

In many cases (such as this one), the resolution of the toxicology data is not great enough to clearly quantify the difference in risk between an hour of exposure, 1 day of exposure and 2 weeks of exposure. In these cases, it is clear that adverse health effects occur following short-term exposure, but there is a lack of precision in the precise minimum exposure duration required to cause the effect. The critical effect could only be measured in sacrificed animals at the conclusion of the study.

Generally, the studies underlying ATSDR's acute MRLs range from single exposures lasting a few minutes to continuous exposures up to two weeks. Despite this range in exposure durations and in recognition of the need for consistency in use, ATSDR defines its acute MRLs as generally protective of exposures lasting between 24 hours and 14 days. In contrast, California applies all of its short-term RELs to exposures lasting 1-hour or less, even though they rely on studies with similar variability in exposure durations to those used by ATSDR.

Like the authoritative agencies DEQ and OHA propose to use as sources of acute TRVs, DEQ and OHA propose acute RBCs with a uniform 24-hr exposure duration to evaluate acute risks consistently across chemicals and facilities. Using this approach, short-term exposure can be consistently compared to 24-hr concentrations. If acute RBCs instead used chemical-specific exposure durations more directly tied to specific exposure durations of studies underlying each value, then facilities would have to model concentrations for different chemicals over different exposure durations that matched each chemical's acute RBC and it would not be possible to evaluate cumulative risk from acute exposure.

Also see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 634

Comment Category #276: RBCs - CAO should rely on ATSAC for TRV selection and consult with them on all aspects of the program

Description: Requested change: CAO should use ATSAC to determine TRVs for all toxic air contaminants, and CAO should consult ATSAC on all scientific aspects of the CAO program.

Response: DEQ and OHA have changed the selection process for the chronic TRVs proposed in Cleaner Air Oregon. Rather than selecting chronic TRVs based on a hierarchy of authoritative sources as initially proposed, the agencies have selected the most recently established values from any of the authoritative sources. This approach ensures that the proposed TRVs are based on values developed using the most recent science.

The role of ATSAC in contributing to TRV selection is indirect. DEQ, not ATSAC, is included as an authoritative source for TRVs. DEQ used recent recommendations from ATSAC in the selection of the initial set of TRVs because DEQ adopted the recommendations, and DEQ is an authoritative source. However, ATSAC itself is not an authoritative source and is not the only mechanism DEQ may use to establish values in the future.

OARS 340-246-0070(1)(a) states that one of ATSAC's roles is to "Review ambient benchmarks for the state air toxics program." OARS 340-246-0090(1) states that "...Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated..." OARS 340-246-0070(1) states that "...[ATSAC] will not provide risk management or policy recommendations..." Risk based concentrations in CAO are proposed as regulatory standards and they, along with the CAO program itself, are new policy decisions proposed by DEQ. This sets TRVs and RBCs apart from ambient benchmark concentrations described in existing rule and sets TRVs and RBCs, along with the proposed CAO program outside the scope of ATSAC established in existing rule.

ATSAC was established in the absence of a program like CAO for non-regulatory and non-policy purposes. If a committee like ATSAC were to advise DEQ on CAO-related topics, it would have to be reformed with a new stated purpose in rule and with additional resources to support the much larger scope proposed under CAO. DEQ values ATSAC for its expertise and past contribution to its non-regulatory air toxics program. While DEQ proposed TRVs and RBCs consistent with ATSAC recommendations for all 52 air toxics on which ATSAC has deliberated, DEQ proposed TRVs and RBCs independently of ATSAC.

CAO is consistent with ATSAC recommendations and general policy in that DEQ's proposed set of authoritative bodies is the same set used by ATSAC (US EPA, ATSDR, and California OEHHA). ATSAC has

only recommended a toxicity value for adoption as an ambient benchmark concentration from sources other than those three authoritative bodies on 2 occasions, and CAO rules as proposed afford DEQ the flexibility to make similar adaptations as necessary since DEQ is included in the list of authoritative bodies. DEQ has access to staff toxicologists both within DEQ and at OHA, one of which is a current member of ATSAC.

As a volunteer committee, ATSAC has never and could never match the level of scientific rigor employed by the authoritative bodies proposed in rule. For example, consider the process that ATSDR follows to develop each of its minimal risk levels (MRLs) (from ATSDR's website [<https://www.atsdr.cdc.gov/mrls/index.asp>]): "Proposed MRLs undergo a rigorous review process. They are reviewed by the Health Effects/MRL Workgroup within the Division of Toxicology and Human Health Sciences; an expert panel of external peer reviewers; the agency wide MRL Workgroup, with participation from other federal agencies, including EPA; and are submitted for public comment through the toxicological profile public comment period."

Similarly, exhaustive scientific review processes exist for each of the other authoritative bodies proposed as sources of TRVs in CAO. This is exactly why most states with existing health risk-based air toxics programs use toxicity values developed by these same authoritative bodies. It is not realistic or necessary for any volunteer committee in Oregon to achieve the same level of scientific review and rigor as these much better resourced agencies. To engage in the same level of scientific review in Oregon would require a large investment in public resources and be duplicative of work already done by the agencies proposed for use as authoritative bodies in CAO draft rules.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867, 616

Comment Category #277: RBCs - chlorine

Description: American Chemistry Council has many concerns with the toxicity value originally chosen by the ATSAC for chlorine.

Response: DEQ and the Oregon Health Authority have chosen, as a matter of policy, to draw their Toxicity Reference Values from widely recognized authoritative sources, including but not limited to ATSDR. Neither DEQ nor OHA have the resources to conduct comprehensive evaluations of the universe of toxicity information available for a particular chemical, and instead relies on the authoritative agencies that do have the resources, and have already conducted their own comprehensive evaluations. For DEQ or OHA to re-evaluate any single study or the large volume of toxicological studies on chlorine that exist would be costly in terms of state resources and duplicative of a service already provided by other agencies.

Note that an important component of the scientific method is consensus among the scientific community built upon multiple accumulated studies over time that corroborate each other and the

overall weight of scientific evidence. Accepting the single most recent study while ignoring the context of the overall weight of evidence and degree of consensus in the scientific community would not be credible science. OHA and DEQ rely on authoritative agencies that have the resources to evaluate that contextual information that influences their final toxicity values.

Also, see responses to categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 600, 631, 634

Comment Category #278: RBCs - Chromium VI

Description: RBCs - Chromium VI RBCs need significant changes.

Hexavalent Chromium RBCs do not use appropriate MPAF values, and the related RBC is not consistent with practices of other agencies, such as the Texas Commission of Environmental Quality.

Response: CAO decided to use a set group of authoritative sources from which to obtain the proposed TRVs, and these sources include:

- DEQ (i.e., Air Toxics Science Advisory Committee choices of Ambient Benchmark Concentrations for 55 chemicals, as adopted into rule in May 2018),
- USEPA's Integrated Risk Information System (IRIS),
- USEPA's Preliminary Peer-Reviewed Toxicity Values (PPRTVs),
- California Office of Environmental Health Hazard Assessment's (OEHHA's) approved values, and
- Agency for Toxic Substances and Disease Registry's (ATSDR's) Minimal Risk Levels for chemicals with non-cancer effects.

DEQ and OHA selected the most recent chronic values from these authoritative sources as chronic TRVs for CAO, ensuring that chronic TRVs will reflect the most recent comprehensive evaluation of all available science for each chemical.

Regarding use of alternate sources for TRV selection, DEQ and OHA will not consider other values as identified by the commenter from the scientific literature (Haney, et al.) or from agencies outside of the group of sources chosen (e.g., TCEQ) as alternative or replacement values for the TRVs already chosen. DEQ and OHA are state agencies with limited resources and staff, and therefore cannot conduct comprehensive reviews of all available evidence for a particular chemical, nor develop their own cancer TRVs or noncancer Reference Concentrations. Nor can DEQ and OHA simply accept toxicological information provided by commenters, because it may or may not contain all relevant information or be fully representative of the state of the science. That is why DEQ and OHA obtained TRVs from an

identified list of acceptable, recognized authoritative bodies that are sufficiently resourced to conduct comprehensive reviews of available scientific information.

Comments related to the MPAF are addressed in a separate response. Also see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 585, 631, 634, 652

Comment Category #279: RBCs - clarify use of RBCs for metal compounds vs parent metal

Description: The rules need more detail to describe how RBCs are to be used for metal compounds vs the parent metals. Care should be taken such that the calculated risk from metal compounds is not estimated on the basis of the parent metal where inappropriate. Sources should have option to discuss the exact form of metal actually emitted from a facility, and have that information taken into account at Levels 2-4 Risk Assessments.

Facilities should be allowed to propose TRVs other than those listed in rule that apply to the specific form of the toxic air contaminant emitted from their facility.

Response: DEQ and OHA can work with a facility on a case-by-case basis to characterize the form of a metal that the facility emits. CAO will consider facility risk for categories of metals and metal compounds according to the types of relevant RBCs that are available for each group. When authoritative sources for TRVs distinguish between different forms of a metal, DEQ will consider them separately. When authoritative sources develop a single number for all forms of a specific metal, DEQ will consider all emissions of the metal together. Risk assessments will not count emissions twice under different categories of the same metal group.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 342, 585, 611, 616, 644

Comment Category #280: RBCs - Cobalt, chronic cancer

Description: Remove cancer-based TRV for cobalt from CAO Table 3, as the ATSAC declined to make a recommendation for this chemical based on potential cancer effects.

Response:

DEQ and OHA made a number of changes to the CAO Table 3 - Toxicity Reference Values after review of comments received, and additional consideration of various technical options. The agencies agreed that, if the ATSAC determined that no carcinogenic value should be identified for a chemical based on inadequacy of the toxicity information, then CAO would follow the ATSAC recommendation. As a result, the agencies removed the chronic cancer TRV for cobalt from Table 3, which automatically removed it from Table 4 (RBCs).

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 435, 611

Comment Category #281: RBCs - Compounded uncertainty

Description: Conservative assumptions to deal with uncertainty compound through multiple layers of the proposed risk assessment procedure.

Response: DEQ and OHA agree that RBCs incorporate conservative assumptions to ensure that they reflect levels that are not expected to harm health. The agencies also agree that accurate communication of the steps taken to ensure public safety is appropriate. Each element of conservatism serves a distinct purpose that is not duplicative of other elements.

The conservatism applied to noncancer risk is primarily in the form of uncertainty factors applied by authoritative bodies to develop toxicity reference values. Uncertainty factors used to establish toxicity reference values are present for a reason and the magnitude of the uncertainty factors is based on chemical-specific considerations. While some chemicals like naphthalene have total uncertainty factors of 3000 (due to extrapolation for animal studies to human, failure to identify a no effect level, variability across people, and insufficient information on sensitive endpoints), other chemicals have very small uncertainty factors of 10 or less. For a handful of chemicals, levels that are known to cause health effects in people are less than 10 times the level selected as the toxicity reference value.

Conservatism is built into cancer risk by estimating concentrations that would be associated with a specific level of increased cancer risk (eg. 1 in 1 million). In many cases, this risk level is set using an upper bound estimate of the dose-response relationship based on observations from higher levels of exposure in small populations. By taking the upper bound estimate, this approach accounts for mathematical uncertainty in a cancer risk model. Accounting for mathematical uncertainty in the model does not do anything to account for exposure at sensitive life stages or additional exposures to persistent/bioaccumulative chemicals through soil, water or food.

To account for these concerns, DEQ has proposed adjusting cancer RBCs using other adjustment factors where appropriate. For a subset of cancer causing chemicals that have been demonstrated to increase cancer risk through a mutagenic mechanism (i.e., chemicals that cause gene mutations), an early life adjustment factor is used to adjust the RBC. This adjustment accounts for the fact that exposure to

mutagenic chemicals early in life increases lifetime cancer risk to a much greater extent than exposure later in life. These adjustment factors are chemical-specific and based on science.

There is also conservatism in exposure assessments. Average values, such as estimates of actual emissions, are combined with modeling to calculate maximum air concentrations. Following EPA's general risk assessment approach, the overall combination of average and upper bound estimates of exposure and toxicity are intended to result in a reasonable maximum estimate of risk. The approach to risk assessment proposed in the rules is consistent with the approaches used in other state programs. The levels of conservatism serve an evidence-based purpose and are not duplicative.

In implementation of the program, DEQ and OHA will aim to clearly communicate results of health risk assessments and explain any assumptions made where appropriate.

DEQ will not make changes to the rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 585

Comment Category #282: RBCs - DEHP toxicity

Description: Bis(2-ethylhexyl) phthalate (DEHP) has been inappropriately classified as an inhalation carcinogen.

Response: CAO used a number of authoritative bodies from which to choose TRVs, and the California Office of Environmental Health Hazard Assessment is one of them. OEHHA made the determination that there was enough evidence to support their identification of a cancer-based TRV for DEHP. CAO then used OEHHA's cancer potency value as a cancer-based TRV for DEHP.

Also, see responses to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 585

Comment Category #283: RBCs - DEQ should consider the EPA Framework for Metals Risk Assessment

Description: DEQ should consider the EPA Framework for Metals Risk Assessment in how we set up our TRVs, RBCs and risk assessment process.

Response: The 2007 EPA Framework for Metals Risk Assessment, with the related Issue Paper from 2004 entitled "Issue Paper on the Human Health Effects of Metals", focus on the use of toxicokinetic and toxicodynamic models, residue-based models, exposure-based toxicity models inhalation dosimetry methods, bioavailability models, and biomarkers in regard to human exposure to metals. Some of these methods are not directly applicable to metals which are inhaled, and the methods that are applicable are used in conjunction with complex assumptions about how metals are absorbed once taken up by the body, how they break down or are chemical altered, how and in what forms they migrate to various body organs or organ systems.

DEQ and OHA agree that the uptake of metals into the body and their actual effects on internal systems is complex and important. Authoritative sources like EPA need to take those factors into account when developing values that serve as the basis for TRVs. DEQ and OHA must stay within the confines of the proposed list of TRVs from authoritative bodies. Neither agency has the resources to conduct this type of primary toxicity work, and instead has chosen to rely on authoritative bodies that do have the resources to consider these topics in their initial development of the toxicity values we rely on.

Also see response to "RBCs - TRV hierarchy should be changed."

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 539

Comment Category #284: RBCs - Don't use chronic or intermediate toxicity values as acute TRVs

Description: Requested change: Don't use chronic or intermediate toxicity values as acute TRVs. Some acute TRVs were based on ATSDR values developed to represent safe concentrations for exposure periods up to 14 days and thirteen (13) of the proposed acute TRVs were based on ATSDR values developed for intermediate exposure periods up to 364 days. These concentrations should not be adopted in CAO rule as maximum 24-hr concentrations. DEQ did not use the best available science in developing acute TRVs. DEQ did not adequately and transparently document the process for selection of acute TRVs.

Response: DEQ proposes to use chronic or subchronic/intermediate toxicity values from authoritative bodies as acute Toxicity Reference Values under specified conditions. These situations are not errors or misrepresentations. In each case, they follow a deliberate process and logic that is transparently communicated using footnotes in tables and in Appendix A of the Draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments.

Like the authoritative agencies DEQ proposes to use as sources of acute TRVs, DEQ proposes acute Risk Based Concentrations with a uniform exposure duration to evaluate acute risks consistently across chemicals and facilities. Using this approach, DEQ can consistently compare short-term exposure to 24-hr concentrations. If acute RBCs instead used chemical-specific exposure durations more directly tied to

specific exposure durations of studies underlying each value, then facilities would have to model concentrations for different chemicals over different exposure durations that matched each chemical's acute RBC and it would not be possible to evaluate cumulative risk from acute exposure.

DEQ and OHA agree that, where possible, the ideal acute RBCs would be based on studies with 24-hr exposure durations. However, authoritative bodies are inconsistent in the way they define short-term exposure durations. These differences occur largely because study design and exposure duration of studies underlying short-term guidelines are highly variable across chemicals. It is rare for such a study to be designed with the intent to determine the precise minimum exposure duration that could lead to an adverse health effect. In many cases, the resolution of the toxicology data is not great enough to clearly quantify the difference in risk between an hour of exposure, one day of exposure and two weeks of exposure. In these cases, it is clear that adverse health effects occur following short-term exposure, but there is a lack of precision in the precise minimum exposure duration required to cause the effect.

For example, the studies underlying Agency for Toxic Substances and Disease Registry's acute Minimum Risk Levels range from single exposures lasting a few minutes to continuous exposures up to two weeks. Despite this range in exposure durations and in recognition of the need for consistency in use, ATSDR defines its acute MRLs as generally protective of exposures lasting between 24 hours and 14 days. In contrast, California applies all of its short-term RELs to exposures lasting one hour or less, even though they rely on studies with similar variability in exposure durations to those used by ATSDR.

To select acute TRVs, DEQ used a hierarchy of authoritative sources that prioritizes values that are most consistent with a 24-hour exposure duration. In the absence of other sources for short-term exposure values, the agencies have concluded that applying the intermediate MRL is better than not applying any short-term RBC at all. There are toxic air contaminants that have intermediate MRLs and no other noncancer TRVs available from authoritative agencies. If CAO were to refrain from using intermediate MRLs as acute TRVs in such cases, no noncancer RBCs would be established even though noncancer effects have been documented following intermediate duration exposures. It would not be sufficiently protective to apply an intermediate MRL to an RBC for chronic exposure.

For some chemicals, the ATSDR intermediate MRL is based on potential reproductive, endocrine, and/or developmental effects. Though the experiments that document such effects are typically performed over intermediate or chronic exposure durations, it is widely acknowledged that developmental effects can occur following brief exposures that occur during critical phases of development. For example, the chronic noncancer TRV for benzo(a)pyrene (established by EPA's IRIS program) is based on decreased embryo/fetal survival. EPA did not apply any uncertainty factor to extrapolate from the 10-day gestational exposure in the original toxicity study to chronic conditions. The study also did not identify which of those 10 days is most critical for the effect or whether the entire 10-days of exposure was necessary to cause decreased fetal survival. Given the potential severity of the effect, it is prudent not to exceed this toxicity threshold during any part of the fetal development process.

Supporting studies cited by EPA indicate that there is some evidence that benzo(a)pyrene may also alter the developing brain, which would also be the result of a short-term exposure during a critical developmental window. Similarly, the National Ambient Air Quality Standard (NAAQS) for lead is based on a 3-month rolling average (again, less than 1 year) because of its potential to cause permanent impairment of cognitive function. Studies underlying the NAAQS for lead were not designed in a way to determine the precise minimum amount of time an individual child would need to be exposed to lead to

elevate blood lead concentrations to those associated with permanent impairment in cognitive function. Rather the NAAQS is designed to protect large populations sharing an air shed.

The purpose of CAO is to protect the health of individuals living in proximity to known sources of toxic air contaminants. Given the importance of short-duration exposures for developmental toxicity, it is appropriate to apply MRLs developed to protect against developmental effects as an RBC for acute exposures. Many of the chemicals for which acute and chronic values are the same are based on developmental effects that could occur over relatively short-term exposures.

Finally, in cases where acute values established by authoritative bodies are lower than the chronic noncancer TRV for that chemical, the chronic noncancer TRV is applied as an acute TRV instead. This is done in recognition of the fact that there is generally more confidence in chronic values and that longer duration exposures would be expected to be at least as harmful as acute exposures at the same level. This was the case for benzene (ATSDR acute MRL = 29 micrograms per cubic meter vs. EPA IRIS chronic RfC of 30 micrograms per cubic meter) and selenium.

Also see response to comment category "RBCs - TRV hierarchy should be changed."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 907, 616, 631, 634

Comment Category #285: RBCs - early-lifestage adjustments are not necessary

Description: Cancer risk calculations do not need adjustment for early life stage exposure because the traditional carcinogen risk assessment model provides for a full lifetime exposure experience, and the preponderance of scientific evidence does not support the conclusion that these early life stage adjustments will confer any additional public health benefit relative.

Response: For noncarcinogens, reference concentrations developed by EPA, OEHHA, ATSDR and others include uncertainty factors to consider potential effects on sensitive members of a population. Reference concentrations (which often incorporate uncertainty factors) are only developed for noncarcinogenic effects. Uncertainty factors are not used in the derivation of inhalation unit risk values for carcinogenic effects, which are the basis for cancer TRVs and RBCs. Because TRVs for noncarcinogens and carcinogens are developed separately, consideration of sensitive members for noncancer effects has no bearing on the consideration of sensitive members for carcinogenic effects.

For carcinogens, DEQ agrees with EPA that a calculated excess cancer risk is an upper-bound estimate such that regulatory agencies are reasonably confident that the true risk will not exceed the calculated risk estimate. This is an appropriate regulatory approach to establishing cancer-based values intended to protect public health. DEQ also accepts EPA guidance for potency adjustments for carcinogens acting through a mutagenic mode of action. This guidance recommends that, for such chemicals, a default

approach should be used that modifies estimates from chronic studies with appropriate factors to address the potential for differential risk of early-lifestage exposure.

It is EPA's long-standing science policy position that use of the linear low-dose extrapolation approach for carcinogenic chemicals (without further adjustment) provides adequate public health conservatism in the absence of chemical-specific data indicating differential early-life susceptibility. In 2005, EPA recommended age-dependent adjustment factors for carcinogens acting through a mutagenic mode of action based on a combination of analysis of available data and their science policy position. In contrast, South Coast Air Quality Management District considers it appropriate to apply early-life adjustments to all carcinogenic chemicals.

As noted in one of the comments, most animal studies evaluate lifetime cancer risk beginning after the animals reach sexual maturity. The cancer slope factors or inhalation unit risk values derived from such studies are therefore most appropriately applied to a lifetime of human exposure as an adult. The specific exposure duration value applied to a human lifetime (such as 70 years) is not important if a lifetime of exposure is being evaluated, such as for residential exposure in the CAO program. Exposure duration and averaging time are the same for a lifetime, so the values cancel out in the calculation of risk.

What is important is the fact that increased risk from early-life exposure was missing from the older approach. DEQ considers it important to account for this missing risk to infants and children in calculating RBCs for carcinogens acting by a mutagenic mode of action. DEQ acknowledges that at a risk action level of 50 excess cancers in a million, this level of protection cannot be measured in a human population. The goal of public health is to prevent health outcomes that would be measurable in the population. Risk should be determined using the best available method, which since 2005 includes a consideration of early-life exposure.

Early-life adjustment factors used to calculate cancer RBCs are presented in Table B-1 of the draft risk assessment recommended procedures document. Derivation of early-life adjustment factors is presented in Appendix C of the procedures document.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 585, 616

Comment Category #286: RBCs - endocrine-disrupting chemicals

Description: The rules should take into account endocrine disruption, and non-linear dose-response curves.

Response:

OHA and DEQ agree that some toxic air contaminants may have endocrine disrupting effects and that dose-response relationships for those effects may be non-linear. However, there is no clearly

established scientific guidance for how best to account for these types of risk in the standard risk assessment process and most chemicals currently in commerce have never been tested for potential endocrine effects.

To the extent possible with existing data, CAO is designed to prevent the most sensitive endpoints in sensitive populations. For some chemicals, CAO based proposed TRVs on endocrine effects or reproductive and developmental effects that may be caused by endocrine disruption. As federal and state agencies learn from new scientific research, and develop hazard and risk assessment frameworks to better account for non-linear or non-monotonic dose-responses curves, new science may be incorporated into CAO. The proposed CAO rules provide for triennial reviews for TRVs and RBCs. These triennial reviews will be opportunities every three years for DEQ and OHA toxicologists to review and incorporate progress made by other agencies and the scientific community into the TRVs and RBCs used in CAO.

Many endocrine-disrupting toxic air contaminants are of particular concern because of their potential to cause reproductive and developmental health effects. Risk management decisions in CAO may be more cautious for chemicals with potential developmental toxicity. Toxic air contaminants that are known to cause developmental or other severe health effects will be identified with the help of the Hazard Index Technical Advisory Committee. This volunteer committee of experts gathered by DEQ is due to meet during the Fall of 2018 and has been assembled to address toxic air contaminants with developmental or other severe health effects. The toxic air contaminants identified by HI TAC will be held to lower (more stringent) RALs, as stipulated in Senate Bill 1541, through a separate public rule-making process.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 847, 613

Comment Category #287: RBCs - Errors in Tables 3 and 5

Description: The Errors in Tables 3 and 5 Should Be Revised and Renoticed

Response:

DEQ corrected errors to notes and footnotes in the tables. DEQ also corrected an error in the TCE RBC calculation. In addition to correcting errors, DEQ revised the TRV and RBC tables, including:

- the approach for determining TRVs was revised based on comments on the initial draft rules;
- rounding of values was more explicitly explained and implemented,

- the calculation of non-resident adjustment factors (NRAFs) was modified to incorporate an exposure frequency of 5 days/week for 50 weeks, or 250 days/year (instead of 260 days/year) for workers, and children in school/daycare.

DEQ presented the revised TRVs and RBCs in revised draft rules, and made available for public review. DEQ included an Excel spreadsheet to aid in public review of the calculations. The tables are now numbered Table 3 for TRVs and Table 4 for RBCs.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 629, 631, 640

Comment Category #288: RBCs - ethylene oxide

Description: Commenter does not want the EPA IRIS cancer-based URE value for ethylene oxide to be used as the basis of the ABC, and hence the CAO TRV.

Response: Air Toxics Science Advisory Committee chose the IRIS URE value as the basis of the Ambient Benchmark Concentration for ethylene oxide, as well as evaluating other related toxicity values from traditional authoritative sources of toxicity values. Cleaner Air Oregon, using the adopted ABCs as the most-current Toxicity Reference Value available, will also use the IRIS URE as the basis of the TRV for ethylene oxide.

DEQ and the Oregon Health Authority draw CAO TRVs from recommendations made by the ATSAC and from widely recognized authoritative sources, including IRIS. These authoritative agencies have the resources to conduct systematic and comprehensive reviews of all relevant individual toxicological studies. It is not scientifically defensible to base a toxicity value on a single individual study in the absence of the context provided by such a comprehensive evaluation of the overall weight of evidence and degree of consensus in the scientific community.

Therefore, OHA and DEQ rely on agencies that have the resources to make such systematic evaluations. For OHA and DEQ to engage in that same level of review would be costly to the state and duplicative of work already done by these agencies. Criticisms of EPA's URE for ethylene oxide would be more productively shared with EPA.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 208, 329, 330, 331, 332, 600, 631

Comment Category #289: RBCs - Exposure factors used to calculate RBCs are unnecessarily conservative

Description: This category of comment asserts that chronic RBCs in proposed rules were calculated assuming that people are exposed to toxic air contaminants more frequently and for longer periods of time than is reasonable. This category of comments urges DEQ to assume that residents spend less than 24 hours per day/7 days per week at home and that they live near a source of toxic air contaminants for less than 70 years (recommendations ranged from 8 years to 30 years). The category also urges DEQ to assume that concentrations of toxic air contaminants indoors are less than outdoors and to account for time spent indoors accordingly when calculating RBCs. DEQ's Human Health Risk Assessment Guidance and EPA's 2011 Exposure Factors Handbook are cited as references supporting these recommendations.

Response: DEQ and OHA agree that it is statistically rare for an individual to live in the same residence for a full 70-year lifetime. However, the objective of Cleaner Air Oregon is that any individual can live next to any industrial point source of toxic air contaminants for a lifetime without facing unacceptable health risks. Assuming a 70-year exposure duration across the state in cancer risk assessment assures that an individual can move from a residential property impacted by one industrial point source to a residential property impacted by another industrial point source elsewhere in the state and enjoy the same level of protection.

Even if an individual moves somewhere with no impacts from industrial point sources, they will still be exposed to toxic air contaminants from other common sources, such as mobile sources, residential wood burning, and or area sources. This is what sets risk assessments in CAO apart from risk assessments for Superfund and other clean-up sites for which the cited guidance documents were designed. While soil, sediment, and groundwater contamination pose risks that can be avoided by moving away, there is no where an individual can move to that will have no impacts from toxic air contaminants from some source or another.

Several federal and state toxic air contaminant programs assume a 70-year exposure duration. These include EPA's National Air Toxics Assessment (NATA) program; Oregon's immediate neighbors, Washington and Idaho; Louisville, Kentucky's STAR program; New Jersey; New York; Massachusetts; Georgia; Minnesota; Michigan; Maryland; North Dakota; and North Carolina assumes 78 years.

While it is rare for most people to spend 100% of their time at home, those who do often suffer from serious health conditions, some of which could make them exceptionally vulnerable to the effects of toxic air contaminants.

DEQ and OHA did not identify any state toxic air contaminant programs that incorporated risk-mitigating adjustments into risk assessments on the basis of time spent indoors. A growing body of evidence suggests that, in many cases, indoor air quality may be worse than outdoor quality due to the release and trapping of VOCs and other contaminants from indoor sources. The public health recommendation to improve indoor air quality is to increase ventilation with air from outdoors. See (<https://www.epa.gov/indoor-air-quality-iaq/inside-story-guide-indoor-air-quality>). Thus, the quality of outdoor air should be such that indoor air quality problems are not further exacerbated.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 906, 657, 665

Comment Category #290: RBCs - Fluoride / hydrogen fluoride

Description: DEQ should use the TCEQ value for the fluoride (aka hydrogen fluoride) TRV/RBC.

Response: DEQ and the Oregon Health Authority use widely recognized peer-reviewed authoritative sources from which to draw the TRVs. The Texas Commission of Environmental Quality is not included in this group.

Also see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 631, 634, 652

Comment Category #291: RBCs - formaldehyde toxicity

Description: The Formaldehyde RBC is not based on best available science. Formaldehyde should be considered to have a threshold below which it is not carcinogenic.

Response: The formaldehyde cancer Risk Based Concentration is based on the new DEQ ABC for formaldehyde, which was established based on recent recommendations by the Air Toxics Science Advisory Committee. The ATSAC value is based on cancer risk values originally set by OEHHA.

The World Health Organization is not included as an authoritative source for TRVs in CAO because WHO's International Agency for Research on Cancer does not typically establish quantitative cancer risk estimates. IARC's monograph on formaldehyde concludes that formaldehyde is carcinogenic to humans (i.e., it is listed as a "Group 1" carcinogen), but does not quantify the risk at specific levels of exposure because that is not a standard part of the IARC process.

Commenters refer to a 2010 WHO document which sets an indoor air quality guideline of 100 micrograms per cubic meter. That guideline is based on the assumption that formaldehyde cancer effects occur via a threshold response, rather than a linear dose-response. The assumption of a threshold below which there is no cancer risk represents a departure from standard cancer risk methods and there is debate in the scientific community around whether or not such an assumption is appropriate.

The ATSAC recently advised DEQ to use a toxicity value for formaldehyde based on a linear, no-threshold approach. The Committee defends its conservative decision-making as being consistent with the directive of the State statute and with its need to rely on the use of trusted authoritative U.S. agencies. These authoritative agencies make decisions based on the context of population exposure and risk similar to those faced by people in Oregon.

While the WHO approach to indoor air quality guidelines does represent an emerging approach for evaluating risk, this approach is not widely embraced and has not been adopted by IRIS or California OEHHA. In future reviews of benchmark values, a decision-making approach can be devised that could include the possible use of non-linear approaches to the analysis of cancer risk to populations.

The ATSAC is a volunteer body of experts who contribute their time and expertise to the committee. The range of expertise on the committee is stipulated in the enabling State legislation. The ATSAC's charter, which the DEQ drafted and the ATSAC approved unanimously on Jan. 21, 2015, prompts the ATSAC not to conduct their own primary review, such as attempting to consider the entire universe of toxicology studies and papers for a particular chemical before selecting an ABC, or to calculate their own inhalation unit risk estimate (URE).

Similarly, the DEQ is a state agency with limited resources and staff, and therefore cannot conduct comprehensive reviews of all available evidence for a particular chemical, nor develop their own URE. Nor can DEQ simply accept toxicological information provided by commenters, because it may or may not contain all relevant information or be fully representative of the state of the science. That is why the ATSAC and DEQ obtain UREs from an identified list of acceptable, recognized authoritative agencies that are sufficiently resourced to conduct comprehensive reviews of available scientific information.

Input on the threshold model for the carcinogenicity of formaldehyde would more productively be shared with authoritative agencies from which OHA and DEQ select TRVs such as the US EPA, ATSDR, or California EPA. For OHA and DEQ to do the same level of systematic, comprehensive reviews of the scientific literature to ascertain the overall weight of evidence and degree of scientific consensus on this issue would be costly to Oregon taxpayers and duplicative of a service already provided by these authoritative agencies.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

(see p140 http://www.euro.who.int/__data/assets/pdf_file/0009/128169/e94535.pdf)

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 869, 585, 600, 610, 631

Comment Category #292: RBCs - further review of RBCs and TRVs

Description: Commenters asked the DEQ and OHA to conduct further scientific review of RBCs and TRVs and expressed concerns about calculations related to derivation of RBCs from TRVs.

Response: DEQ and OHA rely on better resourced authoritative agencies for the selection of toxicity reference values and their associated health effects. These agencies, like US EPA's IRIS program and the Agency for Toxic Substances and Disease Registry are able to conduct systematic and comprehensive reviews of many individual toxicological studies. This allows them to evaluate the overall weight of evidence and degree of consensus in the scientific community when selecting the critical studies upon which toxicity values are based. The use of authoritative sources provides confidence in the appropriateness of the selection of toxic air contaminants, and their associated toxicity values and health endpoints.

The selection of factors to calculate Risk Based Concentrations, such as ADAFs and MPAFs, follow established risk assessment procedures established by the same authoritative sources that DEQ and OHA rely on for toxicity values. DEQ revised some exposure assumptions based on public comments. For example, the calculation of non-resident adjustment factors was modified to incorporate an exposure frequency of 5 days/week for 50 weeks, or 250 days/year (instead of 260 days/year) for workers, and also children in school/daycare. Toxicologists at DEQ and OHA reviewed the selection of TRVs and the calculation of RBCs.

Specific comments regarding attachments about RBCs, which were previously submitted for related ABCs, are addressed in other comment responses.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 585, 918

Comment Category #293: RBCs - hexamethylene-1,6-diisocyanate - acute noncancer

Description: The intermediate ATSDR MRL for hexamethylene-1,6-diisocyanate is an MRL which has a related exposure period of 15 to 364 days, and so should not be used as an acute TRV by CAO for this chemical. Using an intermediate value to evaluate an exposure period of 24 hours or less dramatically overestimates the risk to the public for an exposure at that concentration.

Response: The toxicological study underlying Agency for Toxic Substances and Disease Registry's intermediate Minimal Risk Level was conducted in rats. Exposures were administered five hours per day, five days per week for a three-week period. While the critical effect of nasal hemorrhage and epithelial inflammation could not be measured microscopically until after the animals were sacrificed at the end of the study, authors noted that all animals showed signs of nasal and eye irritation during each five-hour exposure and for one hour following each exposure over the course of the three weeks.

This indicates that animals were visibly distressed almost immediately upon exposure. As is the case with most toxicological studies, this study was not designed to determine the precise minimum amount of time necessary to cause the health effect. However, clinical signs of distress in the animals provide some clue that the full three weeks of exposure may not have been necessary to cause the critical effect.

OHA and DEQ chose acute ATSDR MRLs as the basis for acute Toxicity Reference Values wherever available because exposure durations in the underlying studies more closely match the 24-hour exposures applied in CAO. However, in the absence of an acute MRL, intermediate MRLs provide valuable information about health effects that have been documented to occur over exposure times less than one year. Since the underlying studies often do not determine the precise minimum duration of exposure necessary to cause the critical effect, they are a reasonable basis for acute TRVs in these cases.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 906, 665

Comment Category #294: RBCs - Insufficient support for TRVs

Description: Commenter states that there is a lack of transparency, lack of documentation, and errors associated with the TRVs in Table 3, the Adjustment Factors in Table 4 and the RBCs in Table 5 of the proposed rules.

Response: DEQ and OHA have worked to be transparent throughout the rulemaking process by identifying the sources of toxicity values in the draft rules, and further presenting them in the draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments document. Originally, a hierarchy of the authoritative sources of toxicology information was proposed, and this has been modified based on public comment so that for each chemical CAO uses the most recent toxicity values from that set of authoritative sources. For the approximately 260 chemicals for which Toxicity Reference Values were developed, details about specific toxic effects can be obtained directly from the authoritative source referenced in the rules. DEQ is also preparing a summary table of target organs for noncarcinogenic effects which will be included in the risk assessment procedures document.

Commenters identified several errors in earlier drafts of Tables 3 to 5, which we have corrected. DEQ continues to be transparent about the TRV and RBC process by providing the public with a detailed spreadsheet showing all the toxicity values considered, and the calculations performed. Further documentation is provided in the draft risk assessment procedures document.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 631, 634

Comment Category #295: RBCs - lead toxicity

Description: Lead is not treated with evidence based risk assessment assumptions. Also, NAAQS for lead already includes early life stage adjustment, so should not then again add a second life stage adjustment when converting TRV to RBC.

Response: DEQ updated the current proposed rules to include revised tables of Toxicity Reference Values (Table 3) and Risk Based Concentrations (Table 4) to more closely reflect ATSAC decisions about cancer risk. In cases where the Agency for Toxic Substances and Disease Registry chose not to support the use of a cancer-based TRV for a chemical, as is the case for lead, no cancer TRV was selected. The revised TRV table now includes only a non-cancer TRV for lead. The non-cancer TRV is based on the non-cancer value selected by ATSAC, which is the same as the NAAQS value.

Early-life adjustment factors in Cleaner Air Oregon are used to adjust for magnified cancer risk from early life exposure to mutagens. Even if cancer risk were considered for lead under Cleaner Air Oregon, the early-life adjustment factor would not have been applied in cancer risk calculations because EPA has not identified it as a carcinogen acting by a mutagenic mode of action.

Also, see response to comment category "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 585, 634

Comment Category #296: RBCs - make ATSAC process more transparent

Description: ATSAC meetings should allow more participation from the public and industry; should be much more transparent in how they choose their values and provide better documentation of the process, including sources used; and provide meeting materials ahead of each meeting. Also, ATSAC should consider more comprehensive use of the primary literature in their choosing the Ambient Benchmark Concentrations, as was done by the ATSAC in their evaluation of toxicity information for diesel particulate matter.

Response:

This comment is outside the scope of CAO rules. However, DEQ is committed to transparency and will consider these comments for future Air Toxics Science Advisory Committee meetings.

The role of ATSAC in contributing to Toxicity Reference Value selection is indirect. DEQ, not ATSAC, is included as an authoritative source for TRVs. Recent recommendations from ATSAC were used in the

selection of the initial set of TRVs because the recommendations had been adopted by DEQ, and DEQ is an authoritative source. However, ATSAC itself is not an authoritative source and is not the only mechanism DEQ may use to establish values in the future.

OARS 340-246-0070(1)(a) states that one of ATSAC's roles is to "Review ambient benchmarks for the state air toxics program." OARS 340-246-0090(1) states that "...Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated..." OARS 340-246-0070(1) states that "...[ATSAC] will not provide risk management or policy recommendations..."

DEQ proposed Risk Based Concentrations in CAO as regulatory standards and they, along with the CAO program itself, are new policy decisions proposed by DEQ. This sets TRVs and RBCs apart from ambient benchmark concentrations described in existing rule and sets TRVs and RBCs, along with the proposed CAO program outside the scope of ATSAC established in existing rule.

ATSAC was established in the absence of a program like CAO for non-regulatory and non-policy purposes. If a committee like ATSAC were to advise DEQ on CAO-related topics, it would need a new stated purpose in rule and additional resources to support the much larger scope proposed under CAO. DEQ values ATSAC for its expertise and past contribution to its non-regulatory air toxics program. While DEQ proposed TRVs and RBCs consistent with ATSAC recommendations for all 52 air toxics on which ATSAC has deliberated, DEQ proposed TRVs and RBCs independently of ATSAC.

CAO is consistent with ATSAC recommendations and general policy in that DEQ's proposed set of authoritative bodies is the same set used by ATSAC (US EPA, ATSDR, and California OEHHA). ATSAC has only recommended a toxicity value for adoption as an ambient benchmark concentration from sources other than those three authoritative bodies on 2 occasions, and CAO rules as proposed afford DEQ the flexibility to make similar adaptations as necessary since DEQ is included in the list of authoritative bodies. DEQ has access to staff toxicologists both within DEQ and at OHA, one of which is a current member of ATSAC. As a volunteer committee, ATSAC has never and could never match the level of scientific rigor employed by the authoritative bodies proposed in rule.

For example, consider the process that Agency for Toxic Substances and Disease Registry follows to develop each of its Minimal Risk Levels. 'Proposed MRLs undergo a rigorous review process. They are reviewed by the Health Effects/MRL Workgroup within the Division of Toxicology and Human Health Sciences; an expert panel of external peer reviewers; the agency wide MRL Workgroup, with participation from other federal agencies, including EPA; and are submitted for public comment through the toxicological profile public comment period.' (ATSDR's website <https://www.atsdr.cdc.gov/mrls/index.asp>):

Similarly, exhaustive scientific review processes exist for each of the other authoritative bodies proposed as sources of TRVs in CAO. This is exactly why most states with existing health risk-based air toxics programs use toxicity values developed by these same authoritative bodies. It is not realistic or necessary for any volunteer committee in Oregon to achieve the same level of scientific review and rigor as these much better resourced agencies. To engage in the same level of scientific review in Oregon would require a large investment in public resources and be duplicative of work already done by the agencies proposed for use as authoritative bodies in CAO draft rules.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 869, 572, 600

Comment Category #297: RBCs - Manganese - acute noncancer

Description: Requested change: Eliminate the acute RBC for manganese from the rules

Response: The proposed acute RBC and TRV for manganese incorporates the advice of technical peer reviewers in that a multiplication factor was applied. The technical reviewer provided example multipliers of x2, x4, x6. Note the multiplier applied (the square root of 10, or approximately 3) is within the range suggested by the technical reviewer of the Short-term Guideline Concentrations. OEHHA's chronic REL is not based on a chronic study, but rather a subchronic study, including exposures as short as 0.2 years or approximately 2.4 months, indicating that effects can be measured following exposures substantially shorter than one year. In fact, OEHHA applied the uncertainty factor of the square root of 10 precisely because the underlying study was not a chronic study, but rather a subchronic study.

See the following excerpt from the agency's response to technical peer reviewers: "The originally proposed 24-hour screening level for manganese was identical to the Oregon ABC, which was based on an RfC developed by OEHHA. The critical study (Roels 1992) is an epidemiological study of occupationally exposed workers with neurological effects as the critical endpoint. The duration of exposure in the critical study ranged from 0.2 – 17.7 years. OEHHA applied an uncertainty factor (the square root of ten) to extrapolate from subchronic to chronic exposures. This study was not designed to determine the minimum exposure duration necessary to cause the neurological changes measured as the critical endpoint. While the critical study did not evaluate neurodevelopmental endpoints in children, supporting studies cited by OEHHA indicate that manganese has the potential to impair neurodevelopment. OEHHA applied additional uncertainty factors to address this potential."

It is the potential for impairment to neurodevelopment in children that makes the acute TRV for manganese important. Very short-term exposures during critical windows of development can cause permanent neurological deficits that individuals may have to live with throughout their lives. It is these kinds of permanent outcomes that this acute TRV for manganese aims to prevent. Note that the same technical reviewers were given an additional opportunity to review the agency response to their first set of comments and none responded in opposition to the state agencies' final treatment of the short-term guideline concentration proposed as an acute TRV for manganese.

While DEQ appreciates that additional peer-reviewed literature is available related to the toxicity of manganese, incorporating these studies would require the agency to systematically and comprehensively review the scientific literature to determine whether the subset of studies provided by the commenters is representative of the total body of literature and overall weight of evidence that exists. Such a review would be resource intensive and duplicative of work already carried out by

agencies like the EPA, ATSDR, and OEHHA that have both more resources and deeper and broader expertise to carry out this work. Therefore, DEQ will continue to rely on conclusions of the authoritative sources named in the rule as the basis for TRVs.

The agency proposed policy, which is to not use acute toxicity values lower than the related chronic toxicity values, applies to toxicity reference values (TRVs) (Table 3 of rules) rather than RBCs (Table 4). Agencies have been consistent with this policy in that no acute TRVs are lower than their chronic noncancer TRVs. Chronic noncancer TRVs are modified to account for exposure frequencies that are less than 24 hours per day, 7 days per week in order to generate RBCs for nonresidential settings such as workers and school children. In cases where the acute TRV is equal to or only slightly higher than the chronic TRV, this can result in nonresidential chronic RBCs that are higher than acute RBCs, which are not adjusted for exposure frequency from their TRVs.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 833, 888, 906, 435, 462, 634, 665

Comment Category #298: RBCs - Manganese - chronic noncancer

Description: A different value should be used for the TRV and RBC for chronic noncancer risk from Manganese.

Response: DEQ and OHA chose to draw their toxicity reference values from a list of authoritative sources, the most-current of these sources being the recently-adopted Ambient Benchmark Concentrations (ABCs) recommended by the Air Toxics Science Advisory Committee. This includes the ABC -- now the TRV -- for Manganese. The ATSAC used traditional authoritative sources in almost all cases, and chose TRVs from among them based on what the committee thought was the best, defensible science. In many cases, this did not mean that the ATSAC chose the most-current available value, but rather chose the value that they thought was most credible. In the case of the manganese ABC, the ATSAC considered the ATSDR value, but decided against using it. Therefore, DEQ and OHA decline to revise the ABC for Manganese.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 462, 634

Comment Category #299: RBCs - manganese risk assessment should only consider particles < 5 microns

Description: Only manganese in the respirable fraction (defined as particles 5 microns in size or less) should be considered when doing a risk assessment.

Response: DEQ and OHA agree with this commenter and no change to the rules is necessary. Neither the proposed rules nor the Draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments specify the particle size distribution that must be assumed in a facility's emissions inventory, modeling, or risk assessment. This lack of specificity in rule and guidance allows flexibility for DEQ and facilities to determine the most appropriate particle size distribution to capture in emissions inventory or ambient monitoring for use in risk assessment for each contaminant.

The objective of DEQ and OHA is accurate assessment of risk, which includes a determination of the ambient concentration of metals from a facility in the size fraction that most closely matches the size associated with adverse health effects. DEQ and OHA agree that the toxicity reference value for manganese is based on the respirable particle size fraction and that it is reasonable to model or measure this size fraction for assessment of risk through the inhalation pathway.

For metals for which multi-pathway risk (i.e. risk from routes of exposure other than inhalation) are applicable, it may be important to estimate or measure deposition of additional size fractions that could contribute to exposure through pathways other than inhalation. As currently proposed, the rules and protocol allow for flexibility for these details to be worked out between DEQ and individual facilities on a case-by-case basis during the approval processes for emissions inventories, modeling protocol approvals, monitoring plans, and risk assessment work plans.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 462

Comment Category #300: RBCs - methylenediphenyl diisocyanate (MDI)

Description: The American Chemistry Council provided a copy of the letter that they submitted to ATSDR, arguing with ATSDR about the inadequacy of their Minimal Risk Level choice for both Toluene diisocyanates and methylenediphenyl diisocyanate.

Response: DEQ understands that the American Chemistry Council disagrees with the Minimal Risk Level that ATSDR has chosen for toluene diisocyanates (TDI) and methylenediphenyl diisocyanate, and so by extension disagrees with DEQ's use of the ATSDR value as a TRV for TDI. Neither DEQ nor OHA has the funding or resources to evaluate the complete universe of toxicological information available for a

chemical, and so depends on better-resourced authoritative agencies for toxicity values (including ATSDR).

Most state agencies with health/risk-based toxic air contaminant programs use ATSDR as an authoritative source of toxicity information. It is important that toxicity values are informed by the overall weight of evidence and degree of consensus in the scientific community. Evaluation of this broader context around the science for individual toxic air contaminants is best done by agencies with the resources and expertise to do so. For DEQ or OHA to engage in the same level of review would be a considerable cost to the taxpayers of Oregon and would be duplicative of work already done by the agencies (such as ATSDR) recognized by DEQ and OHA as authoritative.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 600

Comment Category #301: RBCs - multipathway adjustment factors are inappropriate

Description: Required use of multipathway adjustment factors lacks sufficient evidence to be used beyond a screening process. MPAF assumptions are inappropriate and should be revised.

Response: DEQ and OHA consider Multi-Pathway Adjustment Factor values to be appropriate for initial screening of emissions. Because the role of environmental and public health agencies is to protect public health, agencies typically use reasonable maximum values screening assumptions. Any proposed modification of these values, which will need to be reviewed by DEQ, necessarily involves a detailed presentation that is most appropriate in a Level 4 risk assessment. The MPAFs previously presented in Table 4 of the initial draft rules are still used, but are now presented in Appendix B of the draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments.

Regarding comments on inapplicability of South Coast Air Quality Management District MPAFs to CAO Risk-Based Concentrations, SCAQMD MPAFs are not based on the toxicity values used by California. SCAQMD modifies their toxicity values using MPAFs. When applying MPAFs, it is not relevant that CAO toxicity values are different than California's values. According to SCAQMD Risk Assessment Procedures for Rules 1401, 1401.1, 212 (Aug. 2017), MPAFs were developed using the Risk Assessment Standalone Tool (RAST), which is a software package. DEQ and OHA chose to use SCAQMD's MPAFs as developed with RAST, and apply them to our adjustments of relevant Toxicity Reference Values to generate RBCs that are sufficiently health-protective. SCAQMD uses their MPAFs in conjunction with toxicity values to calculate the Maximum Individual Cancer Risk for each chemical.

Regarding comment that soil ingestion exposure assumptions incorporated into the MPAFs are more stringent than soil ingestion exposure assumptions used by DEQ's cleanup section and recommended by USEPA, DEQ agrees that the assumptions are different and more stringent than the other two sources. DEQ and OHA chose to use SCAQMD's MPAFs as they are. Oregon's agencies do not have a comparable sophisticated risk assessment package such as RAST. The state did not consider it worth the time and resources to develop state-specific MPAFs for approximately 30 chemicals (see Table B-1 in the CAO Draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments), so instead DEQ is relying on the experience of a considerably larger state toxic air contaminant program. Site specific modifications can be made in Level 4 risk assessments.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 888, 585, 616, 631, 634

Comment Category #302: RBCs - Nickel

Description: Chronic cancer RBC for nickel should be updated to exclude metallic nickel.

Cancer RBC for certain nickel compounds should be based on a threshold rather than linear approach.

Some adjustments to noncancer RBCs for nickel also suggested.

Response: After reviewing nickel toxicity information available from the listed authoritative bodies, the ATSAC recommended ABCs for both insoluble and soluble nickel compounds based on OEHHA's Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values. The cancer-based ABC for insoluble nickel compounds is based on an inhalation unit risk value published by OEHHA in 1991; the ABC for noncancer-based soluble nickel compounds is the noncancer chronic inhalation value published by OEHHA in 2012.

The details of the cancer-based OEHHA inhalation unit risk value are presented in the State of California Air Resources Board "Initial Statement of Reasons for Rulemaking: Proposed Identification of Nickel as a Toxic Air Contaminant" Staff Report dated June 1991. The Staff Report clearly states that metallic nickel is included under the category of nickel and nickel compounds, with a related inhalation unit risk value of 2.6×10^{-4} per $\mu\text{g}/\text{m}^3$. When this value is used to generate an ABC that is protective to a 1-in-1-million excess cancer risk, the resulting ABC is $0.0038 \mu\text{g}/\text{m}^3$, or $0.004 \mu\text{g}/\text{m}^3$ when rounded up.

In a discussion on Jan. 26, 2018 with a senior toxicologist with OEHHA, he stated that OEHHA believes that its inhalation unit risk value is still sufficiently protective of human health, and does not believe that a new comprehensive evaluation of nickel information is currently warranted. The Staff Report calls out the IARC's classification of nickel compounds as "causally associated with cancer in humans", and stated that all nickel compounds should be considered potentially carcinogenic to humans by inhalation. The Staff Report also asserted that there is "an association between respiratory cancer mortality and nickel exposure." The California Department of Health Services staff found this association to be consistent,

reliable, of substantial magnitude, and having a clear dose-response relationship with high statistical significance. DHS staff further concluded that based on available genotoxicity data, carcinogenicity data and physicochemical properties of nickel compounds, all nickel compounds should be considered potentially carcinogenic to humans by inhalation and total nickel should be considered when evaluating the risk by inhalation.

IARC (1990) and the International Committee on Nickel Carcinogenesis in Man (ICNCM, 1990) indicated that the epidemiological evidence points to insoluble and soluble nickel compounds as contributing to the cancers seen in occupationally exposed persons. Currently, the IARC Monograph on Nickel and nickel compounds updated in 2017 concludes that in view of the overall findings in animals, there is sufficient evidence in experimental animals for the carcinogenicity of nickel compounds and nickel metals. In addition, the National Toxicology Program's 14th Report on Carcinogens (2016) states that:

"Nickel and Certain Nickel Compounds were listed in the First Annual Report on Carcinogens (1980) as reasonably anticipated to be human carcinogens. Nickel compounds as a class were first listed as known to be human carcinogens in the Tenth Report on Carcinogens (2002); this listing supersedes the listing of "certain nickel compounds" and applies to all members of the class. Metallic nickel was reevaluated in 2000 and remains listed as reasonably anticipated to be a human carcinogen."

Currently, IRIS lists the inhalation unit risk for nickel refinery dust, assumed to contain nickel subsulfide, nickel oxide, and metallic nickel, of 2.4×10^{-4} per $\mu\text{g}/\text{m}^3$ (last revised by IRIS in 1987). This inhalation unit risk value nearly matches the inhalation unit risk value published by OEHHA: thus, IRIS and OEHHA are in agreement about the inhalation risk unit.

Thus, although additional toxicity information on various forms of nickel has become available in the last 10 to 15 years (Oller et al., 2008, 2009, 2014; Goodman et al., 2011; Sivulka, 2005; Buekers et al. 2015; Haney et al., 2012 to name a few) outside of the authoritative bodies listed above, DEQ cannot assume without conducting its own comprehensive review of nickel toxicity information that the references used by the commenter provide an inclusive, balanced grouping of all scientific studies available for nickel and nickel compounds.

There is some evidence supporting a threshold, rather than a linear-no-threshold, approach to cancer risk assessment for nickel. However, within the scientific community there remains considerable controversy in the evaluation of cancer risks posed to human populations, including the mode of action of carcinogenic effects. Goodson et al, 2015, for example, provides evidence that out of studies performed on 85 chemicals, 50 (59%) exerted low-dose effects, while only 13 (15%) were found to have a dose-response threshold, and the remaining 22 (26%) had no dose-response information. Input on alternate TRVs for nickel or nickel compounds or alternate approaches to cancer risk assessment such as a threshold model would more productively be shared with authoritative agencies from which OHA and DEQ select TRVs such as the US EPA, ATSDR, or California EPA. For OHA and DEQ to do the same level of systematic, comprehensive reviews of the scientific literature to ascertain the overall weight of evidence and degree of scientific consensus on this issue would be costly to Oregon taxpayers and duplicative of a service already provided by these authoritative agencies.

DEQ is a state agency with limited resources and staff, and therefore cannot conduct comprehensive reviews of all available evidence for a particular chemical, nor develop their own URE. Nor can DEQ simply accept toxicological information provided by commenters, because it may or may not contain all

relevant information or be fully representative of the state of the science. That is why the DEQ obtains UREs from an identified list of acceptable, recognized authoritative agencies that are sufficiently resourced to conduct comprehensive reviews of available scientific information.

Note that the TRV selections for nickel and nickel compounds in CAO are consistent with the recommendations of the Air Toxics Science Advisory Committee (ATSAC).

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 833, 864, 888, 435, 494, 539, 631, 634, 652

Comment Category #303: RBCs - Nickel - compounds not accurately categorized as soluble or insoluble

Description: Some nickel compounds in the RBC list are inaccurately categorized as soluble or insoluble. DEQ should have proposed a cancer-based TRV for some of the soluble nickel compounds.

Response: The TRVs for soluble and insoluble groupings of nickel compounds are based on the ABCs recommended for these two nickel groupings by the Air Toxics Science Advisory Committee circa 2015. These ABCs were adopted into rule in early 2018, and were thus used as the most-current, vetted values available for Cleaner Air Oregon's choice of TRVs for nickel compounds. During its review, the ATSAC discussed at length why certain nickel compounds should be grouped in either the soluble or insoluble nickel categories. Although the ATSAC acknowledged that certain soluble nickel compounds are slightly carcinogenic, while as a group soluble nickel compounds are assumed to be non-carcinogenic, the committee determined that these chemicals were more logical to group in the soluble nickel category.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 864, 494, 631

Comment Category #304: RBCs - Noncancer HIs should be added across more narrowly defined outcomes

Description: Non-cancer risks should be calculated by adding HQs across a more narrowly defined set of health outcomes. Rather than adding all effects on a specific target organ, effects should be added according to specific mechanistic targets.

Response: The draft rules propose to calculate a Hazard Index that is target organ-specific. This approach prevents risks that are entirely unrelated and unlikely to be additive from being considered cumulatively. Further limiting Hazard Index calculations to chemicals that have the same mechanisms of action could risk underestimating cumulative risks from multiple chemicals. The approach proposed by this comment would require a level of precision in toxicity data that is often not available.

For many chemicals, there is not sufficient data on the mechanism of action to determine precisely which mechanism is responsible for adverse health effects. Similarly, some chemicals may work through more than one mechanism of action, some of which are better characterized than others. Such chemicals could be inappropriately excluded from Hazard Index calculations if the scope is too narrowly defined within a specific mechanism of action. Furthermore, many chemicals can cause a range of distinct but related health effects, some of which are better characterized than others.

Narrowly defining the potential health effects of each chemical according to the specific types of health effects identified in toxicology studies risks disregarding endpoints that have not been fully evaluated. For example, the most sensitive endpoint used to establish the point of departure for a chemical may be nasal tissue damage in rats, but the same chemical may also reduce lung function. Furthermore, subtle effects on distinct elements of the respiratory system (e.g., nasal tissue damage and reduced lung function) could still have a cumulative overall impact on respiratory health.

The uncertainty factors used to derive TRVs are included with the important aim of protecting sensitive populations in the face of insufficient data. They are included for a reason, and the Cleaner Air Oregon rules will not disregard their importance or use them to question the validity of TRVs.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 616

Comment Category #305: RBCs - PAH TEFs

Description: Polycyclic Aromatic Hydrocarbon (PAHs) are not treated with evidence based risk assessment assumptions.

In the Draft Recommended Procedures for Conducting Air Toxics Health Risk Assessments, it is not clear which toxicity values are to be used to evaluate risk from PAHs:

“DEQ recommends use of TEFs to evaluate cancer risk of polycyclic aromatic hydrocarbons (PAHs) relative to the toxicity of benzo[a]pyrene. Concentrations of other PAHs are multiplied by their TEFs to estimate their toxicity relative to benzo[a]pyrene; the resulting concentrations may be summed into a total benzo[a]pyrene toxic equivalent concentration. TEFs for humans are provided ATSDR 1995. Typically, however, IURs and slope factors based on the TEFs are available from EPA for the individual PAHs, so an evaluation of total carcinogenic PAHs using TEFs is not necessarily required.”

However, not all PAHs are classified as carcinogens and those that are not, do not have an accompanying cancer slope factor from which a cancer risk based concentration can be developed. For example, Indeno[1,2,3-cd]pyrene is not classified as a carcinogen and it is not appropriate to evaluate this substance for cancer risk.

Listed PAHs should reflect those compounds that are specifically related to air exposure, with the inhalational route as a risk driver. Substances such as 7H-Dibenzo(c,g)carbazole and Dibenz(a,j)acridine have extremely low gas phase presence in the air due to low volatility; the listed RBCs for PAHs should be reviewed to ensure their relevance to the inhalational route as through airborne exposure (HSDB 2017). Substances that have a low potential for airborne exposure have little relevance to a program that regulates air toxics.

As well, the default acute risk value for Benzo[a]pyrene (BaP) is based on the RfC for developmental outcomes that are relevant to an intermediate period of exposure, not an acute period of exposure as described in USEPA Integrated Risk Information System (IRIS) (USEPA 2017). By using a reference value intended to protect against adverse health effects from a substantially extended exposure period, risk from acute exposure is substantially overestimated. A more scientifically defensible approach for the development of a toxicity reference value for acute BaP exposure would be to evaluate policies and toxicity studies that specifically address the time frame of exposure an acute RBC is intended to provide protection for.

Listed PAHs should reflect those compounds that are specifically related to air exposure, with the inhalational route as a risk driver. NCASI agrees with the decision to remove substances such as 7H-Dibenzo(c,g)carbazole and Dibenz(a,j)acridine from the listed PAHs as they have extremely low gas phase presence in the air due to low volatility (HSDB 2017). Substances that have a low potential for airborne exposure have little relevance to a program that regulates air toxics.

NCASI Recommendations

NCASI recommends that PAHs only be regulated as airborne carcinogens when the best scientific evidence available provides a determination of human carcinogenicity. Many substances affect health in a route-specific mode of action. NCASI agrees that only PAHs that have demonstrated hazard from the inhalation route be included in air toxics rule making and supports the ODEQ decision to incorporate the guidance provided by the CAO ATSAC in refining the list of regulated PAHs to those most relevant to human health by the inhalation exposure route. As well, a fundamental modulator of risk is exposure duration; acute and chronic RBCs should always be based on toxicity reference values that are based on the appropriate exposure duration (e.g. acute, subchronic, chronic, etc.). The acute risk based concentration for BaP is not currently based on an appropriate acute based toxicity reference value and therefore substantially overestimates acute risk for this substance.

Response: DEQ no longer is proposing a hierarchy of toxicity authoritative sources, and instead is using the most recent values from the list of authoritative sources. For chemicals such as PAHs, where the Air Toxics Science Advisory Committee recommended ambient benchmark concentrations for 26 PAHs, DEQ used these recommendations as the basis for setting CAO TRVs because the EQC's adoption of ABCs in May 2018 is the most-recent documented authoritative source. The recommended PAHs and their

associated TEFs are presented in Table D-3 of the draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments.

DEQ recognizes that this list of PAHs is not identical to those from some other regulatory agencies, but DEQ's considers it appropriate to accept the recommendations of the ATSAC, particularly because their focus was on the PAHs most relevant to exposure through inhalation of air. This ATSAC-recommended list of PAHs appears in Table 3.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

Benzo[a]pyrene causes developmental effects, including decreased embryo and fetal survival and nervous system effects in offspring. Developmental effects can be caused by relatively short exposures during critical periods of development. For these reasons, DEQ and OHA consider it appropriate to use EPA's IRIS benzo[a]pyrene reference concentration for acute effects.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 585

Comment Category #306: RBCs - Phosgene

Description: Proposes alternate TRV and RBCs for Phosgene

Response: DEQ and the Oregon Health Authority have chosen, as a matter of policy, to draw their Toxicity Reference Values from widely recognized authoritative sources, including but not limited to the Agency for Toxic Substances and Disease Registry. Neither DEQ nor OHA have the resources to conduct comprehensive evaluations of the universe of toxicity information available for a particular chemical, and instead relies on the authoritative agencies that do have the resources, and have already conducted their own comprehensive evaluations. For DEQ or OHA to re-evaluate any single study or the large volume of toxicological studies on chlorine that exist would be costly in terms of state resources and duplicative of a service already provided by other agencies.

Note that an important component of the scientific method is consensus among the scientific community built upon multiple accumulated studies over time that corroborate each other and the overall weight of scientific evidence. Accepting the single most recent study while ignoring the context of the overall weight of evidence and degree of consensus in the scientific community would not be credible science. OHA and DEQ rely on authoritative agencies that have the resources to evaluate that contextual information that influences their final toxicity values.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 631, 634

Comment Category #307: RBCs - should account for children's higher breathing rates

Description:

Response: Children breathe faster than adults relative to their body size. This contributes to the potential for children to have greater exposure to contaminants present in the air than adults. In response to a request from the EQC, OHA and DEQ researched how children's susceptibility and children's breathing rates are accounted for in risk assessments at by the Environmental Protection Agency (EPA) and in other states, and how the risk assessment process proposed in Cleaner Air Oregon could accounts for children's susceptibility. After the evaluation, DEQ and OHA decided to maintain the current approach for evaluating risk to children, at least for now. We may reevaluate this methodology in the future.

The EPA's current risk assessment guidance does not specifically account for inhalation rate in its risk assessment process. EPA has evolved its approach to risk assessment over time. Previously, EPA evaluated inhalation risk by calculating inhalation exposure doses (not air concentrations) using a method that accounted for differences in breathing rate. EPA's current approach is to establish reference concentrations that identify air concentrations of a chemical that are designed to protect sensitive populations regardless of which characteristics make a population sensitive (age, genetic susceptibility, pre-existing disease, nutritional status, etc.). However, these EPA reference concentrations are not adjusted to explicitly account for differences in exposure due to children's higher breathing rates. EPA's current guidance does not make any adjustment for breathing rate at any step in the process. Most state air toxics programs are consistent with the current EPA approach.

California is the only state that adjusts for children's breathing rate as part of the risk assessment process. California has statutory direction to consider children's health in its air toxics program. California's Office of Environmental Health Hazard Assessment (OEHHA) has taken different approaches to incorporating children's breathing rates into noncancer and cancer risk assessment.

For noncancer risk, OEHHA uses a chemical-specific approach. In 2008, California began to apply an exposure adjustment factor to non-cancer Reference Exposure Levels (RELs) for specific chemicals as they come up for regular review. This is done by applying an additional 3-fold uncertainty factor (decreasing the REL by a factor of 3) in cases where the study underlying the REL did not include children's breathing rates. Not all of California's RELs changed because of this re-evaluation, due to specific factors that rendered the breathing rate not relevant to the analysis. In the coming years, all California RELs will eventually include explicit consideration of differential breathing rates in children. Many of them would likely decrease because of this analysis, but not all. So far OEHHA has developed new RELs for 11 chemicals that explicitly account for children's breathing rates.

In CAO, the risk assessment process is intended to protect health of sensitive populations, including children. Noncancer toxicity reference values (TRVs) for nine of the 260+ toxic air contaminants proposed for regulation under CAO were developed by California's OEHHA program since 2008, and explicitly address the higher breathing rate in children. As DEQ updates TRVs on a triennial basis, more RELs developed by California since 2008 are likely to be selected. Over time, this will mean that more of CAO's noncancer TRVs could include this explicit consideration of differentially higher breathing rates in children.

For cancer risk calculations, OEHHA's risk assessment guidance recommends a standard set of adjustments to exposure calculations that account for children's breathing rates. OEHHA guidance applies these breathing rate adjustments uniformly for all chemicals in cancer risk assessment. In contrast, DEQ, like EPA, does not explicitly include breathing rate adjustments in cancer risk calculations. The inclusion of breathing rate adjustments makes cancer risk calculations in California more cautious than the process proposed by CAO in Oregon. However, there are several other assumptions made in the CAO cancer risk assessment process that are more cautious than assumptions made in California cancer risk calculations. For example, the CAO risk assessment process assumes that exposure could occur over a 70 year lifetime and that exposure may be constant. California assumes that exposure occurs over a 30 year period and is not constant. While California and Oregon make slightly different assumptions in the cancer risk assessment process, both approaches are valid and scientifically defensible, and the overall degree of health protectiveness is comparable.

DEQ and OHA concluded that the proposed CAO risk assessment process is a good starting point for CAO that is consistent with many other state and federal programs. As CAO is implemented, the agencies intend to continually evaluate the success of the program in protecting children's health, and to revisit the question of children's breathing rates as new science and policy tools emerge.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 930

Comment Category #308: RBCs - should be consistent with ABCs

Description: RBCs are inconsistent with ATSAC decisions on ABCs.

Commenter states that the CAO proposal ignores previous ATSAC recommendations. Specifically, they call out that a) for selenium and bis(2-ethylhexyl phthalate, the CAO proposal assigns TRVs to these chemicals, when the ATSAC recommended not assigning TRVs to these chemicals at this time; b) CAO assigned a cancer toxicity reference value to certain chemicals that the ATSAC had already decided did not have adequate toxicological evidence to allow assignment of a cancer-based value (cobalt, lead, toluene diisocyanates); c) that CAO had not used most current and best scientific data when establishing the TRVs for Chromium VI; and d) CAO ignored ATSAC expertise and recommendations when it elected

to propose different cancer-based TRVs for five of the ATSAC-recommended list of 26 polycyclic aromatic hydrocarbons.

Response:

A number of changes have been made to the CAO "Table 3 - Toxicity Reference Values" in light of comments received and additional review of various technical options by DEQ and OHA. Two of these changes are: 1) If the ATSAC stated that no carcinogenic value should be identified for a chemical based on the inadequacy of the toxicity information, then CAO has chosen to follow the ATSAC recommendation; and 2) for each chemical, the most current toxicological reference value has been chosen, and Table 3 revised accordingly. Note that in the cases where an ATSAC Ambient Benchmark Concentration is used as the TRV for a chemical, that the ATSAC reference is the most current value available (2018). In addition, the list of PAHs in Table 3 is now consistent with the ATSAC recommendation.

In cases where the ATSAC evaluated a chemical known to have both carcinogenic and noncarcinogenic effects, only the most-stringent toxicity value was chosen as an ABC. This protocol is protective because a cancer-based toxicity value for an ABC that is more stringent than the related noncancer toxicity value will end up protecting for both types of effects. In these cases, CAO chose to use the cancer-based ABC as a TRV, as well as provide a noncancer TRV if available from other authoritative sources. ABCs are protective goals, while CAO TRVs (which use ABCs) will be used to assess both cancer risk and noncancer risk.

In addition, rounding protocols for numeric value may have given the appearance of inconsistency between ABCs and TRVs based on ABCs. The ATSAC, in proposing ABCs, rounded the original toxicity TRV to one significant digit. In the development of CAO TRVs, DEQ obtained the original values from the authoritative toxicity sources used by ATSAC, and maintained the significant digits throughout RBC calculations. For CAO, TRV and RBC values are rounded at the final step to two significant digits. Given this approach, there may appear to be inconsistencies between TRVs and ABCs because of differences in the number of significant digits presented in the values.

Also, see response to comment category, "RBCs - TRV hierarchy should be changed."

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 616, 631, 634

Comment Category #309: RBCs - should use less conservative exposure frequency and duration

Description: RBCs should be developed using less conservative exposure frequency and duration assumptions. Cancer RBCs should assume exposure for 26 years and 350 days a year, instead of 70 years and 365 days a year.

Response: DEQ and OHA considered an exposure duration of 26 years, such as that used by DEQ's Cleanup Program. This assumption, an upper bound estimate of time spent in a specific home, is more appropriate for evaluating risk from a single facility. However, for CAO, DEQ and OHA are interested in protecting someone living in Oregon for an entire lifetime, even if they do not remain in the same home for the entire period. In this way, the agencies provide the same level of health protection from air emissions no matter where a person lives or moves within the state.

As an example of what could happen if DEQ used an exposure duration of 26 years, suppose a person is exposed for this period to an air concentration from an existing facility resulting in an excess cancer risk of 45 in one million, just below the acceptable level of 50 in one million. After 26 years, say they move to another location where they are exposed to air emissions from another facility for an exposure duration of 26 years, resulting in an excess cancer risk of 35 in one million, also below the acceptable level of 50 in one million. The total excess risk for the person would be $45 + 35 = 80$ in one million after $26 + 26 = 52$ years of exposure. This would result in an exceedance of the acceptable risk level over a period less than an expected lifetime.

DEQ and OHA also considered using an exposure frequency of 350 days/year instead of 365 days/year to factor in time away from home, such as for vacation. However, for reasonable maximum exposure, we decided it was appropriate to keep the simple assumption of 365 day/year to protect populations, such as low-income groups and the elderly that may not have opportunities to be away from their homes for an extended period. This simplifying assumption is conservative, but the result is only a 4 percent difference in calculated residential cancer RBCs.

The revised draft rules include a presumption that people live or congregate in locations in the manner allowed by zoning. However, as required by Senate Bill 1541 (enacted as statute in 2018), a facility may rebut this presumption. If the request is accepted by DEQ, exposure modeling can be adjusted accordingly to account for actual exposure.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 188, 279, 301, 307, 432, 500, 505, 594, 610, 611, 615, 623, 624, 626, 631, 634, 644, 652, 655, 658, 665, 667, 673

Comment Category #310: RBCs - styrene

Description: SIRC respectfully urges that DEQ give careful consideration to the quality of determinations by any authoritative body it may consider referencing in developing riskbased concentrations for substances under the Cleaner Air Oregon rulemaking.

Response: DEQ and the Oregon Health Authority have chosen to use widely recognized, peer-reviewed, traditional authoritative sources (including OEHHA) from which to draw Toxic Reference Values. Neither DEQ nor OHA have the funding and resources to conduct evaluation of the available universe of toxicological information for a chemical, and instead depends on the sources that do have the resources

and have already conducted the appropriate evaluations. In the future, if TRVs from the traditional authoritative bodies are revised, DEQ and OHA will consider using these revised TRVs during the upcoming review of Cleaner Air Oregon TRVs, due to occur within the next 3 to 4 years.

Also, see response to categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 436, 631

Comment Category #311: RBCs - supports evaluation of both 24-hour and annual exposures

Description: Commenters support setting health-based benchmarks for 24-hour and annual exposures for carcinogens, and both chronic and acute non-cancer health impacts of air toxics.

Response: The draft rules establish health-based comparison values for both cancer and non-cancer effects and for both short-term and long-term exposures. This will allow the program to regulate facilities based on a range of potential long-term and short-term health risks.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 138, 297, 515

Comment Category #312: RBCs - supports RBCs for 215 air toxics

Description: Commenter supports setting health-based Risk Action Levels and permitting procedures for 215 air toxics and clear procedures for compliance.

Response: DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 22, 138, 259, 300, 308, 515, 600, 651

Comment Category #313: RBCs - TCE

Description: The Proposed Cancer Inhalation TCE Toxicity Reference Value Lacks a Scientific Basis. The Proposed Acute, Noncancer Inhalation TCE Toxicity Reference Value Lacks A Scientific Basis

Response: DEQ and OHA believe that the cancer RBC is valid and consistent with scientific conclusions of authoritative bodies. ABCs are typically based on the most sensitive cancer or noncancer endpoints. ATSDR therefore discussed ATSDR's noncancer MRLs as well as several cancer values in its consideration of potential ABCs. Ultimately, ATSDR recommended an ABC derived from EPA's cancer slope factor, noting that this value is protective of both cancer and noncancer endpoints.

As stated in DEQ's notice of proposed rulemaking for ABCs, "An ABC of 0.24 $\mu\text{g}/\text{m}^3$ can be generated from the EPA IRIS URE of 4.1×10^{-6} per $\mu\text{g}/\text{m}^3$. Rounding the ABC value per ATSDR policy would result in a value of 0.2 $\mu\text{g}/\text{m}^3$. The ATSDR unanimously recommended 0.2 $\mu\text{g}/\text{m}^3$ as the new ABC for TCE, based largely on new epidemiology studies of highly exposed workers, and new molecular biology methods which have shown causal relationship with cancer as an outcome of exposure to TCE". The decision to round 0.24 to 0.2 is consistent with EPA's own approach, outlined in the EPA IRIS summary for TCE: https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/0199_summary.pdf#nameddest=cerinhal

For the purposes of Cleaner Air Oregon, DEQ proposed the ABC recommended by ATSDR as the cancer RBC because the ABC was based on cancer risk. While ATSDR MRLs and EPA RSLs were discussed during selection of the recommended ABC, they are not relevant for cancer RBC selection under Cleaner Air Oregon. Had DEQ not applied ATSDR's proposed a cancer-based ABC, the cancer RBC for TCE would have still defaulted to the EPA IRIS cancer value, which would have resulted in the same cancer RBC. The EPA IRIS cancer URE for TCE was developed through an extensive public, peer-reviewed process involving a panel of subject matter experts and it reflects the best available science on TCE cancer risk.

The acute RBC proposed for TCE is based on ATSDR's intermediate MRL. This is consistent with DEQ's hierarchy for selection of acute RBCs. When no acute exposure levels have been defined, DEQ uses the intermediate MRL to derive an acute RBC. In the case of TCE, applying the intermediate MRL for shorter-term exposure durations is appropriate because there is evidence that TCE can severely harm prenatal development. While studies on developmental effects are typically performed over a period of several weeks, severe developmental effects are known to occur following very short duration exposures (one or two days) during critical windows of development.

For this reason, DEQ and OHA have concluded that chemicals that can harm prenatal development warrant the same degree of caution over acute exposure durations. While the intermediate MRL is in draft form, it has already gone through extensive review and it is consistent with the reference concentration established by EPA IRIS based on risk of fetal heart defects and effects on the immune system. If ATSDR were to release a different final intermediate MRL in the future, the acute TRV could be updated to match it during the triennial review for CAO TRVs.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ will not make changes to the rule in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 640

Comment Category #314: RBCs - TCE risk values in error

Description: TCE risk values are inaccurately calculated and the error needs to be fixed.

Response: DEQ agrees that there was an error in the TCE RBC calculation. The correct calculation of the ELAF in the TRV/RBC spreadsheet was incorrectly incorporated in the RBC calculation. DEQ corrected this error. DEQ made other revisions to RBC calculations, partly in response to other comments. The calculation of non-resident adjustment factors (NRAFs) was modified to incorporate an exposure frequency of 5 days/week for 50 weeks, or 250 days/year (instead of 260 days/year) for workers, and also children in school/daycare. Also, adjustment factors were rounded to 2 significant digits prior to calculations so as not to imply unwarranted precision.

DEQ and OHA decided that it was still appropriate to retain some of the exposure factors discussed in the comment, such as maintaining 5 days/week for non-residential child exposure. This accounts for a child being present in day-care as well as school. Also, on days where children are not at school, they may be using school grounds as playgrounds. DEQ considers these reasonable maximum assumptions for exposure.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 640

Comment Category #315: RBCs - toluene diisocyanate (TDI)

Description: CAO should use the older, higher (less-stringent) 1995 EPA IRIS RfC for toluene diisocyanate, rather than the lower ATSDR MRL that was recently adopted as the ABC.

Response: DEQ understands that the American Chemistry Council disagrees with the Minimal Risk Level that ATSDR has chosen for toluene diisocyanates (TDI), and so by extension disagrees with DEQ's use of the ATSDR value as a TRV for TDI. However, DEQ and the Oregon Health Authority purposely utilize widely recognized authoritative sources from which to obtain the Cleaner Air Oregon TRVs as a matter of policy.

Neither DEQ nor OHA has the funding or resources to evaluate the complete universe of toxicological information available for a chemical, and so depends on the traditional toxicology sources (including ATSDR), which do have the funding and resources to do a comprehensive evaluation of toxicological information available for the chemical in question. Also, note that the Oregon Air Toxics Science Advisory Committee originally made the consensus recommendation to use the ATSDR MRL value, rather than others that were available, such as the 1995 IRIS RfC for TDI.

Also, see response to comment categories "RBCs - TRV hierarchy should be changed" and "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 849, 852, 854, 600, 631

Comment Category #316: RBCs - too many chemicals are included

Description: Too many regulated pollutants

Response: DEQ recognizes that Cleaner Air Oregon will regulate a large number of chemicals. DEQ is doing this to ensure that public health is being protected. All chemicals can cause adverse health effects at high enough concentrations. The only way to know if a facility meets acceptable risk levels is to evaluate potential risks from all chemicals for which DEQ has sufficient toxicity information. A facility only needs to evaluate risks from those chemicals that a facility uses, are byproducts, or are reasonably likely to be formed during the industrial process.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 665

Comment Category #317: RBCs - TRV hierarchy should be changed

Description: Several comments suggested a range of changes to the hierarchy used to select TRVs from authoritative bodies. Comments include:

The hierarchy overlooks leading contributors to toxicological information (eg WHO);

Make California's OEHHA the first position in the hierarchy of authoritative bodies in the rules;

The hierarchy is arbitrary and unnecessarily limiting;

The process should consider the age of the science used as the basis for values;

Select values based on recency rather than based on a hierarchy of authoritative sources;

The process should not arbitrarily exclude or discount scientifically valid data;

The process should use the most scientifically valid data

Response: In response to these comments, the agencies have changed the approach to selecting chronic TRVs. Rather than selecting chronic TRVs based on a hierarchy of authoritative sources, TRVs were selected from the most recently released value established by any of the identified authoritative sources

(DEQ, EPA, ATSDR or OEHHA). This change reflects the conclusion that all of the authoritative sources are equally credible.

This change allows the agencies to use chronic TRV values based on the most recent science. The hierarchy for selecting acute TRVs remains unchanged because the hierarchy for acute sources reflects a preference to select acute TRVs that represent an averaging time that is most similar to the 24-hour exposure period used in Cleaner Air Oregon. The specific process used for TRV selection was removed from rule, but DEQ and OHA used the methods described here to select the TRVs to be established in rule.

No other changes have been made to the TRV selection process. The authoritative agencies that DEQ has selected as sources for TRVs are consistent with those selected in many other state programs. While other authoritative agencies exist, DEQ and OHA have concluded that EPA, ATSDR, and California OEHHA meet high standards for scientific credibility. They also provide extensive documentation of the rationale behind the values they select. DEQ selected these authoritative bodies because they recruit panels of scientists with expertise on specific chemicals to perform a comprehensive review of the literature and set values based on the weight of existing scientific evidence and degree of consensus within the scientific community.

It would be inappropriate for DEQ to allow results of individual studies (no matter how "ground breaking") to influence TRVs without considering the context of the broader weight of evidence and degree of consensus within the scientific community. The inclusion of DEQ in the list of authoritative sources provides a mechanism for DEQ to decide to use a TRV from an alternate authoritative body that is not on DEQ's default list when none of the listed authoritative sources has a toxicity value for a given toxic air contaminant.

Consensus within the scientific community is an important part of the scientific method. Selecting TRVs in ways that ignore the degree of scientific consensus in favor of the most recent individual scientific study or group of studies is not consistent with the scientific method and would not be a scientifically credible practice.

Also, see response to comment category "RBCs - use most current and protective science available."

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 812, 824, 832, 837, 858, 887, 888, 893, 908, 552, 615, 626, 631, 925, 911

Comment Category #318: RBCs - use additional authoritative sources and/or more current science

Description: DEQ should use sources other than the limited list of authoritative sources already identified by CAO as the ones that DEQ and OHA will use to obtain TRVs.

Response: Many authoritative sources identified by commenters do not actually provide numeric values for cancer and/or noncancer effects of a specific toxic air contaminant. Without such a numeric value, risks cannot be estimated, and therefore these types of sources were not included in the list of sources that DEQ and OHA use.

DEQ and OHA agree that the goal is for CAO to be based on the most current scientific information available. The scientific method includes the development and testing of a hypothesis. This part of the scientific method is reflected in individual studies published in the scientific literature. Another important part of the scientific process is the establishment of consensus among scientists working in the same field conducting similar studies, sometimes confirming previously published studies and sometimes refuting them.

Whether or not a study confirms or refutes previous findings depends on hundreds of potential factors related to laboratory-specific methods and conditions, slight differences in study design, genetic differences in the strain or species of animals used in the different experiments, and many more. With the accumulation of multiple individual studies addressing the same questions over time, this process allows scientists to evaluate the overall weight of scientific evidence on a given topic. The collection and evaluation of the overall weight of scientific evidence is the role of government agencies named in CAO rules as authoritative bodies.

These agencies have the resources and expertise to evaluate the quality and degree of consensus among hundreds of individual published studies to determine the overall weight of evidence and degree of consensus among scientists working in the relevant field. Therefore, DEQ and OHA rely on these authoritative bodies to establish TRVs based on the latest scientific evidence that is supported by an adequate degree of consensus among the scientific community. As such, it would be inappropriate for DEQ or OHA to allow results of individual studies to influence TRVs without considering the context of the broader weight of evidence and degree of consensus among the scientific community.

Authoritative bodies each have their own frequency and schedule with which they review the state of the science and update their TRVs on specific toxic air contaminants. As such, different authoritative bodies are likely to have the most recently updated TRV for different toxic air contaminants. For example, California's Office of Environmental Health Hazard Assessment, has updated noncancer TRVs for 11 toxic air contaminants since 2008. For other toxic air contaminants, the EPA or ATSDR might have the TRVs reflecting the most recent science with an adequate degree of consensus in the scientific community. Therefore, DEQ and OHA selected the TRVs for toxic air contaminants currently proposed in draft rules from among authoritative bodies based on which one had the most recently updated TRV for that particular toxic air contaminant. This process is explained in detail in Appendix A of DEQ's Draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments.

Authoritative bodies also build in uncertainty or safety factors into their TRVs that reflect the degree of certainty in the overall weight of scientific evidence supporting it. In this way, TRVs are adjusted to err on the side of health protectiveness in the face of scientific uncertainty.

CAO proposed rules specify that DEQ and OHA will review TRVs and RBCs every three years to see whether authoritative bodies have updated any of their TRVs in the intervening years. The intention of that triennial review is for CAO to adopt the most recently updated TRVs from authoritative sources

through a public rule making process to ensure that updates to CAO are clearly and transparently communicated to all stakeholders and communities in Oregon.

While the details of how TRVs were selected are no longer in rule language, they are clearly articulated in Appendix A of the Draft Recommended Protocol for Conducting Air Toxics Health Risk Assessments, and details behind future updates would also be documented there as well as in supplementary materials produced to support the public rule making process.

Also, see response to comment category "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 22, 847, 864, 869, 871, 880, 884, 887, 888, 908, 436, 462, 515, 539, 572, 574, 576, 600, 631, 652, 928, 927

Comment Category #319: RBCs - use most current and protective science available

Description: This comment category urged DEQ and OHA regularly review available science on the toxicity of toxic air contaminants and risk assessment methods and ensure that the CAO always reflect that most current science available. Some, but not all, commenters within this category also recommended that CAO always err on the side of caution in favor of public health when there is scientific uncertainty. Some, but not all, commenters within this category recommended that CAO always use one particular authoritative body as the source of TRVs in CAO. Finally, this category included recommendations that the methods and the sources of information used to update TRVs and RBCs be very transparently and clearly documented and communicated.

Response: DEQ and OHA agree that the goal is for CAO to be based on the most current scientific information available. The scientific method includes the development and testing of a hypothesis. This part of the scientific method is reflected in individual studies published in the scientific literature. Another important part of the scientific process is the establishment of consensus among scientists working in the same field conducting similar studies, sometimes confirming previously published studies and sometimes refuting them.

Whether or not a study confirms or refutes previous findings depends on hundreds of potential factors related to laboratory-specific methods and conditions, slight differences in study design, genetic differences in the strain or species of animals used in the different experiments, and many more. With the accumulation of multiple individual studies addressing the same questions over time, this process allows scientists to evaluate the overall weight of scientific evidence on a given topic. The collection and evaluation of the overall weight of scientific evidence is the role of government agencies named in CAO rules as authoritative bodies.

These agencies have the resources and expertise to evaluate the quality and degree of consensus among hundreds of individual published studies to determine the overall weight of evidence and degree of consensus among scientists working in the relevant field. Therefore, DEQ and OHA rely on these authoritative bodies to establish TRVs based on the latest scientific evidence that is supported by an adequate degree of consensus among the scientific community. As such, it would be inappropriate for DEQ or OHA to allow results of individual studies to influence TRVs without considering the context of the broader weight of evidence and degree of consensus among the scientific community.

Authoritative bodies each have their own frequency and schedule with which they review the state of the science and update their TRVs on specific toxic air contaminants. As such, different authoritative bodies are likely to have the most recently updated TRV for different toxic air contaminants. For example, California's Office of Environmental Health Hazard Assessment, has updated noncancer TRVs for 11 toxic air contaminants since 2008. For other toxic air contaminants, the EPA or ATSDR might have the TRVs reflecting the most recent science with an adequate degree of consensus in the scientific community.

Therefore, DEQ and OHA selected the TRVs for toxic air contaminants currently proposed in draft rules from among authoritative bodies based on which one had the most recently updated TRV for that particular toxic air contaminant. This process is explained in detail in Appendix A of DEQ's Draft Recommended Procedures for Conducting Toxic Air Contaminant Health Risk Assessments.

Authoritative bodies also build in uncertainty or safety factors into their TRVs that reflect the degree of certainty in the overall weight of scientific evidence supporting it. In this way, TRVs are adjusted to err on the side of health protectiveness in the face of scientific uncertainty.

CAO proposed rules specify that DEQ and OHA will review TRVs and RBCs every three years to see whether authoritative bodies have updated any of their TRVs in the intervening years. The intention of that triennial review is for CAO to adopt the most recently updated TRVs from authoritative sources through a public rule making process to ensure that updates to CAO are communicated clearly and transparently to all stakeholders and communities in Oregon.

While the details of how TRVs were selected are no longer in rule language, they are clearly articulated in Appendix A of the Draft Recommended Protocol for Conducting Toxic Air Contaminant Health Risk Assessments, and details behind future updates would also be documented there as well as in supplementary materials produced to support the public rule making process. The chronic TRVs proposed in rule now are the most recent values available from among the authoritative sources. The acute TRVs proposed in rule as selected based on a hierarchy of authoritative sources that prioritizes sources that are most consistent with a 24hr exposure duration.

Also, see response to comment category "RBCs - use most current and protective science available."

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 812, 825, 837, 22, 846, 858, 890, 910, 107, 265, 402, 418, 513, 535, 615, 626, 645, 807, 756, 761, 911

Comment Category #320: Reconstruction - 90 days for DEQ determination

Description: If the owner or operator of an existing source determines proposed modifications constitute reconstruction, and therefore make the source a new source, it is unclear why the owner or operator would be required to provide justification to DEQ and wait 90 days for DEQ to agree to this determination. It would be more efficient for the owner or operator to be allowed to demonstrate compliance with 340-245-0080 from the outset.

Response: DEQ removed the detail about how a reconstructed source would be permitted under Cleaner Air Oregon and is requiring that a reconstructed source be permitted as a new source.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 244

Comment Category #321: Reconstruction - clarify that rebricking a furnace/boiler is not reconstruction

Description: The proposed CAO rules define "reconstruction" as the "replacement of components of an existing source to such an extent that the fixed capital costs of the new components exceed 50% of the fixed capital costs that would be required to construct a comparable entirely new source." Under the proposed CAO rules, an existing source, upon reconstruction, becomes a new source. The proposed CAO rules do not specify whether "reconstruction" is evaluated on a per project basis or could occur overtime as multiple components (or the same component) of the source is replaced. DEQ should clarify under the revised CAGM rules that re-bricking is not considered "reconstruction" for purposes of the CAO rules and a re-bricked furnace would not be considered a new or modified toxics emissions unit.

Response: Senate Bill 1541 adopted into law by the 2018 Legislature defines "reconstructed source" and this statutory definition will replace the definition currently in the proposed OAR 340-245 rules. "Reconstructed source" means a source where an individual project is constructed that, once constructed, increases the hourly capacity of any changed equipment to emit, and where the fixed capital cost of new components exceeds 50 percent of the fixed capital cost that would have been required to construct a comparable new source.

The SB 1541 language states that the projects are evaluated individually.

The New Source Performance Standard 40 CFR Part 60 Subpart CC—Standards of Performance for Glass Manufacturing Plants defines rebricking as "cold replacement of damaged or worn refractory parts of the glass melting furnace. Rebricking includes replacement of the refractories comprising the bottom, sidewalls, or roof of the melting vessel; replacement of refractory work in the heat exchanger; replacement of refractory portions of the glass conditioning and distribution system."

It also states in §60.292 Standards for particulate matter that "Rebricking and the cost of rebricking is not considered a reconstruction for the purposes of §60.15." 40 CFR Part 63 Subpart SSSSSS—National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources does not mention rebricking.

Based on the SB 1541 definition of reconstructed source and the NSPS language regarding rebricking, DEQ would not consider rebricking to be reconstruction and does not believe a rule change is needed.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 629

Comment Category #322: Reconstruction - should be eliminated, in addition to conflicting rule language

Description: This introduction of the concept of reconstruction should be removed. Existing sources should be assessed as existing sources. Just as the reconstruction concept was dropped from the PSD program after it was initially proposed in the 1970s, reconstruction is not appropriate for CAO. Existing sources, even those engaged in major construction projects, lack that flexibility and cannot be lumped in with greenfield sources and held to the new source RALs.

In addition, the timing outlined in the proposed rules is not internally consistent. The rule language should clarify that DEQ will respond to any reconstruction determination request within 30 days, that the source is otherwise permitted to proceed consistent with the timelines in OAR 340-210-0240 and that if DEQ fails to act within those timelines then that burden is carried by DEQ, not the source. Also, the language is inconsistent with a reconstruction determination. The rule language should be amended to clarify that if the replacement components do not significantly contribute to toxics emissions, then reconstruction is not triggered.

Response: Senate Bill 1541 adopted into law by the 2018 Legislature defines "Reconstructed source" and this statutory definition will replace the definition currently in the proposed OAR 340-245 rules. "Reconstructed source" means a source where an individual project is constructed that, once constructed, increases the hourly capacity of any changed equipment to emit, and where the fixed capital cost of new components exceeds 50 percent of the fixed capital cost that would have been required to construct a comparable new source. DEQ removed the other rule language regarding reconstruction and added "or reconstructed" to "new sources" since these sources must meet the same requirements.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 631, 665

Comment Category #323: Request for additional public hearings

Description: A public meeting should be held on Oregon's east side. The current meeting locations in Portland and Eugene do not allow physical attendance for these rules without burdensome travel requirements. Eastern Oregon contains a variety of pollution sources which will be impacted by these rules. Please hold a public meeting on the East side of the state (Pendleton, Boardman, etc) to allow all Oregonians to attend a meeting without burdensome travel.

Response: DEQ recognizes that the two locations of the public hearings will not be convenient for all Oregonians, and appreciate the desire for additional opportunities to participate. However, DEQ decided not to add more hearings at this time. DEQ provided multiple ways for the public to get information about the proposed rules and to provide their input. People can listen in to the public hearings remotely, ask questions of DEQ and OHA staff by phone or email, and submit comments on the DEQ website or through mail or email.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 809

Comment Category #324: Risk Assessment - allow option not to sum risk from chemicals with different health endpoints or modes of action, even at Level 1

Description: It's not accurate to sum the risk from chemicals that affect different organs, or have different health endpoints or ways that they cause harm. The rules should allow the risk to be listed separately for each organ or mode of action, even for Level 1 risk assessments.

Response: For noncarcinogens, DEQ will accept a simple sum of hazard quotients without the effort to separate HQs by target organ. This makes the calculation of hazard index easier for the facility and the review easier by DEQ. However, DEQ agrees that the hazard index can be calculated by target organ. As stated in draft rules and the draft procedures document, a facility can calculate a hazard index by target organ at any risk level of the risk assessment. To assist with the calculation, DEQ intends to provide an appendix to the risk assessment procedures document with a table of target organs associated with toxic air contaminants.

For carcinogens, DEQ's interest is in total cancer risk, not cancer risk by target organ. This has always been the approach taken by EPA, as documented in their 1989 Risk Assessment Guidance for Superfund document. DEQ knows of no regulatory entity that evaluates cancer risk by target organ. As an example of why it is important to calculate total cancer risk, consider a laboratory test of 100 animals. If 15

animals got liver cancer and 10 animals got kidney cancer, the key result is that 25 out of 100 animals got some form of cancer. DEQ intends to maintain the standard approach for evaluating cumulative cancer risk.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855, 585

Comment Category #325: Risk Assessment - allow revision of RBCs during Level 4 Risk Assessment

Description: In level 4 risk assessment, the assumptions for the RBCs should be reconsidered to see if they hold true for the particular situation or process being evaluated. For example the RBC may be based on one form of a chemical and the facility may emit a different form of it.

Response: DEQ agrees that the form of a chemical is important in evaluating its toxicity. For this reason, DEQ states in Section 4.2.2 of the draft risk assessment procedures document that "If you can characterize the chemical form of your emissions, you can use the appropriate RBC at any risk evaluation level. This may make it unnecessary to proceed to a Level 4 evaluation." As with most risk assessments, the focus should be on refining exposure (which includes exposure to the correct form of the chemical), not toxicity. It is important that the CAO program establish TRVs from agreed-upon authoritative sources. Once these TRVs are established in rule, they are not subject to revision in a Level 4 risk assessment [OAR 340-245-0220(5)(b)].

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 918

Comment Category #326: Risk Assessment - calculate risk based on current use, not zoning or future use

Description: This comment category includes comments from both comment periods (before and after passage of Senate Bill 1541). Comments from before passage of Senate Bill 1541 requested that modeled exposure locations in risk assessment be based on actual use rather than zoning designation or potential future zoning designation. Comments from after passage of Senate Bill 1541 assert that the rules contain burdensome requirements for sources to monitor land use changes in a manner which cannot be accomplished and that language in rule is conflicting with existing land use laws.

Response: DEQ rules are required to be consistent with statutes passed by the legislature. Senate Bill 1541, which is now statute, states that DEQ's presumption should be that the actual land use matches the current zoning designation, and that air dispersion modeling for risk assessment should reflect this presumption. However, Senate Bill 1541 also says that a source of toxic air contaminant emissions can provide documentation rebutting the presumption that actual land use matches the zoning designation.

If DEQ agrees with the rebutting documentation, then areas that are not being used for a designated use can be excluded as exposure locations for the relevant scenarios in modeling and risk assessment. However, Senate Bill 1541 also states that it is the responsibility of the source of toxic air contaminant emissions to provide annual updates to that documentation demonstrating that the actual land use continues not to be that allowed by zoning.

The current proposed CAO draft rules are consistent with Senate Bill 1541, which is now statute. DEQ is not allowed to write rules that contradict this statute, and does not intend to adjust rules based on these comments.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867, 84, 279, 301, 307, 432, 500, 505, 594, 598, 610, 611, 615, 623, 624, 626, 629, 631, 655, 658, 665, 918, 770, 667

Comment Category #327: Risk Assessment - clarify how chronic risk will be assessed

Description: Commenters requested more clarity around the way chronic risk will be evaluated, particularly in cases where emissions only occur for a relatively short duration.

Response: The rules specify that chronic exposure is evaluated using long-term annual emission rates. DEQ describes the risk assessment process in depth in the document titled "Draft recommended procedures for conducting toxic air contaminant health risk assessments", which accompanies the draft rules. For facilities with emissions that vary month to month, the rates should be averaged so that an estimated annual emission rate is used in the evaluation of chronic risk. DEQ does not intend for a facility to assume that short-term emission rates occur for 70 years. For acute effects, short-term emission rates should be used.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 907, 594

Comment Category #328: Risk Assessment - clarify requirements for demonstrating facility is de minimis

Description: The requirement to assess toxic air contaminant emissions at the capacity to emit for the purpose of demonstrating de minimis status is inconsistent with other provisions of the CAO rules and will result in sources that should be exempt expending resources unnecessarily. DEQ should revise the rule to allow the use of actual emission rates in demonstrating de minimis status. DEQ should consider less demanding means for demonstrating de minimis status to avoid imposing burdens on Oregon municipalities.

There appears to be no difference between the regulatory burden imposed on an existing source whose risk is de minimis and an existing source whose risk exceeds the Source Permit Level but is less than TBACT. In either case, a Risk Reduction Plan is not required. There does not seem to be any other benefit of being de minimis versus simply below TBACT and meeting TBACT is "easier" (de minimis TEUs are omitted and the actual rates of emission are used as opposed to the capacity to emit), a rational owner/operator will choose to show its source is below TBACT, rather than try to show it is de minimis. To address this inconsistency, DEQ should either allow a simpler path to de minimis status, as suggested above, or expand de minimis status to include all sources whose risk is below TBACT.

Response: Toxic air contaminant emissions must be evaluated at capacity for a de minimis source for all TEUs, including de minimis TEUs, as is clearly stated in OAR 340-245-0050(7) because these sources are not required to get permits under the Cleaner Air Oregon program. These sources would only be required to submit triennial emissions inventories. If the source is de minimis, DEQ will only include the de minimis evaluation in the review report of the operating permit for that source.

DEQ is requiring source risk (defined in OAR 340-245-0020) to be evaluated in this manner because once a source proves it is de minimis, there is no reason for DEQ to evaluate that source again since that source will not be able to increase source risk unless they undergo a physical modification. Assessing source risk at actual emissions will not ensure that the source will remain de minimis and would thus require a permit. An owner or operator may use any level of risk assessment to prove de minimis status.

If a source is not de minimis, the source must use any level of risk assessment, (Level 1, 2, 3, or 4) to show that the source risk is less than the TBACT Level. The definition of source risk clearly states that it is the cumulative risk from all significant TEUs and only the Source Risk Assessment for a de minimis source must also include de minimis TEUs. Sources can choose to assess risk using

- Level 1, 2, 3, or 4 at the source's PTE in its current operating permit,
- a PTE or risk limit that is lower than the source's PTE in its current operating permit, if requested by the owner or operator, or
- the actual toxic air contaminant emission rate of the source, if requested by the owner or operator.

The level of toxic air contaminant emissions used in the risk assessment will be used to set risk limits in the permit.

DEQ bases the fees for Cleaner Air Oregon on the work needed to review submissions. If a source can show it is de minimis at Level 1, the amount of work to review the application is a lot less than if a Level 4 risk assessment is needed. If the source is de minimis and a permit is not needed, the fees are even less.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 841

Comment Category #329: Risk Assessment - clarify requirements for Level 1 risk assessments

Description: The preliminary submittals and approvals required in several sections throughout the CAO rules for performing a Level 1 Risk Assessment need to be clarified and made consistent with each other. Reference to OAR 340-245-0220 shows that provision requires DEQ approval of a number of items, which do not include maximum chronic and acute exposure locations. The requirements for submittal of a modeling protocol at OAR 340-245-0210(2) are vague, stating that an owner/operator must submit a monitoring protocol "[w]hen required to perform modeling;" the scope and contents of the modeling protocol are not described. OAR 340-245-0210(5)(a) requires the owner/operator performing only a Level 2, 3 or 4 Source Risk Assessment to identify exposure locations; there is no mention that this needs to be done for Level 1 Risk Assessment. OAR 340-245-0030(1)(d) gives a deadline for submittal of Level 1 Risk assessments as 60 days after DEQ approval of the emissions inventory, but does not refer to submittal of a modeling protocol as do the deadlines for Level 2, 3 and 4. OAR 340-245-0210(6) lists multiple pieces of information regarding modeling that must be submitted to DEQ but does not appear to be referenced in any other rule that mentions preliminary submittals.

DEQ should revise the CAO rules to clearly state the expectations for preliminary approvals, including inventory and modeling protocol. The CAO rules should clearly state (preferably in a single location) under what circumstances a modeling protocol must be submitted and what information the protocol must contain. If a protocol is required for Level 1, the submittal deadline for the Risk Assessment should be relative to approval of that protocol, as it is for Levels 2 through 4.

Response: DEQ has clarified the proposed rules regarding submittals for Level 1 Risk Assessments. Even though Level 1 does not require computer modeling, it does require knowledge of exposure locations to use the Level 1 Risk Assessment Tool so DEQ has added this requirement for a modeling protocol to both the Submittal and Payment Deadlines, Modeling Requirements and Source Risk Assessment Requirements. Requirements for exposure locations are contained in OAR 340-245-0210(5). Details for the modeling protocol requirements are contained in OAR 340-245-0210(6) so DEQ clarified that those requirements must be submitted in a modeling protocol.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 841

Comment Category #330: Risk Assessment - clarify that any level of risk assessment can be used

Description: It is unclear whether the source or DEQ decides which Source Risk Assessment level will be performed. If the source is able to choose, it should be clearly articulated that sources can choose to conduct any level of Risk Assessment that may be necessary and do not need to start with a level 1 Risk Assessment. Given the relatively short submittal deadlines, which do not provide adequate time for additional source testing, sources should be allowed to skip to the level of Risk Assessment they deem appropriate for their facility. This is particularly true given that the Level 1 Risk Assessment methodology is currently not available to sources in complex terrain or with fugitive Toxics Emission Units (TEUs), and may not be approved for sources with multiple emission points. OAR 340-245-0200 (Modeling Requirements) and 340-245-0210 (Comprehensive Health Risk Assessment Procedure) should be revised accordingly.

Response: The proposed rules state that sources must "assess risk from the source using any of the Level 1 through 4 Risk Assessment procedures." The rules do not say that sources must start with Level 1 and progress through the all the levels. DEQ will add language to clarify that sources do not need to start with Level 1 and can choose any level of risk assessment. A source can choose to use Level 1 for multiple emission points but must realize that Level 1 is the most conservative risk assessment methodology and will overestimate risk. DEQ will develop a companion to the table of dispersion factors for point sources for area source types and fugitive emissions.

If sources want to do source testing to better quantify emissions, they can do so at any time, even now before the proposed rules are adopted. DEQ extended the time an owner or operator has to perform source tests and submit that data to DEQ from 120 days to 150 days.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 594, 629

Comment Category #331: Risk Assessment - define when a change to RBCs or risk assessment procedures would "substantially impact" a risk assessment

Description: DEQ should define when a change to RBCs or risk assessment procedures would be considered to "substantially impact risk, implementation, or effectiveness of the Risk Reduction Plan"

and DEQ would require a facility to re-do their risk assessment. Or, DEQ should get rid of this text and revise risk assessments only at permit renewal.

Response: The commenter references proposed language that would allow DEQ to require a facility to update their CAO risk assessment if changes to RBCs or risk assessment procedures would "substantially impact risk, implementation, or effectiveness of the Risk Reduction Plan". DEQ feels that it is appropriate to maintain agency discretion in this area.

DEQ did not make changes in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 851, 859

Comment Category #332: Risk Assessment - do not require General and Basic permit holders to perform risk assessments

Description: Prior drafts of the CAO rules included only holders of Title V, Simple, Standard and two categories of General ACDP in this requirement. Adding in all General ACDP categories plus Basic ACDPs substantially expands the scope of sources that DEQ could require to perform risk assessments. DEQ should consider whether the greatly increased workload caused by including all General ACDPs is worthwhile, given their likely low risk.

Response: DEQ agrees with the commenter that extra work would be needed if DEQ called in all General and Basic permittees. DEQ has performed the emissions inventories for these permittees. During the ranking process, DEQ will use the Level 1 Risk Assessment Tool to estimate the risk of all permittees. DEQ anticipates that the risk from most of the General and Basic permittees will be below the Community Engagement Level so DEQ will not require these sources to perform risk assessments. There may be an instance when some of these permittees pose higher potential risk and DEQ wanted the ability to require those sources to do risk assessments.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 841

Comment Category #333: Risk Assessment - Exclude off-site locations that are owned/controlled by the source

Description: Commenter requests that DEQ clarify that any properties within the control of the source, with or without a structure, and regardless of zoning, should be excluded if the source has control of the occupation of the premises.

Response: Risk action levels are designed to protect the health of people who spend time near the facility. DEQ agrees that if a source owns residential properties adjacent to the facility that are used only by employees during working hours or that remain unoccupied, that location should be subject to occupational exposure standards set by OSHA and should not be considered a residential location under Cleaner Air Oregon.

However, if residential property owned by the source is rented or used by non-employees (including customers and family), then the property should be considered residential. If the use or ownership of the property changes, DEQ must be notified and risk assessments and risk reductions plans must be updated accordingly in advance of any changes to the use of the property. If neighboring residential locations are not owned by the facility, this exemption is unlikely to substantially change risk calculations and risk reduction requirements.

SB 1541 states that a person in control of the air contamination source may elect to have the emissions from the air contamination source evaluated and regulated based on modeling of "the impacts by toxic air contaminants on locations where people actually live or normally congregate." There is a presumption that people actually live or normally congregate in locations in the manner allowed by the land use zoning for the location, based on the most recent zoning maps available. Since people do not actually live or normally congregate in areas planned to be zoned for residential or nonresidential use, DEQ removed that rule language.

The rule also now states that "an owner or operator may provide documentation to demonstrate an area is not being used in the manner allowed by the land use zoning at the time the modeling is to be performed... If DEQ approves the exclusion, the owner or operator must annually submit to DEQ documentation showing the excluded zoned areas continue to not be used in the manner allowed by the land use zoning applicable to the area." This language ensures that risk assessments focus on actual uses of nearby receptors.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 629, 918

Comment Category #334: Risk Assessment - include ancillary emissions such as from transportation related activities

Description: Cleaner Air Oregon should hold stationary sources accountable for reducing emissions that are directly related to facility operations, including from generators, on-site equipment use, and idling trucks drawn to the permitted source. The rules should include these background sources in calculations of a source's risk, as well as in a source's required risk reduction.

Response:

DEQ regulates "sources" in the air quality permitting program. Oregon Administrative Rules Division 200 defines a source as "any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all air contaminant emitting activities that belong to a single major industrial group, i.e., that have the same two-digit code, as described in the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987, or that support the major industrial group." Sources are required to submit a complete emissions inventory of all stationary equipment onsite, including generators. Generators must meet EPA standards.

The definition of source does not include mobile sources such as trucks and passenger cars so DEQ does not regulate mobile sources in air permits. Mobile sources are required to meet engine standards set by EPA. Please see the response to the category "Purpose - CAO should include all emissions (background too)."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 552

Comment Category #335: Risk Assessment - include senior citizens and workers in sensitive populations

Description: Seniors should be considered a sensitive population, as well as workers.

Response: DEQ agrees that seniors should be protected as a sensitive population. Toxicity reference values provided in Table 3 are established based on protection of sensitive individuals, including elderly individuals. TRVs incorporate a range of uncertainty factors, one of which is used to provide protection to sensitive members of a population.

DEQ recognizes that workers in businesses using toxic chemicals are generally exposed to higher concentrations of chemicals than residents or non-residents located near the facility. However, DEQ does not have authority over exposure to workers exposed by industrial use of chemicals. Workplace exposure is regulated by OR-OSHA. However, workers are considered in CAO to the extent that they are exposed to chemicals emitted from a nearby facility.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 300, 645

Comment Category #336: Risk Assessment, Level 1 Tool - nearest isn't necessarily highest exposure locations

Description: The Level 1 Risk Assessment uses the Lookup Table to estimate air concentrations at the nearest chronic and acute expose locations. Although stack heights are considered in the lookup table, wind directions and temperature of emissions are not, and the nearest receptors may not always give the highest concentrations. This process should at least identify chronic and acute exposure locations using comprehensive wind directions.

Response: DEQ agrees that maximum air concentrations may not always occur at the nearest exposure location. The dispersion factors shown in the Level 1 Lookup Tables were modeled at each receptor distance using a set of conservative emission temperatures, stack parameters, building parameters, wind directions, and wind speeds. Therefore, the dispersion factors developed at all receptor distances in the Lookup Table are the result of a very conservative combination of these parameters, and are themselves conservative.

Although a refined model may show highest impacts from the same stack building configuration at a greater distance than the nearest receptor, these concentrations will be less than the results in Table 6 that give the highest dispersion factor for each stack height associated with the shortest distance from the source. Actual, representative wind data is not used until Levels 3 and 4 risk assessment are done and will result in lower modeled concentrations and risk. Air dispersion modeling for Level 3 and 4 risk assessments will evaluate multiple exposure locations, and will be able to determine the maximum concentration wherever it is located relative to the facility.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 242

Comment Category #337: Risk Assessment - Proposed risk assessment process does not account for reproductive and developmental chemicals

Description: "For many reasons..... DEQ's recommended risk assessment methods are not based on current science and should be revised to consider.....reproductive and developmental toxicants."

Response: The risk assessment process in CAO is designed to account for reproductive and developmental toxicity to the extent possible with existing evidence. TRVs are typically established based on the most sensitive endpoints observed in the existing body of scientific literature. For some chemicals, reproductive and developmental effects are the most sensitive endpoints and therefore serve as the basis for TRVs. TRVs for chemicals that have never been tested for reproductive and

developmental toxicity typically incorporate uncertainty factors that provide an additional safety buffer for sensitive populations in the face of data gaps.

Risk management decisions in CAO may be more cautious for chemicals with potential developmental toxicity. Toxic air contaminants that are known to cause developmental or other severe health effects will be identified with the help of the Hazard Index Technical Advisory Committee. This volunteer committee of experts gathered by DEQ is due to meet during the Fall of 2018 and has been assembled to address toxic air contaminants with developmental or other severe health effects. The toxic air contaminants identified by HI TAC may be held to lower (more cautious) RALs, as stipulated in Senate Bill 1541, through a separate, public rule-making process.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 847

Comment Category #338: Risk Assessment - put detailed methodology in rule

Description: Risk assessment methodology greatly affects the calculated risk, so it needs to be in rule.

Response: TRVs and RBCs are key parts of the risk assessment process, and are specified in Division 245 of the proposed CAO rules. If TRVs and RBCs are changed to incorporate new science in the future, that would require EQC rulemaking, along with meeting necessary notification and public review requirements.

Some other elements of the risk assessment process are not included in rule. It is important to stay current on procedures to evaluate risk as accurately as possible. By specifying current approaches in recommended procedures, DEQ can stay up-to-date on changes to improve risk assessment methodology. As mentioned in the comment, a key component of exposure assessment is the use of air dispersion models. Similar to the criteria pollutant program, the most current version of the air dispersion model should be used in CAO.

It is common practice for EPA and DEQ to use guidance and procedure documents to assist the regulated community with how to comply with regulations. Following the procedures is not a requirement in rule. The documents are prepared so that a facility that follows the procedures will have more confidence that DEQ will approve their work. It is possible a facility can be in compliance with rules without following the procedures, and DEQ may take action in variance with the procedures.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 240, 643

Comment Category #339: Risk Assessment - should not require DEQ approval of risk assessment that shows facility is de minimis

Description: Sources that do not qualify as exempt must perform risk assessments by following the Level 1 through 4 Risk Assessment procedures; one potential result could be risk below a de minimis levels. To reduce its workload and allow DEQ to focus its resources on higher risk sources, the rules should not require DEQ to approve a source's de minimis determination. The proposed rules should create classes of activities that are exempt and allow sources to determine whether they are exempt and do not require DEQ approval, similar to the Clean Water Act and Resource Conservation and Recovery Act.

Response: If a source has to perform any level of risk assessment to prove they are de minimis, DEQ and OHA must review the risk assessment to see if it was done correctly, especially a Level 4 risk assessment that includes modeling and exposure assumptions. Even though the risk may be below de minimis levels, the work to prove that determination may be onerous and must be paid for by the source.

DEQ has provided a definition of exempt Toxic Emissions Units and sources that facilities can use to determine whether they are exempt and do not require further analysis or review.

DEQ is focusing on higher risk sources by calling in sources with the highest potential risk first. Only Title V, Standard and Simple Air Contaminant Discharge Permittees will be reviewed to find the sources with the highest potential risk. Basic and General permittees may be called into the program after DEQ has evaluated risk from Title V, Standard and Simple Air Contaminant Discharge Permittees if their potential risk warrants call-in.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 502, 639

Comment Category #340: Risk Assessment - supports assessing cumulative risk across multiple chemicals emitted by a facility

Description: Commenter support approach to cumulative risk

Response: DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 300, 315, 682, 726

Comment Category #341: Risk Assessment - use Portland Air Toxics Assessment to estimate risk

Description: CAO source modeling should use exposure adjustments based on population activity patterns as was done in the Portland Air Toxics Assessment project using EPA's HAPTEM model.

Response: The Portland Air Toxics Assessment (PATA) was a 2006 pilot modeling project that predated the more comprehensive Portland Air Toxics Solutions (PATS) project in 2011. PATA used exposure assumptions from the HAPTEM5 model based on the activities of various cohorts of the population in order to adjust potential toxic air contaminant exposure estimates. These exposure adjustments were not made in the PATS study because uncertainties in the exposure calculations for a modest refinement in concentrations, coupled with the uncertainties of the air quality modeling results, did not warrant the expense of resources to do the work. DEQ believes that use of exposure adjustments is also not necessary in Cleaner Air Oregon AERMOD modeling. AERMOD, which is designed for individual industrial facilities, will provide more accurate estimates than the PATA and PATS modeling because it will employ more accurate and specific information about emissions, release points, building size and configuration, more representative meteorology, a dense modeling receptor grid, and actual locations of human receptors. Because Cleaner Air Oregon seeks to achieve public health protection objectives using specific risk action levels established by Senate Bill 1541, the exposure adjustment factors used in PATA research are not applicable. PATS and PATA were both efforts to understand toxic air contaminant risk for the whole Portland region with a goal of reaching one in a million and a hazard index of one for individual pollutants.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 906, 665

Comment Category #342: Risk Assessment - use process defined in Hazardous Substance Remedial Action Rules, division 122

Description: The risk analysis approach is ill-defined and should instead be consistent in level of detail and approach as that used in well-established DEQ processes, such as those found in OAR Chapter 340, Division 122, Hazardous Substance Remedial Action Rules.

Response: DEQ based the CAO risk assessment approach on the process used in DEQ's Cleanup Program, OAR 340-122. Both procedures start with the development of a conceptual site model to establish reasonably likely exposure scenarios. DEQ agrees that in a heavy industrial area, it is unlikely that residential exposure will be relevant, at least within close proximity to a facility.

Similarly, consideration of sensitive receptors should be established as part of the conceptual site model, and, as appropriate, included or omitted from the risk assessment. Air emissions have the potential to impact areas long distances from a source, so this will need to be taken into account when considering potential exposure populations. For example, it is possible that residential neighborhoods

that are not adjacent to an industrial facility will need to be evaluated for potential impacts from emissions.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 906, 665

Comment Category #343: Risk Limit - Clarify that the term includes limits on raw materials used and use term consistently throughout rules

Description: The proposed CAO rules define "Risk limit" as a "limit in a permit or permit attachment that serves to limit the risk from a source or part of a source. Such limits may include, but are not limited to, limits on risk from the source or part of a source, limits on emissions of one or more air toxics, limits on emissions from one or more TEUs, or limits on source operation." DEQ should revise the definition to include "limits on raw material usage." In addition, where the term "risk limit" is used under OAR 340-245-0080, DEQ should ensure that the term "risk" is capitalized consistent with the definition.

Response: DEQ agrees that limits on raw material usage can be set to risk limits and has changed the proposed rules to include limits on raw material usage.

When DEQ defines terms, the first word of the definition is capitalized. The term "risk limit" is not capitalized but the term "Source Risk Limit" has been capitalized consistently throughout the rules because that term is the title of a rule and a concept DEQ wants to emphasize.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 629

Comment Category #344: Risk Reduction - do not duplicate reporting requirements

Description: Proposed OAR 340-245-0130(7)(a)(D) requires the source update DEQ when the Risk Reduction has been completed about information that may well have already been provided. See OAR 340-245-0130(6)(a) requiring some information to be provided in semi-annual reports. Additionally, this subsection becomes a "proof of compliance" requirement that is unnecessary. The reporting in subsections (6) and (7) are redundant and create hurdles to compliance with no benefit.

Response: OAR 340-245-0130(7)(a)(D) requires the source update DEQ when the Risk Reduction has been completed.

OAR 340-245-0130(5)(a) [renumbered from (6)] requires that a source reduce risk within two years of the effective date of the permit. These are not the same requirement. OAR 340-245-0130(5) contains Risk Reduction Plan implementation deadlines. OAR 340-245-0130(7) contains reporting requirements.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #345: Risk Reduction Plan - allow more time

Description: The amount of time to develop a Risk Reduction Plan is not sufficient, especially if the preferred option is to implement a change in the process. Evaluating and changing production inputs or processes can take longer than control technology determination and installation

Response: DEQ has included a provision that owners or operators can request an extension in the submittal deadlines if the delay is necessary, for good cause shown by the owner or operator, related to changes in relevant data, analysis, operations or other key parameters necessary to complete the submittal.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 665, 799

Comment Category #346: Risk Reduction Plan or TBACT Plan Requirements - modify extension approval procedures

Description: Commenter recommends DEQ amend the provision to include express reference to the requirement that extensions of time to implement a Risk Reduction or TBACT Plan will be granted only upon a showing of good cause and require a mandatory public hearing before any additional extensions are approved, or include an express prohibition on any additional extensions of time to implement the Plan beyond the first two year extension.

Request for extensions to compliance dates should be allowed as little as 30 days before a compliance date. The proposed rules require a request for extension 180 days before a compliance date (OAR 340-245-0220(8)(c)). However, delays are often due to manufacturing delays for pollution control equipment or troubleshooting during the shakedown period. Neither of these issues demonstrate a lack of good-faith effort and neither is likely to be known 6 months before the compliance date.

Response: DEQ agrees with the commenter that the owner or operator must make a showing of good cause when requesting an extension of time to implement a Risk Reduction Plan. The local community should know that potential risk will not be reduced on the timeline included in the permit so DEQ is requiring that a permit modification must be done to approve a compliance date extension. An extension would require public notice with potential for a public hearing if requested. Because of the public notice requirements, DEQ can only shorten the time required to request an extension from 180 days to 90 days before the compliance date. DEQ has changed the proposed rules to eliminate the TBACT Plan and just make the TBACT requirement part of the Risk Reduction Plan, which is the overarching plan to reduce risk.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 552, 594, 667

Comment Category #347: Risk Reduction Plan or TBACT Plan Requirements - Requirements should be reasonable

Description: We object to the language stating that DEQ will not consider the time for, or expenses of, ambient monitoring when considering whether to grant an extension of the deadline for implementing a Risk Reduction Plan. If a source commits the considerable time and expense associated with ambient monitoring, and there is a reasonable possibility that the costs associated with the Risk Reduction Plan would not be necessary based on the monitoring results, then that source should not be required to make expenditures associated with the Risk Reduction Plan until monitoring results are available to determine whether risk reduction is needed.

DEQ's approval of extension request should not be unreasonably withheld. Commenter requests that DEQ make clear that a source making an extension request should only bear the burden of substantiating its request to DEQ's "reasonable satisfaction."

Commenter requests that DEQ clarify that an extension request be granted when the requesting source shows that its failure to meet the original plan implementation schedule is caused by an event that is beyond the source's reasonable control despite its good faith efforts.

DEQ should make clear that a source which has resubmitted its Permit Attachment application after addressing deficiencies in the Risk Reduction Plan identified by DEQ does not trigger any new or further community engagement requirements.

Response: SB 1541 requires that DEQ allow sources to perform ambient monitoring and not reduce risk unless potential risk from modeling is greater than four times the benchmark for excess lifetime cancer risk or four times the benchmark for excess noncancer risk (200/20). When potential risk is greater than 200/20, DEQ can require sources to implement a Risk Reduction Plan before ambient monitoring is

performed or if ambient monitoring showed risk over the TBACT Level of 50/5. If ambient monitoring shows that risk reduction is required, the cost of ambient monitoring is not related to the cost of risk reduction.

DEQ has added language to the proposed rules that upon showing of good cause, DEQ may allow an owner or operator not more than two additional years beyond the initial two years to implement risk reduction measures. Good cause would include an event that is beyond the source's reasonable control despite its good faith efforts.

DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow for greater detail and flexibility to tailor the community engagement process to the needs of communities.

DEQ would plan community meetings based on the level of risk and complexity associated with source emissions as well as the communication and engagement needs of the community. It is important for DEQ to retain flexibility and discretion in community engagement planning to ensure that the each engagement process fits individual situations. If DEQ warrants that further community engagement is needed after a source addresses deficiencies in a Risk Reduction Plan, then DEQ will schedule the appropriate type of community engagement.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 631, 728

Comment Category #348: Risk Reduction Plan or TBACT Plan Requirements - require shorter compliance time and no extensions

Description: Commenter opposes DEQ's amendment of the draft rules to allow more time than was proposed in the RAC draft of the rules for implementation of a Risk Reduction or TBACT Plan at a source that exceeds the Accelerated Schedule Risk Action Level. Sources that pose greater health risk to the community should be required to reduce risk as quickly as possible, hence the name Accelerated Schedule Risk Action Level. The potential for such sources to receive up to two additional years to implement the Plan adequately accounts for any necessary additional time for a source based on a case-by-case determination. Accordingly, we request that DEQ amend subsection (7)(c)(A) as follows: "The Plan must be fully implemented within one year from the initial Plan approval date; and" Additionally, given the public health risk of sources that exceed the Accelerated Schedule RAL, we propose that subsection (7)(b)(B) include an express prohibition on any additional extensions of time to reduce risk.

Response: DEQ makes a distinction between the implementation time for facilities exceeding acute and chronic risk levels. For exceedances of acute risk levels, risk reduction must be implemented within 1 month of the permit. DEQ considers this the shortest reasonable amount of time for taking action. The time may be extended a few months depending on the severity of the health effects and the degree of uncertainty about the screening values. In contrast, if there is a very high exceedance of acute effects, DEQ and OHA can obtain a cease and desist order to protect public health.

For chronic screening, there is less concern about immediately implementing risk reduction actions because of the longer averaging times used to evaluate risk. However, depending on the severity of the health effects and the degree of uncertainty about the screening values, DEQ may shorten the period for implementation from a typical limit of 2 years. In other cases, as appropriate, DEQ can grant an extension in the time allowed to implement risk reduction actions.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 825, 846, 858, 910, 552, 926, 913

Comment Category #349: Risk Reduction Plan or TBACT Plan Requirements - require source to provide Comprehensive Health Risk Assessment

Description: Commenter suggests DEQ amend the proposed rules as follows: "The owner or operator must provide public notice of the meeting at least 30 days before the meeting date. The public notification must, at a minimum, meet the requirements of OAR 340-245-0250(3) and include the Plan and the application, and, if applicable, the Comprehensive Health Risk Assessment. . . ."

Response: DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with rules that outline how DEQ will conduct community engagement. A future Cleaner Air Oregon community coordinator will develop a full set of procedures and guidelines that will allow greater flexibility in working with communities to keep neighbors informed and involved in the process. These procedures will be based on community engagement best practices and the comments received during the first public notice period, and there will be an opportunity for public and stakeholder input on the procedures. Compared to having a prescriptive process in the regulations, this will allow greater flexibility to tailor the community engagement process to the needs of communities.

DEQ has clarified in the proposed rules that an owner or operator must perform a Level 3 or Level 4 Risk Assessment if a Risk Reduction Plan is required. As stated in other responses, all submittals will be posted on DEQ's website.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 552, 631

Comment Category #350: Risk Reduction - sources should be allowed to stop voluntary risk reduction at any time

Description: A Voluntary plan is voluntary; if a source, for whatever reason, elects to not continue with the voluntary effort, the source must have the unfettered right to stop. There may be some other requirements DEQ can pursue, but fundamentally a voluntary program can be stopped and this subsection should be revised.

Response: The proposed rules state "If the owner or operator does not implement the Voluntary Risk Reduction Plan within the approved time, DEQ may initiate the community engagement requirements under OAR 340-245-0120." This rule language would address if a source chooses not to continue the voluntary effort.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #351: Risk Reduction - voluntary risk reduction is not required

Description: In the opening clause of subsection OAR 340-245-0130(1), the rule uses "must" and yet the rule includes voluntary efforts; see 340-245-0130(1)(d). Instead, the introduction should say that a Risk Reduction plan for an existing source "can include" or "may include" and then list the options.

Response: OAR 340-245-0130(1) says:

Risk Reduction Plan for an existing source must:

- (a) Reduce risk to less than or equal to the Risk Reduction Level within the specified period of time;
- (b) Reduce risk to less than or equal to the TBACT Level within the specified period of time;
- (c) Reduce risk as much as possible for all significant TEUs for a source that is not able to reduce risk to less than or equal to the TBACT Level; or
- (d) Reduce risk to less than or equal to the Community Engagement Level if the owner or operator voluntarily agrees to do so.

If a source chooses to reduce risk to less than the Community Engagement Level to avoid community engagement, then the source is required to reduce risk and that requirement will be included in the toxic air contaminant permit.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #352: Risk Reduction - what are "health factors" considered for acute risk reduction

Description: Clarify intent of "health factors" considered for acute risk reduction.

Response: The health factors for determining whether to allow an extension to acute risk reduction include, but are not limited to, severity of acute health effect, degree of scientific certainty, and averaging time of the acute TRV used to develop the RBC. To clarify this rule, the text will be revised to: "(B) DEQ may allow the owner or operator up to 12 months after the effective date of the Toxic Air Contaminant Permit Addendum, based on an evaluation of health factors including but not limited to severity of acute health effect, degree of scientific certainty, and averaging time of the acute TRV used to develop the RBC."

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #353: Risk Reduction - what is the effective date

Description: Proposed OAR 340-245-0130(6)(a)

This subsection mentions an "effective date" but without sufficient reference. Based on a related subsection, 340-245-0130(6)(b)(A) we presume the words "of the Toxic Air Contaminant Permit Addendum," should be included and we request that clarification be made.

Response: DEQ added that the effective date is when the Toxic Air Contaminant Permit Addendum is issued.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #354: Rule Language - do not use permissive language

Description: DEQ should amend the permissive language throughout the draft rules. The draft rules provide DEQ, the Director, and regulated sources with significant discretion. To ensure this discretion does not jeopardize the public health, when using the word “may,” DEQ should provide a limitation on the discretion. For example, DEQ could require a demonstration of good cause or a public participation process. This would ensure all discretionary decisions are transparent, and it would hold DEQ and sources accountable to the public.

Response: DEQ uses mandatory language for legal mandates and discretionary language for areas involving implementation where there is an anticipated need for flexibility and use of agency judgement. As Cleaner Air Oregon is a new program, there is a need for some level of flexibility during initial implementation.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 812, 552

Comment Category #355: Rule Language - use plain language

Description: The rules need to be re-written to be fully comprehensible to all citizens.

Response: DEQ will be making several changes in the final regulations to make them more understandable. DEQ strives for clear and as non-technical language as possible. However, air quality permitting rules are very complex because DEQ has an existing complex permitting program, and most of the steps in the new program for toxic air contaminants must refer to technical evaluations, steps and conditions. Since the Cleaner Air Oregon program and the associated Toxic Air Contaminant Permit Addendums will be in addition to current air quality permits, the rules were written in a way to dovetail with existing air quality permitting rules. DEQ has avoided using acronyms as much as possible in the Cleaner Air Oregon rules and added a Purpose and Overview section to the rules to help orient readers. For further ease of understanding, DEQ has consolidated all of the public engagement requirements into one section.

Because the regulations are technical and complex by nature, DEQ has provided a rules guide, a simple abbreviated version of the rules to help all citizens in reading the rules. DEQ believes that further efforts to assist with understanding of the regulations could potentially expand on the rules guide with examples and more detailed rule explanation.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 111, 215, 509

Comment Category #356: Rulemaking - start with a reporting-only program now, and require risk reductions in a later phase

Description: DEQ should start with a reporting-only program and add the requirement for risk reductions later because DEQ does not know how many businesses will be affected.

Response: Commenters have noted, correctly, that DEQ does not know which sources will be required to reduce emissions under CAO, or how much it will cost those sources to complete those risk reductions. Impacts to sources will depend on the results of site-specific risk assessments and choices made by permittees. By using a call-in process to phase in CAO requirements over time, DEQ plans to begin the process of getting risk reductions to protect public health near the highest risk facilities, as those risks are identified, rather than leaving protection of public health to a later phase of the rules. This approach was supported by the Oregon Legislature in Senate Bill 1541.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 903, 626

Comment Category #357: Significant TEUs - requirements are unclear, especially regarding simultaneous risk reduction

Description: The requirements for new or modified significant TEUs are unclear. In addition, if a source chooses to offset risk from a new or modified TEU by

operating some TEUs less than others so as to accommodate new or modified TEUs, this requirement to is inappropriate and unnecessary.

Response: DEQ has simplified and clarified what an owner or operator is required to submit for construction approval of a new or modified significant TEU. DEQ agrees with the commenter that in some situations, operating some TEUs less than others to offset new or modified TEUs does not need to be identified in the permit. Owners or operators are responsible for complying with Source Risk Limits and can do so in any manner but the compliance demonstration method must be approved by DEQ. In other situations, the TEU that is offsetting the new or modified significant TEU will need permit conditions limiting its operation.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 888

Comment Category #358: Source Risk Limits - Compliance with RALs negates need for Source Risk Limits

Description: Permits for sources that comply with the applicable source risk action levels should not have annual and daily risk limits in their air toxics permit attachment. The proposed rules state that the air toxics permit attachment will contain limits established under OAR 340-245-0310. Facilities in compliance with the applicable RALs, particularly those that demonstrate compliance using pre-existing potential-to-emit, do not require a limit in their permit.

Response:

Under the proposed rules, facilities that are above the Source Permit Level need to show compliance on an ongoing basis, through compliance with enforceable limits in their permit. SB 1541 did not preclude DEQ from setting such limits. If the facility, when operating at the PTE in their operating permit, is already below risk action levels, then their normal operation should allow them to stay below risk action levels going forward. DEQ's existing permit program currently permits sources with low emissions to ensure they are complying with all applicable requirements. DEQ based the Cleaner Air Oregon program on the same approach.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867, 880, 884, 594, 927, 667

Comment Category #359: Source Risk Limits - exceedance should not be a permit violation

Description: DEQ should add rule language clarifying that if a CAO Source Risk Limit is added to a source's permit, and the source exceeds that limit, then the exceedance is not a violation if the source takes steps to address the exceedance. The complexity of monitoring under a Source Risk Limit and the multiple layers of conservativeness in the program assumptions make it difficult for sources to comply and ensure that it is highly unlikely that an isolated exceedance would create any significant risk.

Response: As DEQ stated in the proposed rules:

"The purpose of a Source Risk Limit is to limit the chronic and acute risk from a source that emits toxic air contaminants. DEQ will establish Source Risk Limits based on the results of the risk assessment performed under OAR 340-245-0050. DEQ will establish Source Risk Limits separately for each of the following risk categories: chronic excess cancer risk, chronic noncancer risk and acute noncancer risk."

Source Risk Limits are not emission action levels under OAR 340-226-0120; they are permit limits under Division 245. If a source exceeds a permit limit, that is a violation and DEQ will take enforcement. DEQ has made a distinction in Division 12 that the exceedance of a Source Risk Limit set at a Risk Action Level has a magnitude of major, otherwise the magnitude will be determined under OAR 340-012-0130. Magnitude is a finding based on the extent and effects of a facility's deviation from statutory requirements, rules, standards, or permits. Magnitude can be minor, moderate and major.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 888, 631

Comment Category #360: Source Risk Limits - Express limits in terms of risk

Description: Air Toxic Permit Attachment Limits should be in terms of risk, should not be tied to other operating parameters, and should not be used to force modifications to standard permits. DEQ should focus on the purpose of this program - to reduce risk where needed while looking for opportunities to provide flexibility to businesses. Many operations at industrial facilities are complex and have an element of unpredictability. An example would be a coating line - it can be very difficult to predict in advance the coatings that customers of a business will specify for purchase. If a facility can maintain an acceptable, or equivalent risk profile these types of changes should be allowed under permit attachments. DEQ should not use this program inappropriately to impose operating limits or limit operating conditions.

Response: The proposed CAO rules do not set a constraint on whether permit limits could be set in terms of risk, emissions, production rate, or raw material usage. The type of CAO permit limits incorporated into a source's permit would be determined on a case-by-case basis in accordance with what is feasible at that facility.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 667

Comment Category #361: Source Risk Limits - model actual emissions to estimate risk

Description: Oregon businesses should not be regulated on emissions they don't emit. Basing emissions and risk assessment on pre-existing PTE will result in a greater estimated risk from operations than communities actually experience. SB 1541 expressly limits DEQ's authority to regulate sources on potential to emit. Under SB 1541, if an existing source has actual emissions above the TBACT Level, then DEQ has the legal authority to regulate the source and require imposition of a Source Risk Limit, TBACT

plan or Risk Reduction Plan. SB 1541 does not extend to DEQ the authority to require a permit or impose a Source Risk Limit on a source whose actual emissions do not indicate that it has impacts above the TBACT Level.

Commenter requests that DEQ allow sources to request Source Risk Limits at levels greater than what was modeled. SB 1541 is explicit that DEQ cannot require a source to reduce risk unless that source exceeds the benchmark for excess lifetime cancer risk of 50 in 1 million.

As an alternative to DEQ's current proposal, one recommendation would be to require sources to periodically re-evaluate and update their health risk assessment if actual emissions change materially over a specified time period. Under this approach, a source would trigger, for example, additional CAO requirements based on an actual increase in emissions. DEQ could establish a threshold in which to evaluate emissions increases against levels protective of public health risks, while at same time remaining consistent with the requirements in SB 1541.

Response: Sources are not required to base their risk assessment on potential to emit. Since Cleaner Air Oregon is intended to be a health-based program, it is important to determine risk from a source based on that source's worst-case emissions. It would be incongruous with the stated goals of the program to determine risk based on an emission rate that the source could later exceed without notification that it was doing so.

Title V permit applicability, to name but one example, is evaluated based on potential to emit (PTE) as the default case, but Title V regulations also allow a source to take emission limits to avoid having to obtain a Title V permit. Oregon's existing Title V and Air Contaminant Discharge Permit (ACDP) programs also allow this, and a number of sources in Oregon have ACDPs with emission limits below the Title V applicability thresholds so that they do not have to obtain a Title V permit. When a source wishes to request limits to avoid a Title V permit, the source must determine the highest emission rate they are likely to reach within the foreseeable future. This is generally associated with the maximum operating rate of the business taking all factors into account. In many cases this results in an emission rate that is actually below the Title V applicability thresholds, but a source may even decide to limit its operating rate to keep its emissions below the Title V applicability threshold. In any event, the source must be able and willing to keep its emissions to no more than the permit limits allow.

The proposed CAO rules follow the concepts described above. The proposed rules allow sources to evaluate their risk based on either of the following:

- The source's PTE in its current operating permit; or
- A PTE or risk limit that is lower than the source's PTE in its current operating permit, if requested by the owner or operator; and
- The actual toxic air contaminant emission rate of the source, if requested by the owner or operator.

The source's PTE in its current operating permit allows a source to evaluate its PTE taking into account any existing permit limits that serve to limit the emission rate of toxic air contaminants. In some cases, this PTE will represent an operating rate that the source might reach, but that the source is able and willing to not exceed. However, if a source finds that even its PTE in its current operating permit overestimates the emission rates that might occur in the foreseeable future, then the source can select

emission rates that limits PTE even further. The last option a source has is to select emission rates that represent the actual rate of operation, provided that the source is willing to accept a permit limit based on actual emissions. In summary, the proposed CAO rules parallel DEQ's existing permitting approach of allowing sources to take limits to avoid other regulatory thresholds, and allow sources to choose between the PTE in the current operating permit, some other limit on PTE that the source is able and willing to be limited to or actual emissions.

SB 1541 does not limit DEQ's authority to allow sources to choose Source Risk Limits based on some level of potential to emit. SB 1541 says:

(3) For purposes of administration by the department of rules adopted under this section, rather than evaluating and regulating the public health risks from toxic air contaminant emissions from an air contamination source based on modeling for the potential to emit toxic air contaminants and land use zoning, a person in control of the air contamination source may elect to have the emissions from the air contamination source evaluated and regulated based on modeling for one or both of the following:

(a) Public health risk due to toxic air contaminant emissions from the air contamination source's actual production or, for a new or reconstructed air contamination source, the reasonably anticipated actual production by the new or reconstructed air contamination source.

The language says a source "may elect" to have emissions based on actual rather than potential to emit. The language does not say "must elect." DEQ has provided this option in the proposed rules.

Nowhere in SB 1541 does it state that DEQ cannot require permits for sources whose potential risk is below the TBACT level. SB 1541 does state that DEQ cannot require sources that employ TBACT on all significant TEUs to undertake additional measure to limit or reduce toxic air contaminant emissions unless potential risk is greater than for times the benchmark for excess lifetime cancer risk or greater than two times the benchmark for excess noncancer risk. Undertaking additional measures to limit or reduce emissions is very different than requiring a permit.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 856, 867, 190, 210, 279, 301, 302, 307, 333, 342, 355, 432, 435, 495, 500, 550, 556, 594, 624, 629, 631, 644, 655, 658, 667, 674, 671, 673, 672

Comment Category #362: Source Risk Limits - Object to expressing limits in terms of risk

Description: Oppose requiring that permit limits be expressed in terms of highly uncertain Source Risk Limits.

Response: Consistent with other regulatory programs, DEQ will apply risk action levels to calculated reasonable maximum risks, not average estimates of risk. Although this approach does not necessarily protect 100 percent of the population to acceptable risk levels, DEQ is confident that a high percentage of the public will be protected. If regulatory levels are set to protect the average person in a population,

that implies half of the population could be exposed to air concentrations above a health protective level. This is not consistent with the goal of CAO.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 616

Comment Category #363: Source Sampling Manual - General Duration and Volume Requirement

Description: Section 2.7a now states:

“Unless otherwise specified by rule, permit condition, or source test plan approval letter, all air toxics and hazardous air pollutants (HAPs) sampling programs must ensure adequate sample volumes so that the mass recovered is at least five (5) times the limit of detection for the analytical method chosen.”

The above language is not technically feasible for many air toxics compounds in the draft CAO rule. Many or most of the relevant air toxics compounds in the draft CAO rule, if present, would be expected to be present at trace concentrations. Five times the limit of detection for such compounds could require extremely large collection volumes and run times; for many stack conditions and test methods, longer run times cause operational issues (i.e. moisture accumulation, interferences and sample hold time issues). Additionally, the language above is not compatible with stack testing for compounds that are not expected to be present or that may be present at unknown concentrations.

While the ability of a facility to request a change via a source test plan approval letter is acknowledged, the presumption that all air toxics testing can achieve recovered masses at five times the limit of detection is inappropriate. The language in Section 2.7a should be changed to reflect the unique nature of stack testing for trace air toxics compounds and compound categories.

Response: The proposed language in section 2.7.a of the Source Sampling Manual says:

Unless otherwise specified by rule, permit condition, or source test plan approval letter, all toxic air contaminants and hazardous air pollutants (HAPs) sampling programs must ensure adequate sample volumes so that the mass recovered is at least five (5) times the limit of detection for the analytical method chosen. Alternatively, the ISDL must be less than or equal to one-fifth (1/5) the emission standard.

A sample volume of less than five times the limit of detection can be approved by rule, permit condition, or source test plan approval letter.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855

Comment Category #364: Source Sampling Manual - non-detect dioxin and furan results should be treated as zero

Description: The proposed addition to the Source Sampling Manual Section 2.11c should be removed. Results that are below In-Stack Detection Limits should be treated as zero rather than 1/2 the detection limit when doing a toxicity equivalency factor calculation of the total dioxin level, to be consistent with EPA Method 23, TRI, and AP 42.

Response: The Source Sampling Manual provides general guidance for both stakeholders and DEQ staff. In all source testing projects, the sampling and analytical methods must be performed in a manner that meets all data quality objectives of the programs for which the measurements support. The Source Sampling Manual cannot address all objectives for all programs, and therefore the following language can be found within section 2.11.c. of the Source Sampling Manual to provide flexibility: "Therefore, unless otherwise stated by method, rule, or permit, the following reporting procedures are to be followed when results from replicate tests are below the in-stack detection limit." It also says, "A specific regulation, method, or permit condition may dictate other calculation procedures to be followed in combining non-detectable with measured quantities within a composite result; these shall take precedent over the above-described approach."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 855

Comment Category #365: Source Sampling Manual - non-detect should be replaced with 1/2 of the detection limit

Description: DEQ's proposed source testing requirements would overestimate concentrations of toxic air contaminants that are not detected. In order to be consistent with standard stack testing practice and EPA guidance, the Source Sampling Manual section 2.11c, "Reporting Results that are below In-Stack Detection Limits (ISDL)" should be edited so that non-detected values are replaced with 1/2 the ISDL rather than replacing those values with the ISDL. In addition, DEQ should adopt methods used by the South Coast Air Quality Management District to allow non-detected values to be treated as zero if a large proportion of results are non-detect.

Response: DEQ is not proposing to include the change to section 2.11.c of DEQ's Source Sampling Manual described by the commenter as part of this rulemaking. In the context of DEQ's existing air permitting programs, it is DEQ's practice to use the ISDL to replace non-detect values in source testing, "unless otherwise stated by method, rule, or permit..." DEQ is not proposing to change this practice for DEQ's existing air permitting programs.

However, DEQ recognizes that non-detect values may warrant special treatment in the context of CAO risk assessments, because CAO risk assessments are cumulative across multiple chemicals and emissions units. DEQ is proposing changes to the Source Sampling Manual so that risk assessments used in Cleaner Air Oregon can use different procedures to handle non-detect data in stack tests. DEQ removed the proposed language from division 245 regarding non-detect source test results. DEQ also added text to the Risk Assessment recommended procedures document to explain current thinking on this issue.

If, in a source test that meets other criteria, non-detect results are encountered, DEQ plans to use this procedure when using results for Cleaner Air Oregon:

- If a chemical is not detected in any test run, assign a zero value to the chemical.
- If a chemical is detected in <10% of test runs, then assign a zero value for all results that were below the limit of detection, and calculate the arithmetic mean.
- If a chemical is detected in $\geq 10\%$ of test runs, then for all runs that were below the limit of detection, assign one half (1/2) the detection limit and calculate the arithmetic mean.

This is similar to the method listed in the South Coast Air Quality Management District's Risk Assessment Procedures for Rules 1401, 1401.1 and 212, version 8.1. However, DEQ's method would differ from South Coast in cases where there are less than 10 samples.

This represents DEQ's recommended procedure and is not an enforceable rule. DEQ will review source test plans and data on a case-by-case basis.

DEQ agrees with commenter and changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 855, 867, 871, 887, 888, 908, 912

Comment Category #366: Staffing - more toxicologists

Description: Hire more toxicologists

Response: The staffing model for Cleaner Air Oregon includes 1 risk assessor, 0.75 of a lead toxicologist, and 0.75 of a public health toxicologist. DEQ and OHA have estimated that 2.5 toxicologists are the appropriate amount to implement Cleaner Air Oregon based on the time needed to provide technical assistance and review health risk assessments.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 162

Comment Category #367: Submittal deadlines - allow more time

Description: The submittal deadlines do not allow sufficient time for sources to prepare and submit the required information.

The ability to request an extension in submittal deadlines is limited to where the delay “is related to reasonably unforeseeable changes in relevant data, analysis, operations or other key parameters.” This means that the extension process may not be available to sources who fully recognize at the outset of the process that the breadth of information required by DEQ cannot be collected in the time period allowed due to such factors as consultant or source tester availability, loss of key personnel or deadlines imposed by other regulatory programs. DEQ should delete the word unforeseeable” from proposed OAR 340-245-0030(3)(a) and include language allowing an extension for “other good reason.”

DEQ has reserved for itself the right to “modify” the emissions or risk information submitted by a source if DEQ decides that one or more aspects of the submittals are not “approvable.” This proposed provision give unchecked discretion with DEQ to calculate for itself a source’s emissions or risk, regardless of the information available to the agency or whether its approach is accurate or complete.

Submittal of the risk assessment keys off of the date that DEQ approves the component parts (e.g., emissions inventory, modeling protocol and work plan) but the approvals should be final and not preliminary as proposed.

Response: DEQ has extended the submittal deadline for the emissions inventory from 30 to 90 days. In addition, DEQ has also provided sources the ability to request an extension for submittal of all Cleaner Air Oregon submittals. DEQ has modified the proposed language about when a source can request an extension to include language "for good cause shown by the owner or operator."

DEQ already has the ability to use data that it thinks is more accurate than that submitted by a source in the existing criteria pollutant program. See OAR 340-222-0035(2): DEQ may change source specific PSELS at the time of a permit renewal, or if DEQ modifies a permit pursuant to OAR 340-216-0084, Department Initiated Modifications, or 340-218-0200, Reopenings, if DEQ determines errors were made in calculating the PSELS or more accurate and reliable data is available for calculating PSELS.

In most cases, DEQ anticipates that sources will submit accurate data on a timely basis and this provision would not be used very often.

DEQ has modified the proposed rule language that sources must get approvals for each component of the risk assessment before submitting the next component.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 842, 851, 859, 867, 871, 880, 884, 887, 888, 908, 244, 505, 594, 610, 624, 631, 665, 912

Comment Category #368: Submittals - do not require modeling if source test data is submitted

Description: Proposed OAR 340-245-0030(a), (b) and (c).

Reading these subsections, plainly there appears to be a requirement for a source, in conjunction with OAR 340-245-0210, to submit a plan for modeling even if the source has elected to perform source testing to establish its emission inventory. Subsection (a) requires submission of an “updated modeling protocol” and “[Risk assessment] work plan” prior to or with submission of source test data. If a source coordinates with the department to perform a source test, other planning tools such as risk assessment work plans and modeling protocols should want the results of the source test. The source test will likely provide information that is useful to or critical for development of modeling plans and a risk assessment.

Response: Source testing to estimate emissions does not provide ambient concentrations to estimate risk. Modeling or ambient air monitoring are needed to predict or measure concentrations that are then used to estimate risk. DEQ always welcomes site specific source test data over emission factors to more accurately estimate emissions.

The updated modeling protocol and risk assessment is required if the source chooses to submit source test data that may be different from the emissions estimated used emission factors.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867

Comment Category #369: Support 12/22/2017 City of Portland comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 242, 244

Comment Category #370: Support American Forest & Paper Association comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 850, 610

Comment Category #371: Support Beyond Toxics comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 820, 825

Comment Category #372: Support Clean Corvallis Air comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 20, 321

Comment Category #373: Support Crag Law Center, NAACP Portland Branch, Neighbors for Clean Air, Northwest Environmental Defense Center, OPAL Environmental Justice Oregon, Oregon Physicians for Social Responsibility, and Verde comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 112, 571, 613, 661, 696

Comment Category #374: Support Eastside Portland Air Coalition comments (comment #22)

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 839, 22, 53, 83, 118, 315, 506, 607, 621

Comment Category #375: Support League of Women Voters comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 308

Comment Category #376: Support Multnomah County comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 661

Comment Category #377: Support NCASI comments

Description: Support National Council for Air and Stream Improvement, Inc. comments

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 850, 610, 616, 623

Comment Category #378: Support Northwest Pulp & Paper Association comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 850, 903, 610, 623

Comment Category #379: Support Oregon Business and Industry Comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 833, 880, 435

Comment Category #380: Support Oregon Forest and Industry Council (OFIC) comments

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 435, 610, 623

Comment Category #381: Support Oregonians for Fair Air Regulations

Description:

Response:

Response Type: category for tracking only, no agency response required

Comments linked to this category: 827, 850, 857, 862, 868, 870, 877, 878, 881, 882, 883, 884, 885, 889, 894, 895, 896, 898, 900, 902, 903, 904, 906, 500, 610, 611, 623, 626, 644, 655, 658, 665

Comment Category #382: TBACT - an area source NESHAP should be considered presumptive TBACT

Description: If a NESHAP is in place for a TEU, it should be assumed that TBACT is met, even if the NESHAP is for area sources and not just major sources.

Response: SB 1541 states "For an air contamination source that exists as of the date that a program and rules adopted under this section first become effective, compliance with emission control requirements, work practices or limitations established by a major source National Emission Standard for Hazardous Air Pollutants adopted by the United States Environmental Protection Agency after 1993 is deemed to be toxics best available control technology..." SB 1541 did not include this provision for area sources.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 859

Comment Category #383: TBACT - an area source NESHAP should not be considered TBACT

Description: An area source NESHAP should not be considered TBACT.

Response: Senate Bill 1521 states that TBACT will be presumed for major source NESHAPs. DEQ would not want to expand presumptive TBACT to area source NESHAPs because they are less protective.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 915

Comment Category #384: TBACT - clarify if cost effectiveness is based on a per control equipment basis

Description: When multiple controls are required (e.g., baghouse for metals, thermal oxidizer for organics) it is not clear if the cost effectiveness analysis must be completed on a “per control equipment” basis or if the cost of controls can be added together.

Response: The cost effectiveness analysis must be completed on a per control equipment basis since TBACT is specific to the type of toxic air contaminant and the control device needed to reduce that type of toxic air contaminant. DEQ clarified the fee rules that if multiple TEUs are similar and require the same pollution control device, one TBACT/TLAER fee may be due and payable to DEQ. If one TEU required two different pollution control devices because it emitted different types of toxic air contaminants (particulate matter and volatile organic compounds), then two TBACT/TLAER fees may be due and payable to DEQ.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 851, 859

Comment Category #385: TBACT - clarify new or improved emissions control measure rule language

Description: Proposed OAR 340-245-0140(4)(e)(A)(iii) appears to be missing words: “operation” of? Perhaps it is intended to include the words, “new or improved control measure.”

Response: DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #386: TBACT - Compliance with a NESHAP should be considered TBACT

Description: If a source is compliant with a NESHAP, that source should be considered to have implemented TBACT. This should not be limited to just sources that have completed the Risk and Technology Review process as that process, as its name suggests, relates specifically to the residual risk assessment after implementation of MACT. The purpose of TBA CT is to determine whether the best controls are in place taking into account cost-effectiveness. MACT, on the other hand, establishes the Maximum Achievable Control Technology with the technology floor established without regard to cost.

Response: Senate Bill 1541 adopted into law by the 2018 Legislature established that an existing major source of toxic air contaminants that is in compliance with a federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) is deemed to have toxics best available control technology, provided that:

(a) The emission control requirements, work practices or limitations result in an actual reduction to the emissions of the hazardous air pollutants regulated under the NESHAPs; and

(b) There are no other toxic air contaminants emitted by the source that:

(A) Are not controlled by the emission control requirements, work practices or limitations established by a major source NESHAP; and

(B) Materially contribute to public health risks.

(c) TEUs that are subject to and comply with OAR 340-244-9000 through 340-244-9090, Colored Art Glass Manufacturing rules, or OAR 340-245-9000 through 340-245-9080, Colored Art Glass Manufacturing rules, meet TBACT and a case-by-case determination is not required for such TEUs.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 855, 300, 505, 585, 598, 610, 615, 616, 623, 624, 626, 631, 665, 667

Comment Category #387: TBACT - Compliance with Colored Art Glass Manufacturing rules should be considered TBACT

Description: Compliance with Colored Art Glass Manufacturing rules should be considered TBACT

Response: DEQ agrees that the pollution control devices required for Colored Art Glass Manufacturers, fabric filters (baghouses) with bag leak detection systems or a fabric filter with an afterfilter, would be considered TBACT under Cleaner Air Oregon. Colored Art Glass Manufacturers would not be required to perform a case-by-case TBACT determination.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 629

Comment Category #388: TBACT - cost effectiveness calculation should include an estimate of avoided health costs

Description: Any cost-benefit analysis for deferments, exemptions or conditional permits must have a transparent process to determine what is “cost effective,” and the process must also include equations for the burden of harm to nearby communities, to the environment and to public health. Health costs analysis must include cancer and non-cancer illnesses. All equations must factor in additional precautions for exposures to prenatal, children, the elderly and vulnerable communities. DEQ states that there is a lot of uncertainty around air toxic exposure and negative health outcomes such as chronic diseases (cancer, heart disease, stroke, asthma, neurological damage, etc.) and acute diseases (allergies, rashes, headaches, sore throat, etc.). If that is true, then more emphasis must be placed on developing the transparent and community-health based protocols to factor health costs into any decision about granting permits. No matter if DEQ or OHA does not have exact formulas to attribute each chemical to a health outcome and its associated health care and quality of life costs - it must establish a process and use the most up-to-date data available. Importantly, the TRV must account for the uncertainty of acute and lifetime risks for children’s exposures to air toxics.

Response: The agencies agree that health is an important part of the equation when considering what emissions reduction steps should be expected of a facility. Potential health risks will be evaluated in the risk assessment process for each facility. The agencies do not plan to translate potential health risks into monetary estimates of health costs because there is no clearly established method for doing so that could realistically be applied in the context of a regulatory program.

While costs of equipment upgrades or emissions controls are possible to quantify, costs of health impacts are subject to debate over the precise number of cases of illness that could be attributed to exposure, or how to account for social and emotional costs that are particularly difficult to quantify in dollar amounts. For many chemicals, there is too much uncertainty around the precise nature of the health effects to arrive at a specific numerical estimate of health costs.

Rather than try to calculate monetary estimates of health costs from emissions as part of TBACT determinations, the program would evaluate costs in relation to the level of health risk estimated through the risk assessment process. The RALs proposed in CAO set a limit on the level of health risk

that is allowed, even for facilities with TBACT. If health risks exceed the risk reduction level (200 in 1 million cancer risk or a hazard index of 10), facilities must reduce risk regardless of costs.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 825

Comment Category #389: TBACT - define "cost effective"

Description: Please define what "cost effective" means for TBACT. This must be an agreed upon term and not another loophole for industry.

Response: Toxics Best Available Control Technology is a new regulatory concept for DEQ to regulate health risk from toxic air contaminants through Cleaner Air Oregon. DEQ has done Best Available Control Technology determinations for criteria pollutants and follows the South Coast Air Quality Management District BACT guidelines:

PM10 \$6,735/ton

SO2 \$15,116/ton

NOx \$28,585/ton

CO \$599/ton

ROG \$30,231/ton (Reactive Organic Gases, similar to VOC Volatile Organic Compounds)

Regulating toxic air contaminants for TBACT are on a different scale. The South Coast Air Quality Management District has a well-established toxic air contaminant control program but does not include cost effectiveness for TBACT in their TBACT determinations. DEQ has contacted other states that have toxic air contaminant programs and needs to establish a database with TBACT determinations and cost effectiveness criteria used by these states. Until that time, DEQ cannot define "cost effective."

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 812, 815, 824, 837, 925, 924

Comment Category #390: TBACT - do not require TBACT on all significant TEUs

Description: De minimis risk levels are low and facilities should be allowed more flexibility to develop a reasonable risk reduction plan. A source should be required to evaluate and install TBACT only for those TEUs that emit air toxics that contribute more than 20% of the risk at locations that exceed the RAL.

When a facility must go through the criteria pollutant best achievable control technology (BACT) process, this causes significant burden on the regulatory authority to research and decide which technologies are applicable to given emission sources. DEQ does not have a database of TBACT and will have to rely on incomplete and difficult to find data from other states and authorities in order to establish TBACT/TLAER for unique Oregonian air toxics emission units. TBACT/TLAER programs will also require re-visitation of Plant Site Emission Limits for criteria pollutants as new incineration-based control devices will increase criteria pollutants further complicating implementation of a TBACT/TLAER emissions control standards program.

Response: Senate Bill 1541, adopted into law by the 2018 Legislature, established that an existing major source of toxic air contaminants that is in compliance with a federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) is presumed to have "toxics best available control technology on all significant emission units." At the time SB 1541 was passed, DEQ's proposed definition of "Significant TEU" means a TEU that poses risk equal to or greater than the Significant TEU Level.

DEQ is proposing higher levels and a new way of setting de minimis levels for TEUs. DEQ is replacing the Significant TEU Level with an "Aggregate Significant TEU Level" for both new/reconstructed sources and existing sources. Instead of setting a per-TEU de minimis risk level, the Aggregate Significant TEU level is on a per-facility basis. The facility owner or operator can designate one or more TEUs to be de minimis, as long as their total risk fits below the Aggregate Significant TEU level. The Aggregate Significant TEU level for new sources would be 0.5 in a million and an HI of 0.1. For existing sources, it would be 2.5 in a million and HI 0.5.

DEQ agrees that it will have to rely on TBACT determinations done by other states with toxic air contaminant programs. Assembly Bill 617 was passed by the California Legislature and requires the California Air Resources Board to develop and maintain a clearinghouse of Best Available Control Technology (BACT) and Best Available Retroactive Control Technology (BARCT) for criteria pollutants and related approaches for reducing emissions of toxic air contaminants. DEQ does not know the timeline for development of this clearinghouse but will be monitoring CARB's progress in hopes of using that data as it becomes available.

DEQ agrees with the commenter that permit writers will need to re-evaluate Plant Site Emission Limits for criteria pollutants based on the results of risk assessments and Source Risk Limits for Cleaner Air Oregon. Some PSELs may need to increase and some reductions will be required as a result of CAO.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 908, 435, 594, 667

Comment Category #391: TBACT Implementation deadlines - need more time

Description: The deadlines proposed for sources to implement TBACT are too short. As proposed, while the default is for a source to have 2 years to implement TBACT, DEQ allows itself the unqualified discretion to require a source to implement TBACT in less than 2 years. If DEQ is to require a source to implement TBACT in less than 2 years, the rules must express reasonable criteria on which DEQ must base the decision to do so.

If a source identifies at the outset that it needs more than 2 years to implement TBACT, then that extended deadline would be included in the Permit Addendum. The requirement for a modification only appears to be relevant if the need for the additional time is identified after the issuance of the Permit Addendum.

Response: As stated in division 12, Enforcement Procedure and Civil Penalties, for enforcement cases where a source is required to install a pollution control device, DEQ includes a compliance schedule in a permit or a Mutual Agreement and Order with a detailed plan and time schedule for achieving compliance in the shortest practicable time. Division 12 does not include criteria on which to base the decision of the shortest practicable time. If a source is required to install TBACT in order to achieve compliance with the TBACT Levels, DEQ will include a compliance schedule in a Toxics Air Contaminant Permit Addendum and include the shortest practicable time.

The rules for permit addendum modifications address if a source needs an extension to a compliance date. DEQ has deleted the sentence requiring application for a permit modification since the rule in question addresses the initial establishment of a Risk Reduction Plan implementation deadline, which would be addressed in the initial Toxics Air Contaminant Permit Addendum. DEQ has changed the proposed rules to eliminate the TBACT Plan and just make the TBACT requirement part of the Risk Reduction Plan, which is the overarching plan to reduce risk.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 884, 888, 893, 908, 912, 918

Comment Category #392: TBACT Implementation deadlines - need more time to address acute risk

Description: The timeline for TBACT implementation for acute risk is too short. One to six months is not enough time to construct emissions controls. There is a separate, preexisting statutory means of addressing such sources that the Department has previously used, imminent and substantial danger posed by a facility. There does not appear to be any basis for requiring that TBACT be implemented within 1 month (with the possibility of up to a 5 month extension) if acute risk exceeds the TBACT Level.

We recommend that DEQ revise the proposed rules for acute risk to be consistent with the requirements for TBACT addressing chronic impacts.

Response: DEQ has changed the proposed rules regarding submittal and payment deadlines. In response to comments, DEQ separated the submittal required for Cleaner Air Oregon (e.g., emissions inventory, modeling protocol, risk assessment work plan, Air Monitoring Plan, Risk Assessment, and Risk Reduction Plan) into separate submittals, each requiring DEQ approval before completing the next submittal. This will provide owners or operators certainty in knowing that the toxic air contaminant emissions they are using in the risk assessment are approved by DEQ. Because of these staggered submittals, owners or operators will know what their potential acute risk is long before DEQ issues the Toxic Air Contaminant Permit Addendum.

Acute risk reflects the potential for health effects to occur following very short-duration exposures (24-hours) some of which, such as developmental effects, are irreversible. Therefore, there is a strong public health interest in preventing such short-term exposures that could result in permanent health effects, and DEQ is not changing the requirement for owners or operators to reduce acute risk within one to six months of permit issuance.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 851, 859, 871, 888, 893, 908

Comment Category #393: TBACT Implementation - do not require annual updates

Description: Annual TBACT updates should not be required or only required at permit renewal. The periodic TBACT review is burdensome because it requires such broad results: Whatever or whenever an owner/operator “learns” of a new technology. There is no clearinghouse of developing technologies. The standard is simply unworkable because compliance cannot be assured. If not deleted, language that limits the report to technology that has been required by another state air authority or USEPA and such a technology that “likely” or “probably” could reduce toxic air emission. The term “could” is speculative and too indefinite to provide a workable standard.

Response: The proposed rules state that the annual TBACT update is required for all significant TEUs for which the most recent TBACT determination concluded that no toxic air contaminant emission limits or additional control measure was required. Since these TEUs were not required to reduce risk, DEQ feels it is important for owners or operators to perform annual reviews to see if any additional controls have been developed that would reduce risk.

DEQ has changed the proposed rules for all significant TEUs that currently meet TBACT through toxic air contaminant emission limits or control measures. Owners or operators of these TEUs must submit a TBACT review to DEQ when notified by DEQ that DEQ has learned of new technologies, devices or practices that could reduce toxic air contaminant emissions or improve on control measures. DEQ will

have the responsibility to notify a facility for TBACT review rather than when the owner or operator learns of new technologies, or when EPA performs an update of an applicable Risk and Technology Review.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867, 888, 435, 594, 631, 667

Comment Category #394: TBACT - Object to assessing cost-effectiveness on the basis of criteria pollutants

Description: Commenter objects to the language in which the cost-effectiveness of a particular control being contemplated for TBACT must be assessed on the basis of the criteria pollutants reduced by the control under consideration. TBACT is defined as controls for toxics and TBACT is designed and intended to address air toxics. TBACT is not and cannot be used to reduce criteria pollutants that are not toxics. This is critical both from a policy point of view and a practicality point of view.

Response: Senate Bill 1541 adopted into law by the 2018 Legislature established that ". . . the department must assess only the economic impacts and benefits associated with controlling toxic air contaminants. "

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 594, 616, 624, 631, 667

Comment Category #395: TBACT Plan and Pollution Prevention Plan - how do these plans interact?

Description: It appears that all sources with risk greater than or equal to the TBACT level (50/5) are required to perform a Pollution Prevention Plan. It may well be that the Pollution Prevention Plans are a precursor to a risk reduction plan which is part of the TBACT plan, but it is not clear how those plans interact. The requirements for the Pollution Prevention Plans are exceedingly burdensome. Importantly, the highly detailed information for the Pollution Prevention Plan will include trade secrets and otherwise confidential information. It is important that DEQ have in place robust procedures for protecting such information.

Response: Pollution Prevention is required for sources whose risk is greater than or equal to the TBACT Level before any additional risk reduction measures are included to further reduce risk. DEQ agrees with the commenter that a Pollution Prevention Plan is a precursor to a Risk Reduction Plan and a TBACT Plan. DEQ has changed the proposed rules to eliminate the TBACT Plan and just make the TBACT requirement part of the Risk Reduction Plan, which is the overarching plan to reduce risk. Pollution Prevention can be incorporated into the Risk Reduction Plan, if required.

The provision for protecting confidential business information is included in OAR 340-214-0130, Information Exempt from Disclosure. OAR 340-245-0010, Applicability and Jurisdiction, lists other divisions of air quality rules that apply to sources subject to Cleaner Air Oregon, division 245. Among this list of other applicable divisions is division 214 Stationary Source Reporting Requirements, which included Information Exempt from Disclosure. Sources that want to protect confidential business information can do so by following the procedures in OAR 340-214-0130.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #396: TBACT - presumptive TBACT does not require reduction that is "same or similar degree"

Description: There is no authority for the department to require a NESHAP control toxic emissions to the "same or similar degree." SB 1541 plainly says, "are not controlled." SB 1541, Section 3(4)(d)(B)ii. This subsection greatly changes the language of the law and is impermissible. The word "control" must be inserted in the rule in place of: "reduce" and the words "to the same or similar degrees as the NESHAP reduces the emission it is intended to reduce", must be deleted.

Response: DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867, 888

Comment Category #397: TBACT - require for all sources

Description: Require all industrial polluters to use TBACT filtering and capture devices for pollutants.

Response: SB 1541 requires that Cleaner Air Oregon cannot require existing facilities to reduce risk if they are below 50 in a million or Hazard Index of 5, the TBACT Risk Action Level. A TBACT determination is only required if a source exceeds the TBACT Risk Action Level and is required to install TBACT on all significant Toxics Emissions Units because the source cannot comply with the TBACT Risk Action Level.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 839, 921

Comment Category #398: TBACT - TBACT analysis process includes unvetted approaches

Description: The rules develop new and stringent compliance approaches but do not include a clear description of how these compliance methods will actually be applied - examples include process modification analysis and multi-pollutant cost consideration under TBACT. Manufacturing processes commonly have multiple components that are confidential business information, and in general require highly specialized process knowledge, chemical or design capabilities that may not be common amongst agency staff. Exposing the wide variety of Oregon industries to this process is overly prescriptive, not likely to yield constructive results, and creates a business information and operations liability. In addition, DEQ does not give an indication of where and how these methods have been tried and if they have been tried, whether they have been successfully implemented. The uncertainty created by these unvetted approaches creates uncertainty for businesses.

Response: The reference to "production process redesign or modification" in the proposed rules represents one category of toxics pollution prevention options that may be identified during a comprehensive pollution prevention assessment. The assessment process outlined in the proposed rules, and the draft pollution prevention procedures accompanying the rules, are well established in guidance documents produced since the passage of the federal Pollution Prevention Act of 1990. Technical assistance materials developed by EPA and states (e.g., Massachusetts), referenced in the pollution prevention procedures, provide detailed guidance on conducting toxics pollution prevention assessments, which include an examination of process redesign or modification opportunities.

Oregon businesses required by the Toxics Use and Hazardous Waste Reduction Act (1989) to develop reduction plans have used these types of assistance resources in their planning processes. The draft rules do not require industrial process redesign or modifications; rather they require (in certain instances) an evaluation of opportunities to reduce air toxic pollutants through such redesigns and modifications. A robust pollution prevention assessment should include an examination of those types of opportunities.

The Oregon New Source Review program has been successfully implemented since its establishment in 1981. Under this program, sources are required to evaluate emissions increases from construction projects that are greater than the significant emission rate for multiple pollutants, defined by EPA, to determine if they have to install Best Available Control Technology. For example, if a project increases emissions in particulate matter and volatile organic compounds, a multi-pollutant cost consideration must be done because the Best Available Control Technology for particulate matter would not reduce volatile organic compounds.

A similar approach would be used for Cleaner Air Oregon and Toxics Best Available Control Technology because some toxic air contaminants are classified as particulate matter and some toxic air contaminants are classified as volatile organic compounds. Because TBACT would be similar, if not identical to BACT, there would be little uncertainty for sources.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 390, 667

Comment Category #399: TBACT - thorough inspections needed along with periodic TBACT review

Description: Given the limitations overlaid on the CAO program by Senate Bill 1541, proper installment, maintenance, and review of Toxics Best Available Control Technology (TBACT) are key to mitigating toxics emissions. The periodic TBACT Reviews should include inspections by DEQ to verify the information reported about implemented TBACT and to check the maintenance of TBACT measures to ensure maximum pollution mitigation. Physical inspection visits by DEQ should be incorporated into fees for TBACT reviews.

Response:

DEQ agrees with the commenter that inspections are a critical part of any permitting program. The frequency of inspections varies with the complexity of the source ranging from once every two years to once every ten years. Since Cleaner Air Oregon is a new program, DEQ may do more frequent inspections for sources that pose higher potential risk.

Permit writers will prepare inspections reports that will be available on DEQ's website. The fees for inspections are included in the annual base fee. See the category "TBACT Implementation - do not require annual updates" for the response regarding periodic TBACT reviews.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 915, 911

Comment Category #400: TEU - Definition is unclear

Description: The definition of "Toxics Emissions Unit" or "TEU" states that a TEU "does not necessarily emit air toxics." That statement is entirely inconsistent with the first sentence in the definition of the term TEU as "any part or activity of a source that emits or has the potential to emit any air toxics." DEQ needs to provide an explanation of the phrase "does not necessarily emit air toxics" as used in this proposed definition. The TEU list required in OAR 340-245-0040(3)(a)(A) should be limited to TEUs that emit toxic air contaminants. Sources should not be required to identify "potential sources" in the TEU list.

The proposed language on designation of TEUs should be revised. Proposed OAR 340-245-0060(1)(d) says that the list of TEUs "should include all potential processes and activities that emit toxic air contaminants." It is not clear what constitutes a "potential process or activity." The use of the term "potential" in this situation appears to sow confusion and we believe should be removed. We note that this edit needs to be made to proposed OAR 340-245-0040(3)(a)(A) as well.

Response: DEQ has clarified that toxic emissions units are those that potentially emit toxic air contaminants.

The word "potential" was meant to apply to emitting toxic air contaminants, not sources or processes or activities.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 811, 888, 631

Comment Category #401: TEU designation - do not require the same designation as in operating permits

Description: The proposed requirement to designate TEUs for CAO the same as in the sources operating permit is problematic. Guidance in the Title V program encourages consolidated emission units in certain circumstances. For modeling of toxic air emissions, however, a different approach may well be preferred by the department or sources. Solid science and good engineering practices should be the guide and not permitting approaches designed for other programs.

it is not clear how emissions are to be evaluated when the toxic emissions units are connected to a common exhaust or emissions control device.

Response: DEQ changed TEU designation in response to public comments received during the first public notice period. Requiring TEUs to be designated the same as they are in operating permits will eliminate confusion, especially since Cleaner Air Oregon permit conditions will be incorporated into operating permits. The proposed rules allow owners or operator to request that DEQ approve a different designation.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867, 629

Comment Category #402: Timelines - deadlines for DEQ response time should be specified in rule

Description: In general, the CAO rules impose very tight, and potentially unachievable timelines on businesses for information call ins, and implementation of controls while making clear that DEQ will have virtually no time line for actions. When combined with the freezing of changes at facilities under the multi--source area provisions, and the permit call-in provisions, facilities could be prohibited from making process modifications, potentially for years, without recourse. Both sides of this issue create huge uncertainties for business planning. DEQ must have deadlines by which the agency responds to permits. Clear deadlines help both the public and industry understand the process so they can participate. In addition, lack of clear deadlines might allow a delay in compliance.

Response:

The EQC adopts rules to regulate emissions from sources, not to regulate DEQ. DEQ agrees that deadlines for DEQ reviews would be helpful for the public and industry. Since Cleaner Air Oregon is a new program for DEQ, sources and the public, DEQ cannot estimate how much time will be needed to review submittals. Implementation of a new program always takes time. SB 1541 provided certainty about implementation of Cleaner Air Oregon for DEQ and sources by authorizing 11 new staff positions and the associated fees. With adequate staffing, DEQ should be able to review submittals in a timely manner.

The purpose of Cleaner Air Oregon is to prioritize and protect the health and well-being of all Oregonians and reduce exposure to industrial and commercial toxic air contaminant emissions while supporting an environment where businesses and communities can thrive. DEQ wants reductions in toxic air contaminant emissions as soon as possible and will work expeditiously to make Cleaner Air Oregon successful.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 812, 815, 824, 832, 837, 409, 505, 924, 925, 667, 770, 922

Comment Category #403: Title V Permit Shield should extend to Air Toxics Permit Addendum

Description: DEQ is proposing to amend the Title V Permit Shield rule to state that the shield does not apply to requirements in an Air Toxics Permit Attachment. If Title V sources are subject to the Division 245 requirements and receive a permit, then those sources should be able to receive the benefits of the permit shield. We see no rational policy reason for not affording the shield to the Division 245 requirements and nor do we see how denying the shield is compliant with ORS 468A.310(3)(e). We request that the proposed amendment to OAR 340-218-0110 either be deleted from the final rule. First, to the extent the permit shield does not apply to CAO rules, then this additional language is unnecessary. Second, and at a more concerning level, the language goes too far in that it may invalidate or cause confusion related to conditions in a Title V permit that appear in the CAO attachment. Under the department's proposed rules, would a "shielded" requirement lose the lawful permit shield due to its inclusion in the attachment? The permit shield is a key element of the Title V air emissions control program.

Response: These proposed Cleaner Air Oregon rules are not implementing a federal mandate nor are they required by any federal regulations. It is purely a state program and is therefore, not federally enforceable. One objective of Cleaner Air Oregon is that it will apply consistently to all sources that are subject to the program, regardless of the type of permit a source has (Title V or Air Contaminant Discharge Permit).

Title V specifically makes Title V permits enforceable by citizen lawsuits. Thus, a source that is required to have a Title V permit is subject to enforcement by both EPA and citizen lawsuits, whereas a source that is required to have an Air Contaminant Discharge Permit is not subject to enforcement by EPA, and is not subject to enforcement by citizen lawsuit. State law does not provide for citizen enforcement of Air Contaminant Discharge Permits. The purpose of the TV permit shield is to protect a source from enforcement by EPA or citizen lawsuit in the case where a source somehow violates a rule underlying an incorrectly written TV permit condition, while complying with the (incorrect) permit condition.

Cleaner Air Oregon is structured to be enforced only by DEQ. Cleaner Air Oregon is not subject to enforcement by EPA, nor is it subject to enforcement through citizen lawsuits. It is not necessary to provide any protection from enforcement by EPA or citizen lawsuits, so there is no need for the permit shield provision of Title V.

DEQ's intent is not to weaken any permit shield that may exist under Title V rules, but rather to clarify that for purposes of the Title V permit shield, Cleaner Air Oregon requirements are distinct from Title V requirements. If an applicable NESHAP for a source with a Title V permit is determined to be TBACT for purposes of Cleaner Air Oregon, and this determination is stated in the Toxic Air Contaminant Permit Addendum, a source would still maintain its Title V permit shield as long as it complied with the NESHAPs.

DEQ will incorporate Cleaner Air Oregon permit conditions into operating permits, both Title V Permits and Air Contaminant Discharge Permits and will not be attachments, as DEQ originally proposed. DEQ will make very clear which permit conditions are not included under the Title V permit shield.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 867, 887, 888, 610, 616, 624, 631

Comment Category #404: TLAER - do not add TLAER requirements to program nor apply it to reconstructed sources

Description: DEQ should not add TLAER requirements to the program nor apply it to reconstructed sources. TBACT is adequate to ensure that proper controls are in place. As proposed, DEQ could force TLAER upon an entire source that modifies or replaces only a few TEUs. We recognize that TLAER is not considered achievable "if the cost of control is so great that a new source could not be built or operated because it was rendered economically infeasible." However, this provision does not offer any protection for the source that is being reconstructed.

Response: DEQ has eliminated the Director Consultation concept. This was done in part in response to SB 1541 that provided certainty by setting certain benchmarks and action thresholds, and as a result of public comments. There was much concern about the uncertainty of how the consultation process would work. In place of Director Consultation, DEQ created specific and transparent criteria that would allow new facilities to exceed a cancer risk of 10 if they use TLAER, or the Toxics Lowest Achievable Emissions Rate. This is lower than the previous hard cap of 50 and 3 on Director Consultation. DEQ made these changes because of public comment and for consistency with other changes made to the RAL table.

In many cases, the control device required by TBACT would be the same as that for TLAER. SB 1541 did not specify control requirements for new or reconstructed sources, only for existing sources. In addition, Rhode Island includes a TLAER provision in their toxic air contaminant rules. South Coast Air Quality Management District requires new toxic air contaminant sources to have T-BACT but does not specifically consider cost because they focus on the most stringent emissions limitation or control technique that has been achieved in practice for the permit unit category or class of source.

The owner of an entirely new source can plan, engineer and design their process to accommodate TLAER. CAO defines a reconstructed source as "a source where an individual project is constructed that, once constructed, increases the hourly capacity of any changed equipment to emit, and where the fixed capital cost of new components exceeds 50 percent of the fixed capital cost that would have been required to construct a comparable new source." The reconstructed source is modified so much that parts of it are practically a new source; therefore, DEQ is requiring that all significant TEUs meet TLAER. This is consistent with the approach for existing sources requiring TBACT for all significant TEUs if potential risk is over the TBACT Level.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 856, 880, 888, 908

Comment Category #405: TLAER - supports concept and should apply to other sources

Description: Commenter supports TLAER for new facilities. Lowest Achievable Emissions Rate (LAER) should be expanded to include other sources besides new sources over the RALs. DEQ's goal should be to set the most stringent standards in order to have CAO be as health protective as possible. Both the EPA and California use LAER, and Oregon should do the same.

Response: Senate Bill 1541 did not address control requirements for new facilities but specified TBACT requirements for existing facilities above 50 and 5. The proposed rules would require Toxics Lowest Achievable Emission Rates (TLAER) for all new sources above the 10 in 1 million and hazard index of 1. New sources are better positioned to install TLAER during construction rather than existing sources retrofitting to install TLAER without the consideration of economic feasibility.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 812, 815, 832, 837, 910, 925, 924

Comment Category #406: Toxic Air Contaminant Permit Addendums - give sources more time to review draft

Description: We request at least 30 days for source review of the draft permit.

There are many requirements in this rule for which the department should have lawfully regulated discretion to make reasonable adjustments. Highlighting DEQ's right to use its discretion in one rule and not including the right in other rules creates ambiguity and probable inconsistency. It should be deleted; DEQ still has such discretion.

Response: In many cases, sources will not need more than 14 days to review and provide feedback to DEQ regarding the draft Toxic Air Contaminant Permit Addendum. DEQ will allow sources additional time to review the draft Cleaner Air Oregon permit for good cause shown by the owner or operator.

DEQ changed the proposed rules in response to parts of this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 867

Comment Category #407: TRVs - already protective of sensitive populations

Description: TRVs are already protective of sensitive populations, including children. No further change is necessary. If changes were made, the rulemaking process should be extended.

Response: Members of the EQC requested more detailed information on precisely how the TRVs and risk assessment process account for different aspects of children's vulnerability. They asked specific questions about how children's faster breathing rates relative to body size may impact their exposures and how that is factored into Cleaner Air Oregon risk assessments. The concern is that DEQ's choice of TRVs may not sufficiently protect children's health.

In response to the EQC's request, OHA and DEQ researched how children's susceptibility and children's breathing rates are accounted for in risk assessments at the Environmental Protection Agency (EPA) and in other states, and how the risk assessment process proposed in Cleaner Air Oregon could account for children's susceptibility. DEQ and OHA concluded that the proposed CAO risk assessment process is a good starting point for CAO that is consistent with many other state and federal programs. For more details, see the response to the comment category "RBCs – should account for children's higher breathing rates." As CAO is implemented, the agencies intend to continually evaluate the success of the program in protecting children's health, and to revisit the question of children's breathing rates as new science and policy tools emerge.

DEQ did not change the proposed rules in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 855, 867

Comment Category #408: TRVs and RBCs - TRV and RBC changes require rulemaking

Description: Changing TRV and RBC values in CAO tables is rulemaking and requires compliance with required notice and comment procedures.

Response: DEQ agrees that changes to TRVs and RBCs will be done through rulemaking by the EQC, which will necessarily require notice and comment procedures. DEQ streamlined the rules and did not include this known requirement in the text of the rule.

DEQ agrees with the commenter but a rule change was not needed in response to this comment.

Response Type: yes, no rule change needed

Comments linked to this category: 867

Comment Category #409: TRVs - toxicity reference values should be consistent between regulations

Description:

Response: For ambient benchmark concentrations, DEQ's ATSAC decided to present the values to one significant digit. However, for CAO, DEQ decided to present regulatory values to two significant digits. Following standard approaches, rounding should occur at the final calculation step for TRVs and RBCs. In determining a TRV based on an ATSAC recommendation, DEQ decided to use the number of significant digits presented in the authoritative source of the TRV used by ATSAC, rather than use the ABC value that ATSAC rounded to one significant digit. The Department considers this a consistent approach.

DEQ did not change the proposed rules in response to this comment.

Response Type: no, we won't make changes to address this comment

Comments linked to this category: 856

Comment Category #410: Typographic errors need correction

Description: There are numerous typographical errors in the rules that need correction.

Response: DEQ will correct the typographical errors identified in the rules.

DEQ changed the proposed rules in response to this comment.

Response Type: yes, we will make changes to address the comment

Comments linked to this category: 499, 502, 552



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

Plan to Develop a Cleaner Air Oregon Community Engagement Protocol

Contact: Sarah Armitage
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DEQ and OHA proposed detailed and prescriptive Cleaner Air Oregon community engagement requirements in the 2017 draft regulations. Sources would have been required to develop a community engagement plan and hold public meetings. However, SB 1541 mandated that DEQ hold all CAO community meetings. As a result, DEQ has removed detailed requirements for community engagement from the draft rules and replaced them with shorter rules that outline how DEQ will conduct basic levels of community engagement.

By early 2019, DEQ expects to hire a Cleaner Air Oregon Community Engagement Coordinator who will work with OHA experts to develop a Community Engagement Protocol that can be flexible and responsive to the needs of local communities for information and involvement in the risk assessment and permitting processes. These agencies will draw from community engagement best practices to develop the Protocol and seek public and stakeholder input on its development. Compared to having a prescriptive process in the regulations, this approach will allow for greater detail and flexibility to tailor the community engagement process to the needs of individual communities.

Scope

The anticipated scope of the Community Engagement Protocol is a non-regulatory document for public involvement in communities potentially impacted by emissions from sources above Cleaner Air Oregon risk action levels. In general, the protocol will guide the process of assessing communities that may be affected by industrial air toxics emissions, designing and implementing effective community engagement plans, and reporting out and evaluating the engagement results. Communities potentially impacted by sources regulated under Cleaner Air Oregon are very demographically, geographically and economically diverse, and the protocol is intended to result in the use of effective engagement practices designed to meet the specific needs of each community.

Enhanced community engagement work is occurring in the Cleaner Air Oregon program for several reasons. In the first version of the rules, DEQ proposed that sources implement public engagement; however in SB 1541, the legislature mandated that DEQ perform all Cleaner Air Oregon public engagement. To meet this requirement, the legislature provided funding for a DEQ Community Engagement Coordinator and OHA staff with public health education and engagement expertise. While all types of pollution can impact public health, air pollution has been determined to cause the most health risk, and is associated with health inequity. There is currently a high level of public demand for effective community engagement concerning toxic air pollutants.

Cleaner Air Oregon community engagement implemented by the DEQ coordinator and OHA positions is currently limited to work and activities conducted under the Cleaner Air Oregon program. DEQ recognizes the need for improved community engagement work in all DEQ programs that impact public health, and if further funded, could establish best practices in permitting programs beyond Cleaner Air Oregon

Development Process

When hired, the Community Engagement Coordinator will work with OHA experts, DEQ staff and affected stakeholders to prepare a plan for stakeholder engagement during development of the Community Engagement Protocol. Potential steps could include:

- Assembling a draft framework document summarizing steps and best practices
- Gathering initial input from the Cleaner Air Oregon Rules Advisory Committee, and people who commented on community engagement issues in the draft CAO rules
- Completing a draft Protocol and publishing it on DEQ's website
- Sending a broad notice to interested persons statewide about an opportunity to comment
- Taking comments for a set period of time
- Scheduling meetings and discussion forums based on interest, communication needs and consideration of geographic representation, including review by the Environmental Justice Task Force
- Finalizing the Protocol taking into consideration all comments and stakeholder input

Timing

If Cleaner Air Oregon regulations are adopted by the Environmental Quality Commission in November 2018, the demand for community engagement work is likely to follow soon after. DEQ anticipates that the new community engagement coordinator will begin developing the Community Engagement Protocol in early 2019. This process will take time and input from stakeholders. The agencies plan for a final Community Engagement Protocol that is ready for use by October 2019, concurrent with the expected timeline for the source call in process.

Example Table of Contents for a Community Engagement Protocol

Below is an initial draft of an example Table of Contents for a Community Engagement Protocol to provide an overview of topics for further consideration.

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Step 2 : Identify appropriate types of community engagement, draft objectives

Step 3: Select engagement methods

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Step 5: Implement Engagement Plan

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- Conflict
- Overcoming barriers to engagement

Step 6: Report-out and Evaluate the Plan

REFERENCES

APPENDICES & TOOLS

- Definitions/Acronyms- Dictionary
- CAO Engagement Timeline
- CAO Infographic
- CAO Factsheets
- Public Meeting Materials

Attachment I

Cleaner Air Oregon Program Implementation Reporting

As directed by the Environmental Quality Commission on Nov. 15, 2018, DEQ will report to the Commission at years two and five after rule adoption.

(a) The purpose of the two-year report will be to provide the Commission with a status report and metrics related to the implementation of the program. This report will include implementation progress and ideas and plans for future improvements.

(b) The purpose of the five-year report will be to provide the Commission with a status report and metrics that estimate health benefits achieved through the implementation of the program in reducing air toxics and associated health risks. The report will also assess new science and advances in the protection of children's health and provide any recommendations for proposed changes to the program. This report will include an update on the Area Risk Pilot Program.