

Air Quality Division

Indirect Source Rules Petition Decision Recommendation

Environmental Quality Commission meeting
March 18, 2020
Teleconference meeting

Applicable Statute and Rule - Excerpts

**ORS
183.390**

- (1) An interested person may petition an agency to adopt, amend, or repeal a rule...Not later than 90 days after the date of submission of a petition, the agency either shall deny the petition in writing or shall initiate rulemaking proceedings in accordance with ORS 183.335 (Notice).

**OAR
137-001-
0070**

- (1)(a) The rule petitioner requests the agency to adopt, amend, or repeal. When a new rule is proposed, the petition shall set forth the proposed language in full.

The Problem: Attracted Air Pollutants

Particulate Matter
Nitrogen Oxides
Carbon Monoxide

Carbon Dioxide
Methane
Black Carbon

Indirect Source of Air Pollution

Diesel exhaust
Dust
Gasoline exhaust

Indirect Source Regulation

Current Applicability



CO maintenance areas
with 50,000+ population



More than 1,000 parking
spaces



Likely to exceed a federal
standard?

Petition: Elements of Proposed Regulations

Scope

- Expanded applicability
- Criteria and GHGs
- Construction and Operation

Thresholds

- Project extent
- Associated emissions
- Activity

Requirements

- Air Impact Analysis
- Emission Reduction
- Other Measures

DEQ's Petition Analysis

Estimate Current Pollutant Loading

Estimate Potential Reductions

Estimate Regulatory Impact

Estimate Resource Needs

Consider Public Comment

EQC Questions from Informational Presentation

Which regions and cities affected?

What benefits would be achieved and where?

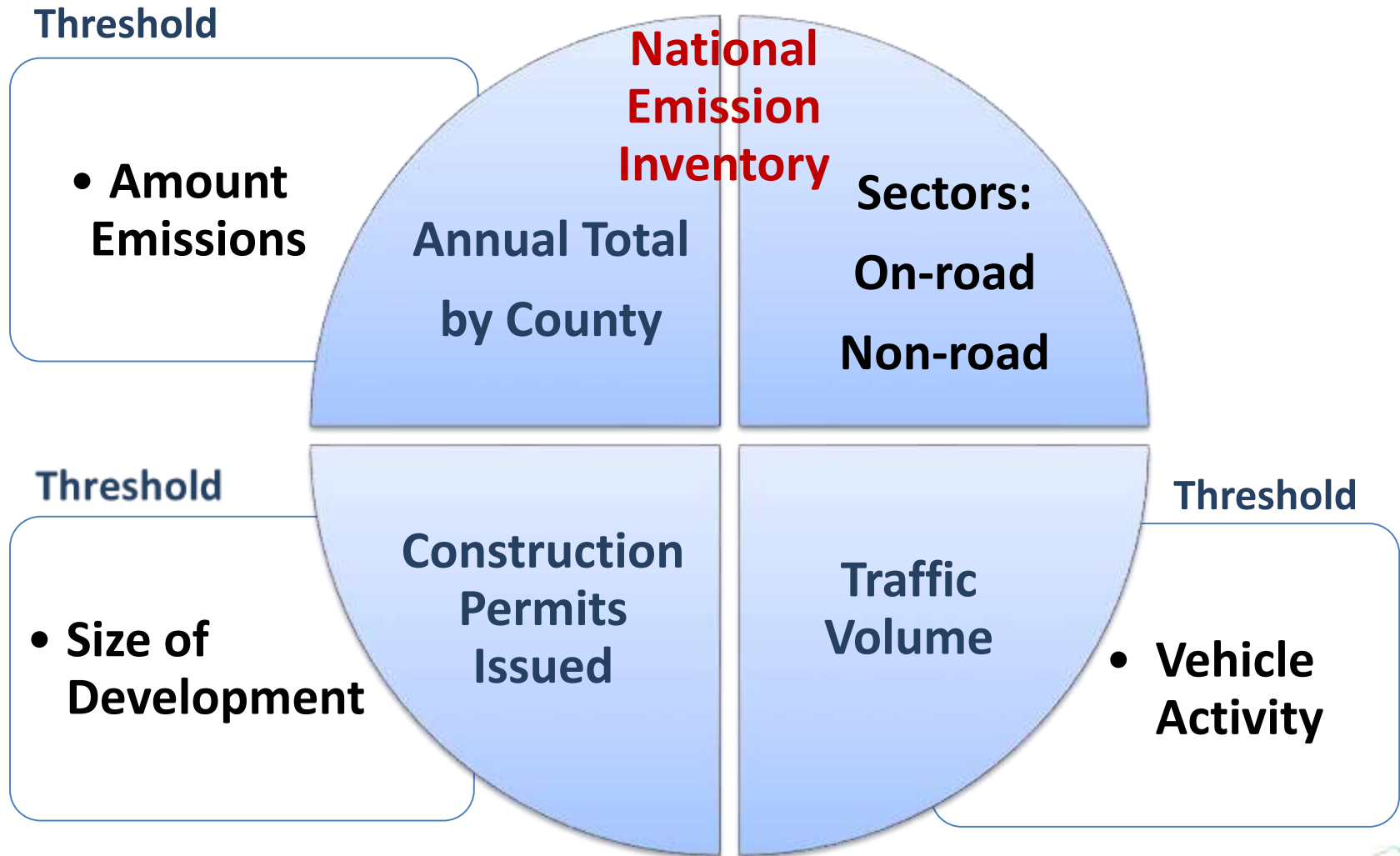
Where are pollutants violating standards?

How would other DEQ programs be affected?

Are models and technical capability available?

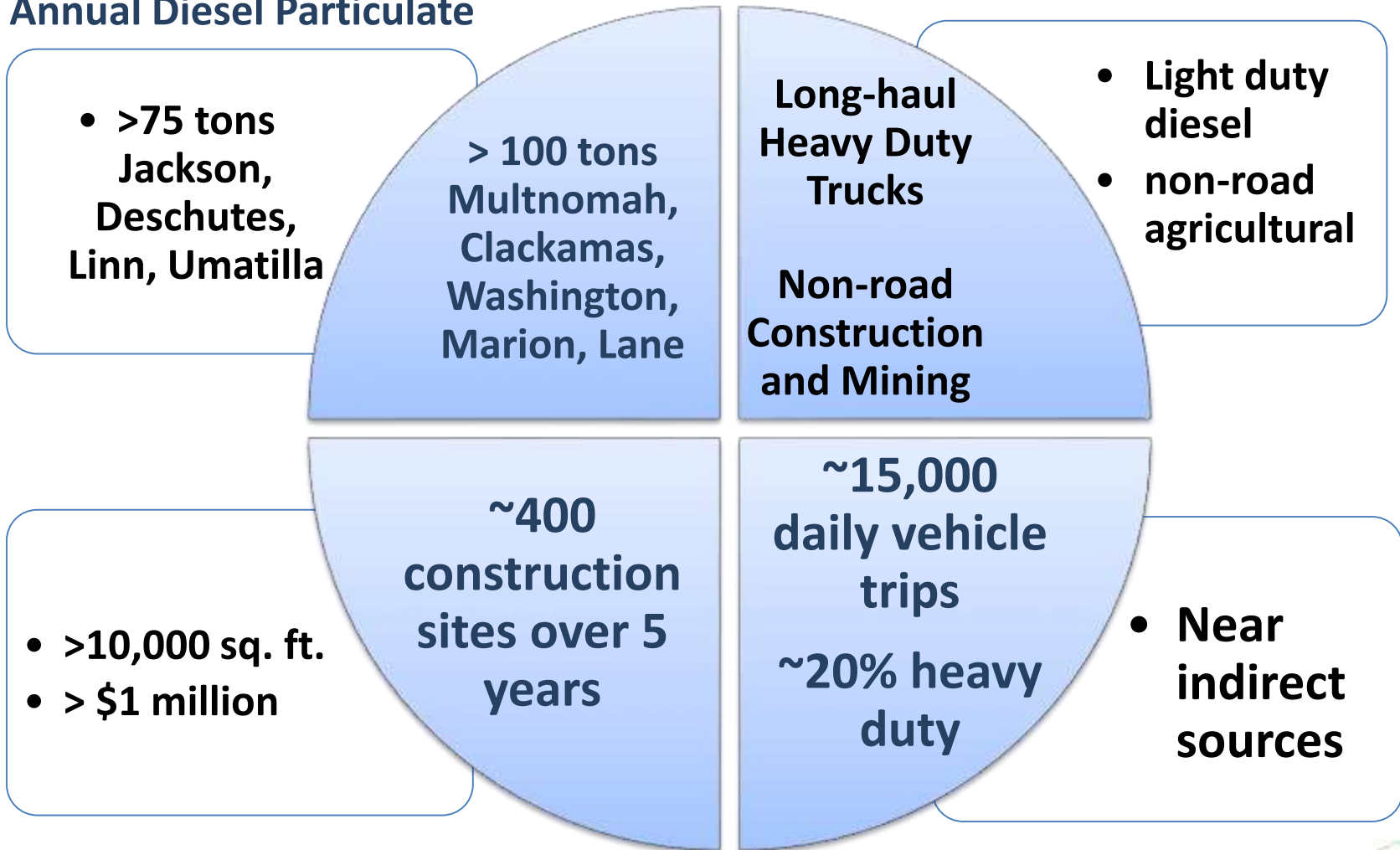
How would facilities comply and mitigate?

Current Emissions from Indirect Sources?



Current Emissions from Indirect Sources?

Annual Diesel Particulate



Filling Knowledge Gaps

- Portland State – Reed College Air Toxics Ambient Monitoring Study
- Non-road Diesel Emission Inventory

Emission Reductions Achievable Through Mitigation Measures?

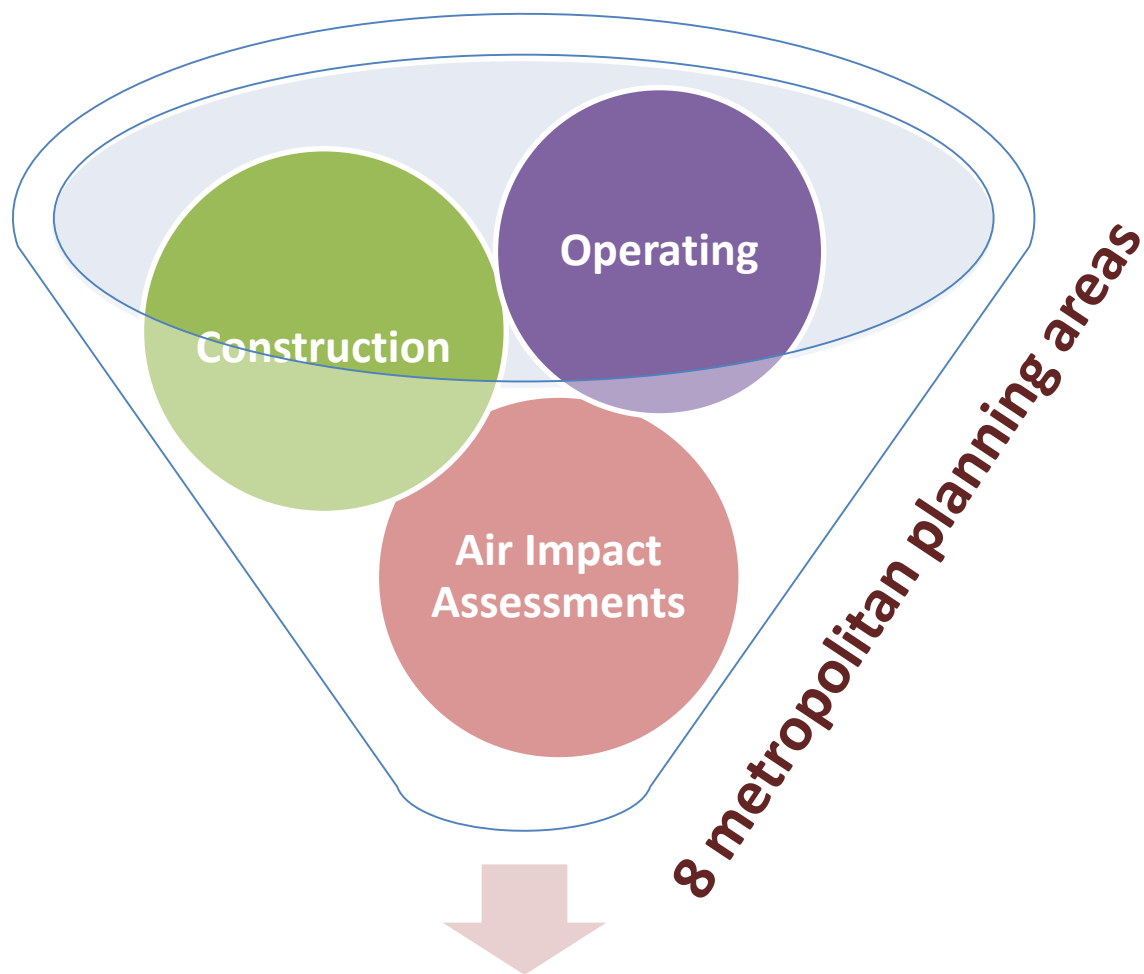
Diesel Emissions

- Engine retrofits
- Engine replacements
- Newer, cleaner on-road fleets
- Alternative fuels - including electrification
- Reduce fuel consumption

Greenhouse Gasses

- Reducing vehicle trips, e.g.
 - Convenient public transit
 - Commuter travel options
- Increase electric vehicle infrastructure

Regulated Community Effects?



Several hundred locations likely affected each year

DEQ Resource Implications

Financial
Services

Permit
Administration

Information
Services

Regional Permitting

Technical
Services and
Planning

Compliance and Enforcement

Public Comment Themes for Consideration

Supporting Opinions

- Diesel adverse health effects
- High public health costs
- Burdens on low-income and people of color
- Black carbon climate change effects
- OR regulations less stringent than neighbor states
- Indirect sources responsible for majority of diesel emissions.

Opposing Opinions

- Process burdensome and cause delay
- Regulations costly for economy and housing
- Regulations too broad
- Consequences for non-compliance too severe
- Likely litigation
- Regulations not likely to have significant health/climate effects

Emission Reduction Programs Underway and Planned

- HB 2007 Implementation
- Volkswagen Environmental Mitigation Fund
- Diesel Non-road Emission Inventory
- Clean Vehicle Standards and Rebates
- Clean Fuels Program
- Vehicle Inspection Program
- Statewide Transportation Strategy Coordination
- CA and EPA Low NO_x Rules
- Multi-state Efforts: heavy duty truck electrification

Recommendations in the Near Term

Accelerate and add public accountability to several actions underway:

- **Results and policy implications of the completed non-road diesel equipment emission inventory, including responsive regulatory and non-regulatory actions.**
- **Policy implications of the final report to the Legislature from the Supporting Businesses in Reducing Diesel Emissions Task Force.**
- **Planned actions in response to EPA, California and other states' development of low NOx and electrification standards for medium and heavy duty diesel vehicles.**
- **Opportunities DEQ is pursuing to accelerate the pace of zero-emission vehicle adoption.**
- **Participation of large indirect sources in the Clean Fuels Program.**
- **Multi-agency coordination around the Statewide Transportation Strategy implementation.**

Petition Recommendation

DEQ recommends that the Environmental Quality Commission, per the statutory requirements of ORS 183.390, deny the Indirect Source Rule Petition in writing.