

**Date:** Jan. 10, 2024  
**To:** Environmental Quality Commission  
**From:** Leah Feldon, Director  
**Subject:** Agenda item H, Informational item: Cleaner Air Oregon Five-Year Report  
Jan. 24, 2024, EQC meeting

**Why this is important** DEQ will give a five-year status report update to the commission on the Cleaner Air Oregon Program.

**Prior EQC involvement** The Cleaner Air Oregon Program was adopted in 2018 and was directed by the commission to present a two-year and five-year status report on the implementation of the program to the Environmental Quality Commission. The program presented a two-year status report to the commission in 2020 and is currently presenting the five-year report.

**Background** Cleaner Air Oregon, or CAO, is a health risk-based air toxics permitting program designed to fill regulatory gaps and protect public health by requiring that all industrial and commercial facilities, both new and already existing, report emissions of toxic air contaminants, perform a Risk Assessment, and reduce risk when it exceeds specified risk levels. DEQ undertook a comprehensive public engagement and rulemaking process and the EQC adopted the program rules in November 2018. Since that time, DEQ has worked to implement this program which provides, for the first time, the regulatory tools and authority to issue air quality permits that meet health-based standards, as established by the Oregon Legislature.

The purpose of this report is to update the commission on the status of program implementation after the first five years.

**Outline of Five-Year Report** Cleaner Air Oregon's Five-Year report includes updates on the status of facilities in the program, their CAO Risk Assessment processes, metrics and outcomes, as well as CAO's Cumulative Health Risk Pilot and future program considerations. This report also provides updates on rulemakings and program staffing, and highlights the significant programmatic resources created, including necessary forms and fee schedules, guidance and resources for regulated sources, and educational materials for the public.

The program status section explores the new and existing facilities in the program, including how many facilities have completed Risk Assessments and the length of time required to complete this process. The report further identifies key factors contributing to longer than anticipated timelines for existing source Risk Assessments.

The metrics and outcomes section presents emissions mitigation and risk reduction, how the program has influenced the air quality permitting process, the importance of the emissions information collected by the program, and how CAO works to keep communities informed.

The Cumulative Health Risk Pilot, which allows DEQ to assess cumulative risk from multiple facilities to a community, is also discussed. This section provides the legislative background and parameters of the pilot program. It also outlines DEQ's phased approach for the pilot and the progress made to date.

EQC required DEQ to report on how the program works to protect children's health. This report includes information about the specific protections and considerations for children that is built into the program, including where and for how long children are exposed to Toxic Air Contaminants, how and when children are exposed to TACs, and how children's health is uniquely sensitive to TAC exposure.

This report concludes with future program considerations that the agency will continue to pursue, finding efficiencies for both internal and external parties navigating the program to ensure that DEQ can continue issuing health protective air quality permits to businesses locating in Oregon.

**EQC involvement** There is no EQC action associated with this agency decision; DEQ will bring regular updates on this topic to the commission by request.

**Supporting materials** Attachment A: Cleaner Air Oregon Five-Year Report

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### Translation or other formats

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