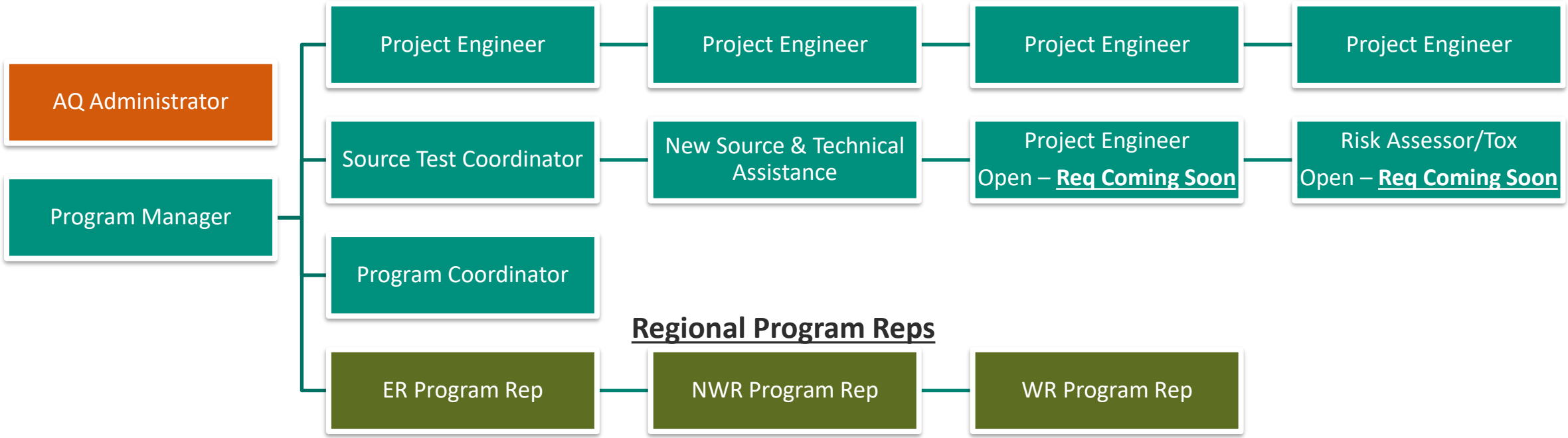
Cleaner Air Oregon

Program Status Updates and Developments

December 10, 2024
NEBC – Business & The Environment

CAO Program Staffing



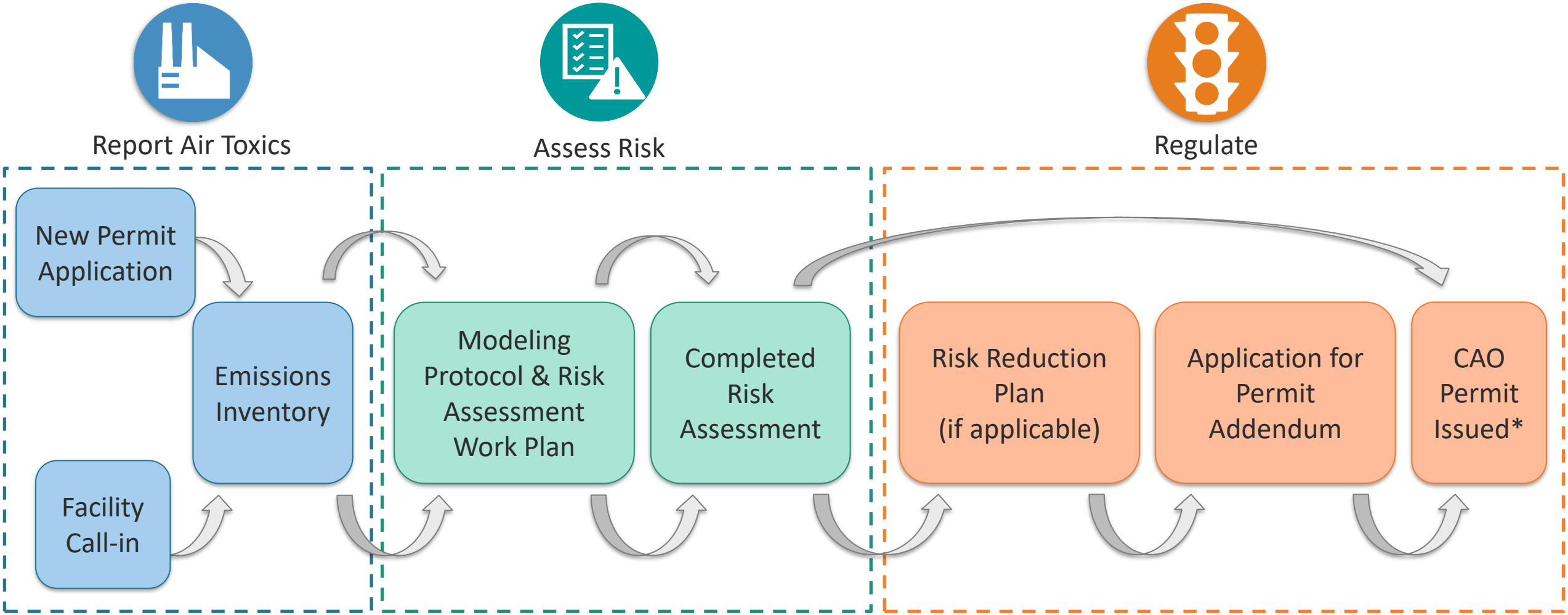
AQ Technical Services & Cleanup

- AQ Modeler
- AQ Modeler
- Risk Assessor/Tox
- ATEI Analyst
- AQ Modeler
- Risk Assessor/Tox

Oregon Health Authority

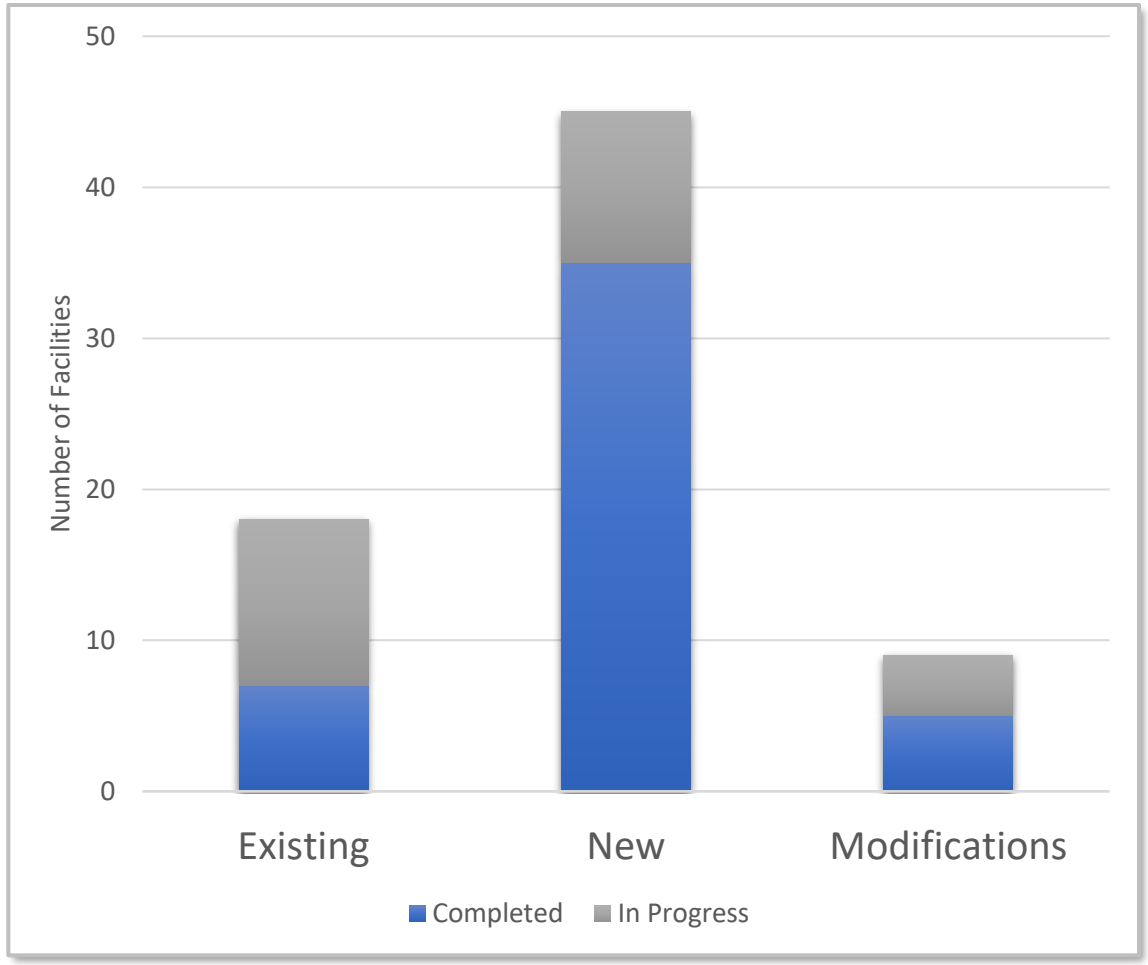
- Toxicologist
- Toxicologist

Overview of CAO Process

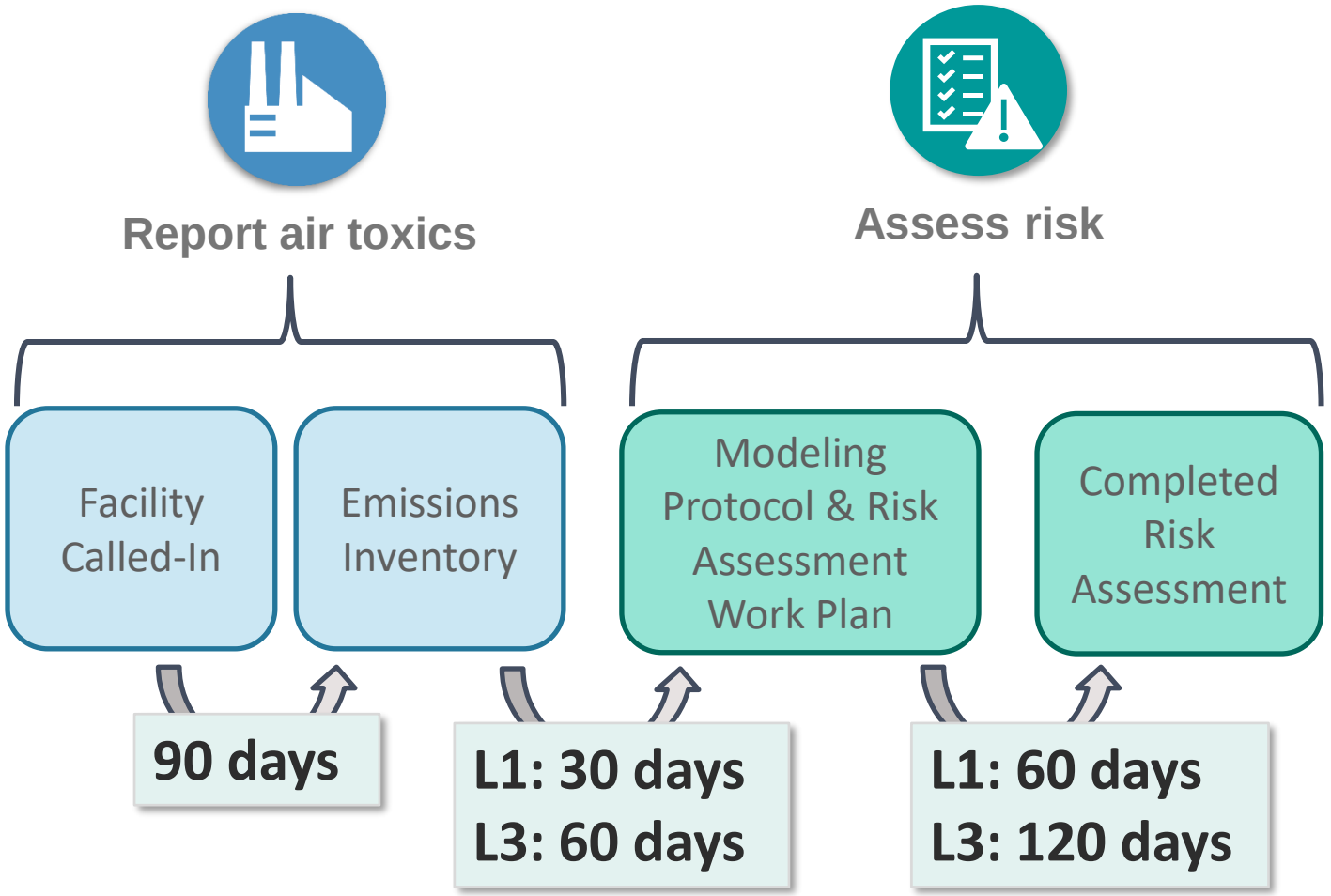


Facility Status in CAO

- Existing
  - Larger, more complex
  - First 20 facilities called-in
- New
  - Smaller, less complex
- Modifications
  - Previously approved Risk Assessments



Existing Facility – Submittal Timelines



- Enforceable timelines
- Vary by Risk Assessment level
- Total time in rule:
  - Level 1 – **180** days
  - Level 3 – **270** days
- Does not include:
  - DEQ review
  - Extension requests

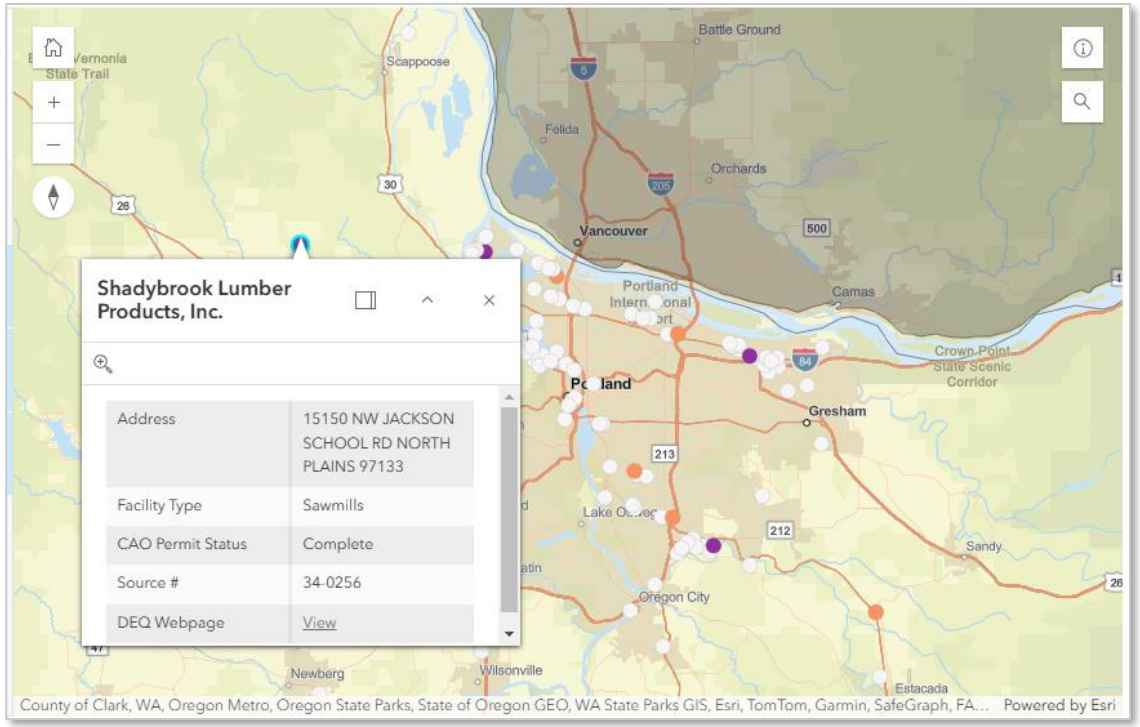
Existing Facilities – Approval Timelines

Risk Assessment	Submittal Timelines	Review & Approval
Level 1	180	105
Level 3	270	300

All values are in days

Program Resources

- Modeling and Risk Assessment documents
- Step-by-Step and FAQs
- Quick guides
- Facility map
- Facility pages & Oregon Records Management Solution (ORMS)
- Your DEQ Online (YDO)



Permitting

Non-CAO Permitting Actions

- Notice of Intent to Construct (NCs)
  - ❖ Type 1 and 2 – AQ104B Toxic Air Contaminant Reporting Form
- Permit Modifications
  - ❖ Non-New Source Review modifications – AQ104B Form
  - ❖ Federal Major, State Type A & B – CAO Emissions Inventory AQ520 Form
    - ➢ Inventory emissions must include only changes related to modification
    - ➢ Inventory must be approved for NSR application to be considered complete
- Permit Renewal – no action

Emissions Estimates & Modeling

- Inventory
  - ❖ Representative versus Worst-Case
  - ❖ All potential Toxic Air Contaminants (TACs) included
  - ❖ Source testing data & safety factors
  - ❖ Collection and Control efficiencies
- Modeling
  - ❖ Operating scenarios – hours, TACs, and Startup/Shutdown
  - ❖ Parameters – stack location/height/temperature/velocity, building dimensions

Translation to Permit Conditions

- Limits on activity levels
- Operating scenarios can limit:
  - ❖ Hours of operation (ex 7am-7pm)
  - ❖ Max number of worst-case activities/batches
- Compliance demonstrations
  - ❖ Source testing with emission limit for risk drivers
  - ❖ Permanent and Total Enclosure testing
  - ❖ Assessing Risk
- Monitoring, Recordkeeping, Reporting
  - ❖ Considerations for 24-hour requirements

Permitting Cases

- Low risk, high uncertainty in risk drivers
  - Source testing with violation for exceeding higher Risk Action Level (RAL)
- Emission limit testing for diesel EGENs
- Risk-based permitting
  - ❖ Allows for flexibility for adding new materials
  - ❖ Combine Toxics Emissions Units (TEUs) with different activities
  - ❖ Flexible compliance demonstration

Toxics Best Available Control Technology

- Applies to all Significant TEUs at existing sources
- Options if a source exceeds TBACT Risk Action Level:
  - ❖ Reduce activities or control specific TEUs emissions to operate at or below TBACT
  - ❖ Meet TBACT on all Significant TEUs to operate up to the Mandatory Risk Reduction RAL (requires Pollution Prevention Plan)
- TBACT considerations
  - ❖ Presumptive TBACT – NESHAP that actually reduces emissions
  - ❖ Cost considerations based on risk reduction
  - ❖ Postponement options – only 1-year for acute

Toxicity Reference Value Rulemaking

What is a Toxicity Reference Value

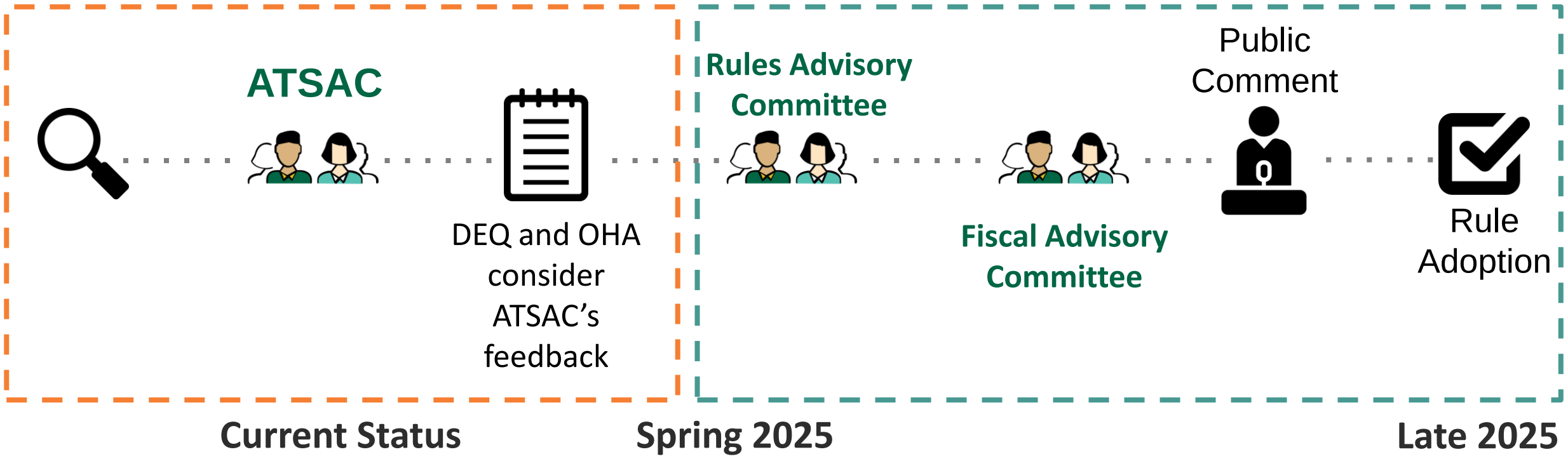
- TRVs are:
  - ❖ The concentration of a pollutant in the air that corresponds to an excess ***cancer*** risk of 1 in 1 million
  - ❖ The concentration in the air above which relevant ***noncancer*** health effects might occur in humans following environmental exposure
- TRVs are the basis for both Risk Based Concentrations and Ambient Benchmark Concentrations

Process- OAR Chapter 340 Division 247

- Triennial- "Every three years starting from November 16, 2018" OAR 340-247-0040(2)(b) and 0040(3)
- Authoritative sources are listed in OAR 340-247-0030(1)
  - DEQ in consultation with the Air Toxics Science Advisory Committee (ATSAC);
  - United States Environmental Protection Agency (EPA);
  - United States Agency for Toxic Substances and Disease Registry (ATSDR); and
  - California Environmental Protection Agency (CalEPA).
- ATSAC Members- limitations on who we could choose – OAR 340-247-0050
- Petition Process- OAR 340-247-0040(4)

Current Rulemaking – TRV Updates

Scientific Review → Rulemaking Process



ATSAC Process

- ATSAC is a non-decision-making body
- Review toxicological information only
- No public comment as part of meetings
- Meeting information and materials (available online)
  - ❖ Initial meetings
  - ❖ Petition on manganese acute TRV
  - ❖ Upcoming in 2025
    - ➢Review updates from authoritative sources
    - ➢Provide feedback on TRVs with DEQ as authoritative source

Rulemaking Process and Timeline

- DEQ is finalizing Rules Advisory Committee positions
- RAC and Public Comment anticipated in Q2 2025
- Potential to reconvene ATSAC based on comments received
- Bring staff report and rules to the Environmental Quality Commission in November 2025 for adoption
- Begin implementation Q1 2026
  - ❖ Sources with approved Risk Assessments will be prioritized for risk reevaluation
  - ❖ Developing processes for in progress Risk Assessments

Changes of Interest

- DPM - potential for significant reduction in cancer risk
- PFAS - setting standards for 13 members of this chemical family
- Non-crystalline silica
- 1- & 2-Methyl naphthalenes (combustion sources)
- Multipathway Adjustment Factors (MPAFs) are also being revised to align with standard agency practices

Questions and Contacts

You can contact me directly re materials presented today at: jr.giska@deq.oregon.gov

General program inquiries can be sent to: cleanerair@deq.oregon.gov

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