

# Update on Cleaner Air Oregon

Oregon Department of Environmental Quality

Oregon Health Authority

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# Why Cleaner Air Oregon?

- Existing laws control some air toxics from some facilities
- But they have gaps
  - They focus on facilities with higher volumes of emissions;
  - They cover a limited set of toxics; and
  - They are designed to address *area-wide* health effects.
  - This leaves gaps:
    - For smaller plants;
    - For health effects in the immediate vicinity of a plant; &
    - For toxics not covered by the existing program.

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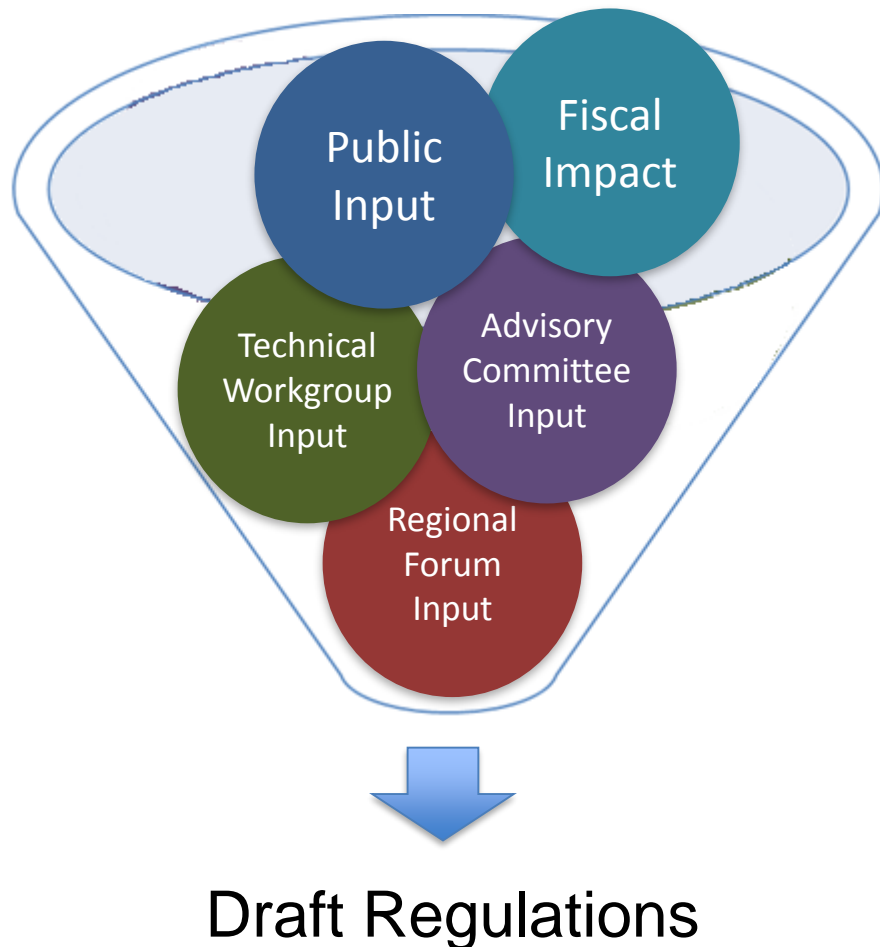
# What Cleaner Air Oregon Will Do



- Assess and monitor current and ongoing emissions of industrial air toxics.
- Set health-based limits on emissions of industrial air toxics.
- Provide regulatory certainty to businesses.
- Assure the public that government is protecting public health appropriately.

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# Policy Development for Cleaner Air Oregon



## Rulemaking schedule

- Spring – Summer 2016: Technical review of programs in other states.
- Fall 2016 - Summer 2017: Rule development, fiscal analysis, with advisory committee review.
- Summer - Fall 2017: public comment on draft regulations.
- Fall 2017- Winter 2018: Agencies consider public comment and formulate proposal for the Environmental Quality Commission.
- Spring 2018: Environmental Quality Commission to consider rule adoption.

# Draft Framework for Cleaner Air Oregon

- The Framework is a means to focus the advisory committee on key policy questions.
- The Framework is a *starting point* for discussion. It is high-level and structured to identify a range of possible outcomes.
- Draft rule language and the fiscal impact statement will be developed after input on the Framework, and then discussed later - at May and June advisory committee meetings.

# Program Scope

- New, modified and existing industrial facilities.
- Categorical exemptions for low-risk facilities.
- Range of air toxics:
  - Reporting on ~660 toxic air pollutants;
  - Regulate only pollutants for which we have authoritative health risk information (~215 chemicals or families of chemicals).

# Risk Levels

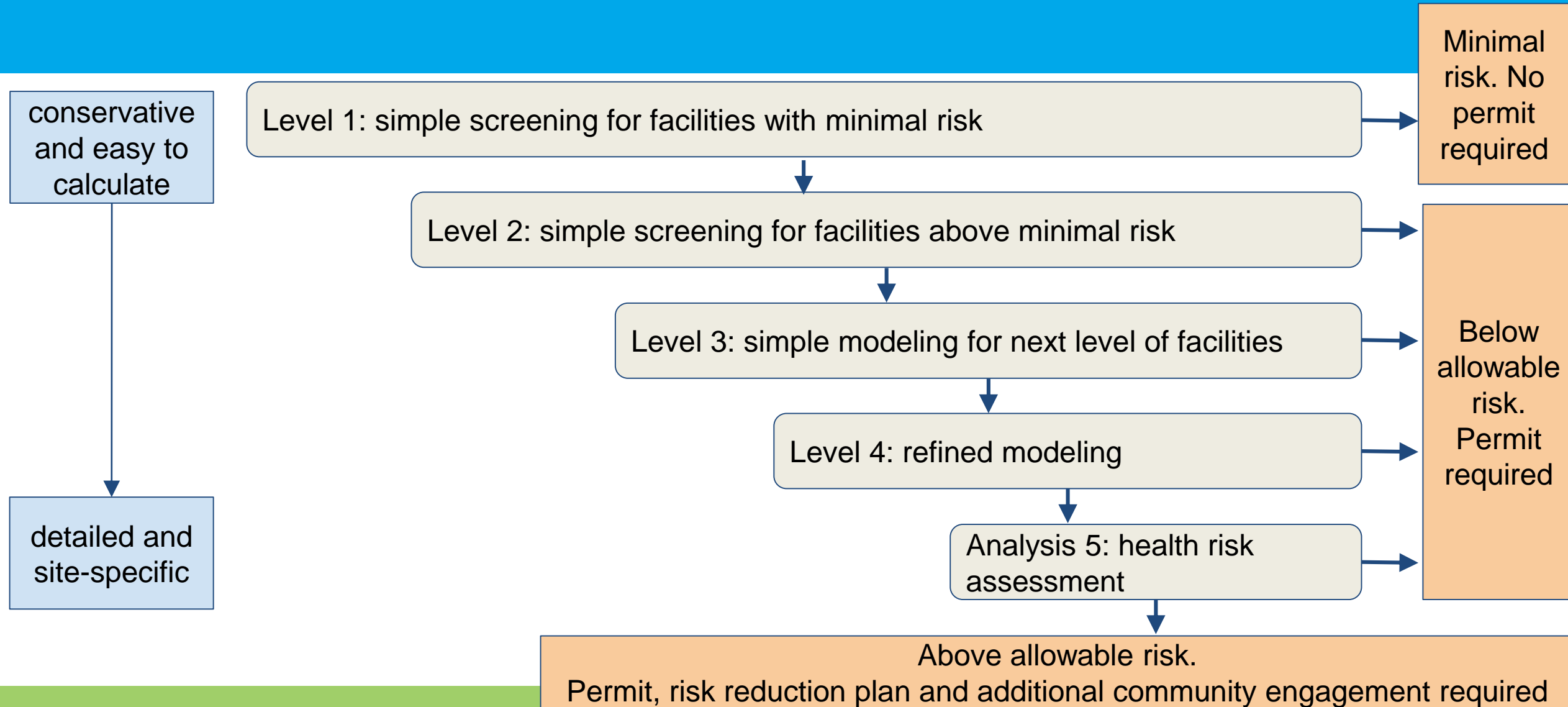
- Risk-based concentrations (RBCs) from authoritative sources:
  - Chronic cancer risk (annual)
  - Chronic non-cancer risks (annual)
  - Acute non-cancer risks (24 hour)

# Allowable Risk

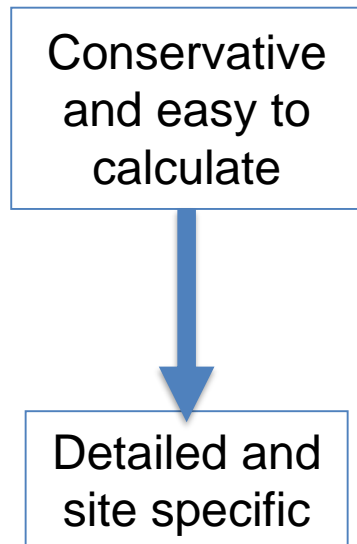
- Categorical exemptions
- Minimal risk: 0.5 in 1 million / HI 0.5
- Allowable risk for new and existing facilities:
  - Cancer Risk: 10 in 1 million
  - Non-cancer risk: hazard Index of 1
- If exceed allowable risk: risk reduction plan and community engagement plan required.



# Progressively Refined Risk Assessment



# Screening and Risk Assessment



## Tools to estimate health risk of facility emissions:

- Simple risk estimate using Reference Emission Rates
  - Compare to minimal and allowable risk levels
- AERSCREEN screening modeling
- AERMOD detailed modeling
- Health Risk Assessment

# Screening and Risk Assessment

- If the risk estimate is above allowable risk level:
  - Implement Toxics-Best Available Control Technology (TBACT);
  - Risk Reduction Plan and Community Engagement Plan.

# Cumulative Risk

- Limit cumulative risk from:
  1. All chemicals emitted by an emissions unit;
  2. All emissions units at a facility; and
  3. All industrial facilities (other than minimal risk) that affect a given area.
- Considering a range of risk management levels for #3 (between 20-80 in 1 million / HI 2-4).

# Implementation

- DEQ and OHA will report to the legislature in late 2017 what we learn from emissions reporting.
- DEQ will return to the Legislature in 2018 (for approval of fees), before rules are adopted, with more precise information about the proposed program.
- DEQ will use phased approach that begins with the facilities and areas that appear to pose the highest risk to health.

# Fees

- Requesting legislative approval (HB 2269) of a one-time assessment for air permittees to fund the costs of remaining program development work between July 1, 2017 and June 30, 2018.
- DEQ will seek approval for ongoing fees necessary to implement the program in the 2018 legislative session, when we have specific information about the expected number of facilities affected.

# Cleaner Air Oregon Outcomes

- When this program is in place, we will be able to assure all Oregonians that industrial air toxics are being appropriately controlled to protect their health.
- This program will not put Oregon companies out of business, or place them at a significant competitive disadvantage – it is in line with programs in many other states.
- This program will eliminate the need for “one-off” reactive responses to health concerns raised by air emissions at individual facilities.

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