Implementation and Fiscal Impact Discussion

RAC/FAC Meeting #4 – Toxic Air Contaminant Review and Update Rulemaking

Zoom Webinar

- Only panelists have ability to speak
- We are recording, will be available on ATSAC website
- Closed captioning available
- Chat disabled, Q&A disabled
- Brief Introductions- Name/Title and Affiliation

Meeting Guidelines

- Honor the agenda and stay on topic: there will be focused questions and space for open discussion
- Speak one at a time and balance speaking time;
- Listen to learn and understand;
- Encourage respectful, candid, and constructive discussions;
- Address issues and questions, not people or organizations;
- Seek to resolve differences and find common ground

Introductions

- Facilitators: Kearns & West
- Agency Staff: DEQ & OHA
- Committee Members

Agenda

- CAO Implementation Topics
  - Risk Assessment & Prioritization
  - Fuel Mixtures – Evaporative
  - Diesel Particulate Matter
- Fiscal Discussion
- Final Roundtable Discussion
- Public Input
- Next Steps

CAO Implementation Discussion

CAO Implementation Proposal

After rule adoption:

DEQ will not require the following to assess risk using new RBCs

- In-progress & completed Risk Assessments

Permitting actions required to assess risk using new RBCs

- Existing source call-in
- Applications received for new permits
- Applications received for permit modifications & renewals*

* For sources that previously completed a risk assessment

CAO Implementation Proposal

- Prioritization of call-in for remaining existing sources
  - Revised emissions data – 2023 ATEI
  - Environmental justice factors
- Triennial Emissions Inventory (ATEI)
  - No new reporting requirements for 2026 ATEI
  - Updates would be required for 2029 reporting

CAO Implementation Proposal

Do you have information that DEQ should consider related to the CAO implementation proposal?

Fuel Mixtures – Evaporative Emissions Only

How will DEQ assess risk for fuel mixtures and individual TACs present in the fuel?

Fuel oil no. 2 (evaporative) {diesel vapor}
JP-4
JP-5
JP-7
JP-8
Kerosene

JP = Jet Propulsion fuel (military)
Jet-A and Jet-A1 are commercial equivalents of JP-8

Fuel Mixtures – Evaporative Emissions Only

- For cancer and chronic noncancer risk, use RBCs for component TACs to assess risk
  - Maintains current practice, no update

- For acute noncancer risk, use mixture RBC to assess risk
  - Based on proposed TRVs, this is an update

Assessing Risk from Fuel Mixtures

Do you have information that DEQ should consider related to how DEQ is proposing to assess risk from exposure to fuel mixture evaporative emissions?

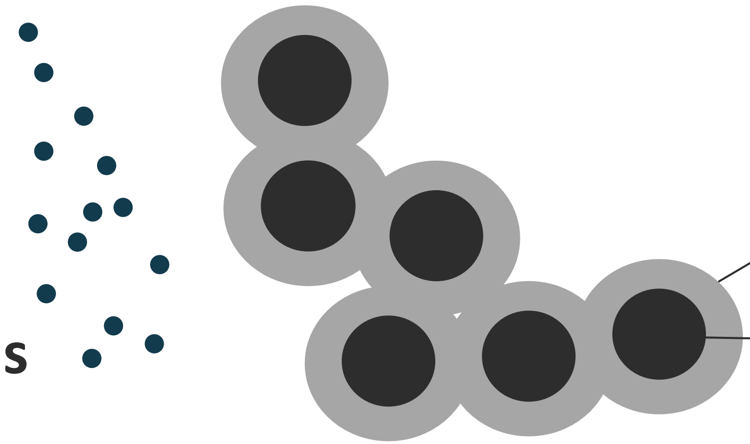
Diesel Exhaust vs. Diesel Particulate Matter

A complex mixture of airborne particles and gases.

Diesel Exhaust (DE)

Diesel Particulate Matter (DPM)

Composed of particles and adsorbed organic compounds and metals



Adsorbed Hydrocarbons (PAHs)
and Metals (arsenic, cadmium, etc.)

Particulate (carbon/soot)

Volatile Organic Compounds
(formaldehyde, 1,3-butadiene, etc.)

Image Source

Assessing Risk from Diesel Exhaust – Chronic

Current Process

All TACs are included

Proposed Process

Only DPM will be included

Using DPM as a surrogate for Diesel Exhaust adequately captures both cancer and chronic noncancer risk from exposure to these emissions.

Assessing Risk from Diesel Exhaust – Acute

Current Process

All TACs are included

Proposed Process

No change

There is no acute noncancer TRV for DPM

Assessing Risk from Diesel Exhaust

Do you have information that DEQ should consider related to how DEQ is proposing to assess risk from exposure to Diesel Exhaust?

Estimating & Monitoring DPM emissions

- DPM is composed of two fractions:
  1. Filterable PM (FPM)
  2. Condensable PM (CPM)
- EPA sampling methods only account for filterable fractions
- Oregon Method 5 accounts for both fractions
  – A portion of the sampling train is maintained at 68°F using an ice bath
  – On average CPM has accounted for 48% of DPM from testing required by DEQ on emergency generators

Estimating & Monitoring DPM Emissions

- The toxicology studies assessed chronic exposures to diesel exhaust at ambient temperatures
- Oregon Method 5 is a reasonable approximation for ambient temperatures
- DEQ will continue to require CPM be included when estimating DPM emissions and for compliance testing

No proposed changes

Estimating & Monitoring DPM emissions

Do you have information that DEQ should consider related to how DEQ is proposing to estimate and monitor DPM?

Implementation Roundtable

Please submit any further comments in writing to caotrv.2026@deq.oregon.gov

Fiscal Impact Discussion

Draft Fiscal Impact Statement

- No new or revised program fees proposed
- Sources may have increased/decreased program fees and cost of compliance based on revised risk
- Proposed rule language for allowing Level 3 risk assessments in specific cases – potential decrease in cost of compliance
- Potential economic benefits from positive impacts to public health

Fiscal Impact Requirements

Per ORS 183.333, committee's recommendations on:

1. Whether the proposed rules would have a fiscal impact,
2. The extent of the impact, and
3. Whether the proposed rules would have significant adverse impact on small businesses;
   a) If so, then how DEQ can comply with ORS 183.540 to reduce that impact.

Committee Discussion

1. Would the proposed rule have a fiscal impact?
2. What is the extent of the fiscal impact?
3. Would the proposed rule have a significant impact on small businesses?

Committee Discussion

Per ORS 183.333 and 183.540, the committee to consider how DEQ could reduce the rules' fiscal impact on small business by:

1. Establishing differing compliance or reporting requirements or timetables for small business;
2. Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
3. Utilizing objective criteria for standards;
4. Exempting small business from any or all requirements of the rule; or
5. Otherwise establishing less intrusive or less costly alternatives application to small business

Committee Discussion

1. How can DEQ mitigate impacts by establishing differing compliance or reporting requirements or timetables for small business?
2. How can DEQ clarify, consolidate and simplify the compliance and reporting requirements under the rule for small business?
3. Where can DEQ utilize objective criteria for standards?
4. How could DEQ exempt small business from any of all requirements from rule?
5. Is there a way DEQ can establish less intrusive or less costly alternatives application to small business?

Fiscal Impacts

Do you have additional information that DEQ should consider related to the fiscal impacts of the proposed rulemaking?

Final Roundtable Discussion

Please submit any further comments in writing to caotrv.2026@deq.oregon.gov

Public Input

Opportunity for the public to offer informal comments.

Next Steps

- Please submit RAC member comments:
  - No later than July 31st
- Public Notice (Fall 2026)
  - Will include RAC comments and DEQ responses
- Public Hearing and Comment Period
  - Formal public comments will be taken at that time

Please submit any further comments in writing to caotrv.2026@deq.oregon.gov

Title VI and alternative formats

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