

New Federal Requirements for Smaller Sources of Toxic Pollution

New federal requirements for small sources

Oregon DEQ has alerted Oregon businesses and industrial operations about new federal requirements for smaller sources of toxic air pollution known as the National Emission Standards for Hazardous Air Pollutants.

Oregon businesses affected by the new federal requirements include approximately:

- 1,500 auto body shops and other miscellaneous surface coaters and paint strippers,
- 170 dry cleaners,
- 200 platers and polishers,
- 1,200 gas stations, and
- 200 metal fabricators statewide.

U.S. Environmental Protection Agency adopted the new federal requirements over the last three years. Businesses must comply with federal regulations whether or not Oregon adopts them.

Keeping Oregon businesses informed

DEQ contacted business associations, suppliers and affected businesses to explain the new requirements and help them submit required notifications.

DEQ has been contacting all known affected businesses to ask for their comments on several new “general permits” that will implement the federal requirements.

Between March and June, 2010, DEQ will ask these businesses to submit permit applications and initial annual fees.

Oregon adoption of new requirements provides flexibility and responsiveness

Oregon’s Environmental Quality Commission generally adopts federal requirements to implement at the state level to provide better local assistance and flexibility, while protecting health by ensuring a higher level of compliance. For these reasons, many Oregon businesses prefer state implementation.

The Commission adopted rules identical to the federal regulations with one exception. The Commission modified requirements for gas stations to better protect public health from Benzene a toxic byproduct of gasoline. Restrictions on “topping off” and tighter requirements for vapor capture will reduce Benzene emissions from these businesses.

DEQ worked with business and industry during the rulemaking process to determine the best way to implement the new federal requirements. DEQ gave affected businesses and their associations the opportunity to comment on the proposed rules and invited them to several workshops and public hearings held around the state.

Benefits of the new requirements

EPA has identified auto body and other miscellaneous surface coaters, dry cleaners, platers and polishers, gas stations, metal fabricators and paint strippers as emitters of one or more of the 30 toxic air contaminants that pose the greatest risk to public health.

Many of these high risk toxic air contaminants are also of particular concern in Oregon. For instance benzene is a cancer causing substance and one of the main toxics of concern in Oregon. Benzene far exceeds public health benchmarks in most of the counties in Oregon.

These regulations will reduce toxic air pollution and better protect public health.

New permitting requirement and fees

The new federal requirements triggered a state requirement that affected businesses obtain a permit and pay annual fees to cover the cost of administering the program.

DEQ reduced the burden and cost

Businesses and their associations requested that DEQ reduce the administrative burden and cost of implementing the new federal requirements.

Specifically, they asked DEQ to establish a registration program as an alternative to permitting for businesses that voluntarily participate in an environmental certification program. In response, the EQC adopted regulations that would allow DEQ to exempt certified businesses from permitting if they register with DEQ and pay an annual fee.

The commission also adopted new lower-cost permit fee categories. Previously, the lowest cost permits carried annual fees of between \$720 and \$1,872. The new lower cost permits carry annual fees of between \$120 and \$360. The new fee categories are for sources with limited requirements and where existing DEQ resources can be leveraged to reduce the cost of implementing the new federal requirements. For



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DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

example, DEQ is implementing the requirements for gas stations and dry cleaners using DEQ's existing Underground Storage Tank Program inspectors and Dry Cleaner Program staff. This has allowed DEQ to avoid duplication of effort and keep annual fees for gas stations and dry cleaners to a minimum.