

S-1. Other states' air toxics regulations

The MPCA's goal is to develop rules and guidance to create an air toxics regulatory program and issue air quality permits that are health protective for air toxics. Air Toxics regulations of some type are included in the rules and statutes of most other states.

States' air toxics programs have a number of common features, identified below in Table 1. Most rely on air toxics evaluation during permitting actions, because it allows a facility and the state to tailor compliance requirements and ensure adequate emission reductions. Minnesota can develop an air toxics regulatory program to achieve significant emission and risk reductions based on successful programs in other states.

Table 1. Common Components of an Air Toxics Rule

Component	Description	Example States
Air toxics emissions reporting	Air toxics emissions are required to be reported to the agency at a specific frequency	NJ - through community right to know, IA, ND, CA, NY, IL, MI, IN, OR, TX, WI
Risk thresholds	State statute or agency rule identifies health thresholds facilities must meet for all pollutants (<i>e.g.</i> 1 in 1,000,000 facility wide)	OR, CA, MI, WI, WA, NH, MA, TX, GA, WA, SC, NC, CT, NY, RI, OH, NM
Rule-based state specific air levels	Health benchmarks are in rule and are similar to ambient air quality standards	CA, MI, WI, OR, WA, NH, MA, GA, WA, SC, NC, CT, NY, RI, OH, NM
Rule-based air toxics analysis	A modeling or monitoring analysis is required to determine if air levels are above rule-based health benchmarks	CA, OR, GA, MD, MI, NJ, TX, NH, MA, SC, NC, CT, NY, RI, NM
Mandatory communication with fenceline communities	At certain air levels, specific communication or engagement is required	CA, CT, OR

States have different scopes for including facilities in air toxics programs:

- Tiered levels of analysis and future action based on facility emissions.
- Exempt facilities below set emission thresholds.
- Exempt emission sources with Maximum Achievable Control Technology (MACT) or National Emissions Standards for Hazardous Air Pollutants (NESHAPs) control standards.
- Exempt pollutants regulated by another state government agency (*e.g.* Department of Agriculture for pesticides).
- Use of occupational health values to identify risks.
- State standards of performance to control emissions of high-risk emission source categories not regulated by NESHAPs.
- Requirement of toxics best available control technology (t-BACT).
- Multi-pathway air toxics assessment for pollutants with deposition and food chain risks.

Table 2. Neighbor states and EPA Region 5 states air toxics rules details

State	EPA region	Neighbor state (y/n)	Air toxics reporting (y/n)	Risk thresholds (y/n)	Rule-based state specific air levels (y/n)	Rule-based air toxics analysis (y/n)	Mandatory communication with fenceline communities (y/n)	Multi-pathway assessment (y/n)	tBACT requirements (y/n)	Tiered approach (y/n)	Other notes on format of rules (technology- or risk-based standards, etc.)
WI	5	y	y	y	y	n		y	y	y	<p>WI divides emitters into 2 groups, regular and intermittent. The differences are defined by SIC code. Facilities with applicable MACT standards, that were not avoided with permit limits, do not have to review applicability of state air toxics rules. Rule lists 3 tables based on type of facility. Each table has threshold rates for pollutants, with averaging rates and stack heights. Some pollutants are listed multiple times in different forms (dusts, mists, vapor).The table also includes common names for chemicals. If potential emissions are over emission thresholds in rule table:</p> <ul style="list-style-type: none"> • Choose compliance options • Certify compliance • Keep records • Determine whether a permit is needed (NR 406/NR 407) • Determine whether air toxics emissions need to be reported to the Air Emissions Inventory (NR 438) <p>If potential emissions are equal to or under the table thresholds:</p> <ul style="list-style-type: none"> • Keep records <p>If the facility has an operation permit and reportable emissions, it will be subject to the annual emission fee (NR 410). Any emissions exceeding any applicable threshold in rule must be controlled.</p> <p>Must meet standard or use controls. Can also –</p> <ul style="list-style-type: none"> • Substitute product • Implement operational controls • Model <ul style="list-style-type: none"> o Risk less than 1 in 1,000,000 for each carcinogen o Risk less than 1 in 100,000 for ALL carcinogens (includes exempt emissions) <p>Hazardous air contaminants from agricultural waste are exempt. There are specific rules for compression ignition engines and coal handling. Related to corrective actions – require notice for “air spills” Safe Harbor provision - If facility exercised due diligence to ID emissions and later found emissions over thresholds, would not be penalized. Permitting related – If they do not need to comply with control requirements for carcinogens, they can self-certify rather than amend operation permit or obtain construction permit. Requirements for agency to consult with the Dept. of Health Services - For alternative emission limits in permits - For periodic report for listing, de-listing, and setting regulatory thresholds, standards, and control requirements - Establishing limit for any hazardous air contaminant not listed in tables</p>

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MI	5	n	y	y	y	y	n	y?	y		<p>Michigan's air toxics rules only apply to "permits to install" or construction permits. There are two ways in which air toxics are limited.</p> <p>The first is individual emissions units can be subject to t-BACT. This functions similar to the PSD BACT program and results in emissions unit-specific limits in the permit. There are exemptions for non-carcinogen pollutants below certain thresholds, emissions units that are already subject to BACT/LAER, emissions units subject to a NESHAP standard, small engines and turbines, and small natural gas equipment</p> <p>The second, besides t-BACT at the emissions unit level, the project as a whole needs to comply with health screening levels for each toxic air contaminant (TAC). There are three options to demonstrate compliance with health screening levels: one is the use of only emissions data with no other site-specific data, another option is the use of emissions data with some site-specific data, and the least conservative option is ambient air modeling. There are again exceptions to the screening requirement, similar to those for t-BACT</p> <p>There are rules specifying how the screening levels for each pollutant are to be developed and all screening levels are on EGLE's website. Values can be modified/pollutants added at any time, effective immediately. But subject to public comment after effective</p>
OH	5	n	n	y	y	y	n	n	n	y	<p>Operating permits do not trigger this rule, any unit subject to a federal NESHAP does not trigger the rule, anything subject to a permit-by-rule does not trigger the rule, anything subject to BACT or LAER is exempt for that pollutant. Long list of exempt processes (fuel combustion, grain, storage tanks, etc.), many with emission thresholds (e.g., 25 tpy of VOC for printers) that look similar to our registration permit rules in terms of thresholds, records, etc. are in the rule.</p> <p>Specifics on how to do the analysis (TLVs, modeling requirements, etc.) is in a guidance document, but the guidance is incorporated by reference, so they would need to do rulemaking to change it.</p>
IN	5	n	y	n	n	n					<p>Much of IN rules incorporate federal standards (Pt 61 & 63). Requirements are focused on given industry types and at times specific facilities. If numeric limits were included, did not compare to see if federal limit was used or if state adopted something more stringent.</p>
IL	5	n	y	n	n	n		n	n	n	<p>Requires reporting of HAPs but does not have an air toxics regulatory program.</p>
IA	7	y	y	n	n	n	n/a	n/a	n/a		<p>This is about the reporting of air toxics: Aside from HAPs, Iowa requests a few air toxics to be reported, but this is not required unless emitted in amounts above 10 tons (at both minor and major facilities): hydrogen cyanide, hydrogen sulfide, reduced sulfur compounds, fluoride, and sulfuric acid mist</p> <p>--For minor facilities, Iowa requires reporting of CAPs and HAPs for one-third of the state every three years and only for the most recent year --For Title V facilities, Iowa requires CAPs and HAPs to be reported every year.</p>
ND	8	y	y	y	n	n	n	n	n		<p>Policy has been in place since 1989, pre-Part 63. State is looking to do away with due on liability concerns if not applying as required. Used NIOSH worker safety standards as basis and divided to further account for general public and sensitive populations.</p> <p>Policy was required for all permitted sites. If new facility over the threshold, they would do modeling and then either need to complete a further health assessment or make alterations such as raise stack, take operating limitations, etc. Requirements and restrictions were site specific and incorporated into each air permit. Pollutants are stated in policy which reference NIOSH. All assessments were made based on nearest off-site affected location at the time which did not account for future development. Was once in, always in approach which meant future projects carry greater burden.</p>

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Table 3. Other states' air toxics rules reviewed

State	EPA Region	Neighbor state (y/n)	Air toxics reporting (y/n)	Risk thresholds (y/n)	Rule-based state specific air levels (y/n)	Rule-based air toxics analysis (y/n)	Mandatory communication with fenceline communities (y/n)	Multi-pathway assessment (y/n)	tBACT requirements (y/n)	Tiered approach (y/n)	Other notes on format of rules (technology- or risk-based standards, etc.)
CT	1	n		y	y	y	y	n	y		<p>Hazard Limiting Values (HLV)'s for HAPs for 8-hr and 30-minute averaging times listed in Tables 29-1, 29-2, and 29-3.</p> <p>Can not emit HAPs listed in Table 29-1 from a stationary source at a concentration at the discharge point in excess of the maximum allowable stack concentration. Unless the stationary source is operating in accordance with terms or a permit that the Commissioner specifically allowed.</p> <p>If a stationary source emits or may emit HAPs in compliance with the Maximum Allowable Stack Concentration (MASC), but the Commissioner determines through ambient monitoring that the HLV is exceeded, then the Commissioner may require that the concentration of HAPs be further reduced.</p> <p>Testing may be required by the Commissioner if the source may exceed any applicable HLV or AAQS.</p> <p>Different equations to calculate the MASC based on stack height.</p> <p>If a commissioner deems emissions from a HAP are likely to result in a severe and imminent health hazard, the owner must submit emissions no later than 48 hrs after a written notice form the Commissioner.</p>
NH	1	n		y	y	y	n	n	n	y	<p>Risk based approach. Applies to all facilities that emit a regulated air toxic. All facilities emitting air toxics are required to obtain a permit. Some facilities with PTEs/actual emissions below certain levels are exempt from needing a permit. Some industry sources are exempt (<i>i.e.</i> auto body shops, warehouses, <i>etc.</i>) Exempts natural gas/fuel oil sources.</p> <p>Facilities required to comply with ambient air levels via modeling, de minimis approach, or in-stack concentrations.</p>
MA	1	n		y	y	y					
RI	1	n	y	y	y	y	n	n	n	n	<p>All permits that are to construct, install or modify should follow this rule.</p> <p>Cannot issue a permit if the emissions from the proposed facility cause an impact at or beyond the property boundary which exceeds Acceptable Ambient Levels found in Table I. Also, the proposed facilities are designed to achieve the lowest achievable emission rate (LAER), and is not to exceed the Acceptable Ambient Levels with LAER.</p> <p>Owner or operator of a stationary source which emits a listed air toxic in an amount greater than the Minimum Quantity must apply for registrations. For each listed toxic air contaminant greater than the Minimum Quantity, the facility must submit: the name of the substance, the process that emits it, the amount of substance used at the facility during the previous calendar year, the amount of the substance emitted by the facility during the previous calendar year, and the method used to calculate emissions from the facility. If substance is in a mixture, provide SDS.</p> <p>Able to issue an operating permit if the emissions from a chemical are above Acceptable Ambient Levels and exceeds the Acceptable Ambient Levels with LAER.</p> <p>Director is able to exempt facilities where the impacts from the facility are not accessible to the public, to allow adjusted annual or 24-hr average Acceptable Ambient Level to determine acceptability, and require 1-hr and 24-hr average impacts in an area where the public has unrestricted access.</p>

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NY	2	n	y	y	y	y	n	n	y	y	<p>Required for any registration or permit application: for contaminants on the High Toxicity Air Contaminants (HTAC) list identified in Table 2 of NY's rules, the applicant must submit hourly emission rate potential (ERP). For non-HTAC for which the actual emissions are greater than 100 lbs per year facility-wide, will need to submit hourly ERP. Actual annual emissions rates less than 100 lbs per year after a control device follow a different provision. Other information in the submittal must include the chemical name and CAS number, SDSs, a list and description of process emissions sources, a description of all processes and their emission sources and products, a list of Emission points with parameter information, and any other items to support the application (AERMOD, T-BACT, BACT, etc.)</p> <p>Contaminants were given an Environmental Rating (A,B,C, or D) depending on their toxicity. So high toxicity would give an A Rating. Then based on the rating the degree of air cleaning required would be determined based on the lbs/hr of the contaminant and the ER. So, a higher toxicity contaminant that emits a lot per year would need to have a higher degree of air cleaning (around 99%).</p> <p>Air dispersion modeling can be used to determine the predicted maximum annual and short-term off-site air concentrations.</p>
NJ	2	n	y	y	y	y	y	y	y	y	<p>– The state's first air toxics program included 11 toxic volatile organic substances (TVOS) and required that sources emitting TVOS register with the NJDEP and demonstrate they were using state of the art controls. Since then, NJDEP has expanded the program to include risk assessment, federal regulations, and other NJDEP programs, all of which contribute to the continued reduction of air toxic emissions. NJ air toxic regulation program is divided into the following categories:</p> <ol style="list-style-type: none"> 1. Permit review: combination of control technology and risk assessment requirements evaluated in the air permitting process; 2. Voluntary reductions: encourage facilities to reduce air toxic through pollution prevention; 3. Other air pollution control programs: reductions that result from direct regulation or as an added benefit of control programs that address ozone precursors, particulate matter, and criteria pollutants; 4. Air Toxics Initiatives: special projects and ongoing programs. <p>When a facility applies for a permit for a new or modified source of emissions it is required to use state-of-the-art (SOTA) control techniques. These techniques generally include performance limits that are based on air pollution control technology, pollution prevention methods, and process modifications or substitutions that will provide the greatest emission reductions that are technologically and economically feasible. These technology requirements have been a part of the program for over thirty years and initially addressed emissions of criteria pollutants.</p> <p>NJ combines control technology requirements and risk assessment to address emissions of air toxics from stationary sources. Many MACT standards have been incorporated into the NJ program, and in some cases NJ requirements are more stringent than MACT standards. Some specific types of sources that have upgraded technology in recent years include hospital incinerators, dry cleaners, and gas stations. The programs require most large sources of air toxic emission to provide a document including the risk assessment to the public. The state requires NJDEP permit reviewers to use a screening process worksheet to evaluate the risk of small air toxics sources.</p> <p>Links: https://dep.nj.gov/airplanning/airtoxics/njdep-air-toxics-program/, https://dep.nj.gov/airplanning/airtoxics/njdep-air-toxics-program/#1611784695732-125bc446-05ab</p>
MD	3	n	y	y		y			y		
GA	4	n	n	y	y	y		y		y	
SC	4	n	Y	y	y	n	n	n	n		https://scdhec.gov/sites/default/files/media/document/R.61-62.5_Std.8.pdf

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NC	4	n	Y	Y	Y	Y	n	n	n		<p>North Carolina has a health-based toxic air pollutant control program that regulates 91 Toxic Air Pollutants (TAPs). The program focuses on chemicals emitted by stationary sources. Modeled levels of TAPs at the source property boundary must not exceed established health-based acceptable ambient levels (AALs). AALs are recommended by the Secretary Science Advisory Board on Toxic Air Pollutants (SAB) to the North Carolina Division of Air Quality (DAQ) and are used exclusively in air permitting, and for calculating acceptable toxic pollution emission rates (TPERS) for permits. Industrial stationary sources must not emit concentrations of TAPs that exceed the AAL at or beyond the source property boundary. Dispersion models are used to confirm adherence to AALs beyond property boundary.</p> <p>The air toxic program rules only apply to new or modified facilities. Facilities are required to conduct a screening analysis (not modeling). If they exceed a TPER then they are required to do a modeling demonstration. The TPER includes vertical unobstructed stacks or bent stacks. The rules only apply to units/pollutants not already covered by Best Available Control Technology (BACT) and Good Air Control Technology (GACT).</p> <p>The state thinks having the regulatory rules based on health-based and having a Science Advisory Board involved works well. The board consists of university professors, epidemiologists, toxicologists, EPA.</p> <p>The rules do not require communication with fence-line communities, but the state has started having more public meetings when a new facility is being constructed. They work with their EJ team to do outreach.</p> <p>LINKS</p> <p>https://www.deq.nc.gov/about/divisions/air-quality/air-quality-outreach/news/air-quality-legislation/air-toxics</p> <p>https://www.deq.nc.gov/about/divisions/air-quality/air-quality-planning/air-quality-rules-regulations/rules/section-1100-control-toxic-air-pollutants</p> <p>https://www.deq.nc.gov/about/divisions/air-quality/air-quality-planning/air-quality-rules-regulations/rules/section-0100-general-provisions</p> <p>https://www.deq.nc.gov/about/divisions/air-quality/air-quality-planning/air-quality-rules-regulations/rules/section-0700-toxic-air-pollutant-procedures</p>

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TX	6	n	y	y	n	y	n	n	y	y	<p>Texas models based on risk, and this triggers a more in-depth review if the effects screening levels (ESL) are exceeded. This can affect permitting, though these processes and levels are not spelled out in rule. No tech-based standards in rule either. They have "T-BACT" (and this is referenced in rule). Procedures for AT analysis are defined in: https://www.tceq.texas.gov/downloads/toxicology/publications/rg-442.pdf and https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/mera.pdf. Texas has acute and chronic inhalation ESLs to compare to modeled values. Texas also has air monitoring comparison values (AMCVs).</p> <p>Sections 382.0518 and 382.085 of the Texas Health and Safety Code (THSC) specifically mandate the TCEQ to conduct air permit reviews of all new and modified facilities. Air permit reviews typically involve evaluations of best available control technology and predicted air concentrations related to proposed emissions from the new or modified facility. In the review of proposed emissions, chemical-specific ESLs are used for non-criteria pollutants. Because of the comprehensiveness of the language in the THSC, ESLs are developed for as many air contaminants as possible, and more are added every year, even for chemicals with limited toxicity data. Health-based ESLs are calculated from reference value (ReV) and unit risk factor (URF) toxicity factors. Welfare-based ESLs are set based on odor and vegetation effect threshold concentrations.</p> <p>Texas has a "health effects evaluation" procedure for air toxics for new and modified facilities. In a Tier I review, ground-level concentrations are compared to ESLs. In a Tier II review, adds consideration for how the land is used, distinguishing between industrial spaces and daycare centers. In a Tier III review, Texas adds consideration of surrounding land use, magnitude of predicted concentrations, frequency of predicted exceedance, toxic effect caused by the contaminant, etc.</p> <p>Texas has a large ambient air toxics monitoring network. Air toxics are defined as including volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), carbonyls, and metals. An AMCV is used to evaluate measured air toxics concentrations for their potential to cause health and welfare effects, as well as to help the agency prioritize its resources in the areas of permitting, compliance, and enforcement. Health-based AMCVs are based on ReV and URF toxicity factors, whereas welfare-based AMCVs are equal to welfare-based ESLs. ESLs and AMCVs can be found here: https://www.tceq.texas.gov/toxicology/database.</p> <p>ESLs are used in the air permitting process to assess the protectiveness of substance-specific emission rate limits for facilities undergoing air permit reviews. Evaluations of modeled worst-case ground-level air concentrations are conducted to determine the potential for adverse effects to occur due to the operation of a proposed facility. If predicted airborne levels of a chemical exceed its ESL, adverse health or welfare effects would not necessarily be expected to result, but a more in-depth review would be triggered. This review is described in Modeling and Effects Review Applicability: How to Determine the Scope of Modeling and Effects Review for Air Permits (TCEQ 2009a): https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/mera.pdf.</p>

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NM	6	n	n	y	y	y	n	n	y	y	<p>Applies to construction permits only (not operating permits); only required if a permit application is otherwise required. List of 10 things that are considered exempted sources (e.g. gas stations, oil and gas production facilities, non-process fugitive emissions).</p> <p>Uses "occupational exposure limits" or OELS for screening purposes only and specifically says they do not have the same standing as an ambient air quality standard. But they are directly in the rule.</p> <p>Rule includes lb/hr emission thresholds for air toxics at which a permit and modeling is required (20.2.72.502 NMAC) - very long list. Includes a "stack height release correction factor".</p> <p>If over the lb/hr threshold, they must include modeling for that pollutant in their application. In the modeling, if the predicted concentration is less than 1/100th of the OEL, they are done and the permit must be granted. If over that, then they have to include a health assessment in the application. The permit must be granted if they exceed the 1/100th of the OEL if the permit requires BACT for the pollutant (do not have to model to any kind of risk-based threshold if doing BACT). All of this is done on a compound-by-compound basis.</p>
CA	9	n	y	y	y	y	y			y	<p>Risk-based - Fees assessed (to run the program) based on facility risk (but are now frozen at 2002 levels, and lots of exemptions for low-risk facilities to not pay at all).</p>
CA - Santa Barbara County	9	n	y	y	y	y	n	y	y	y	<p>The PowerPoint link below shows the process for the rule. The first step is for the facility to submit an Air Toxics Emission Inventory Plan. This is to ensure the emission factors, calculation methodology, and all parameters are included in the toxics emissions. The second step is to prepare an Air Toxics Emission Inventory Report. This includes documentation of all process data and detailed emission calculations spreadsheets. The third step is the health risk assessment using CARB's Hotspots Analysis and Reporting Program (HARP) software. If they are below thresholds then the process is complete for the inventory year, if not then the facility moves to the next step. The fourth step, if there is an exceedance, is to issue a public notification and perform a risk reduction audit and develop a plan to implement risk reduction measures. The fifth step, if the facility is not below thresholds, the facility will submit an updated summary every 4 years. The 4-year summary includes a short form discussing changes to the facility operations and other parameters that impact the health risk. PowerPoint Presentation (ourair.org)</p>
CA- San Joaquin Valley	9	n	y	y	y	y	n	y	y	y	<p>Similar to Santa Barbara county, the first 2 steps are submitting a Toxic Emissions Inventory Plan and then a Toxic Emission Inventory Report.</p> <p>After these 2 items are submitted the facility is given a priority number. This will determine if the facility is exempt from AB2588, will need to provide a 4-year summary, or will have to do a Health Risk Assessment.</p> <p>Once a health risk assessment is completed, the next requirement is based on the cancer risk, and the total hazard index. Based on these numbers the facility may be exempt, have to provide a 4-year summary, go through the public notification process, or go through the public notification process AND prepare a risk reduction plan. https://ww2.valleyair.org/permitting/air-toxics-program/resources-for-regulated-facilities/</p>
CA- South Coast AQMD	9	n	y	y	y	y	n	y	y	y	<p>Tier Approach: Tier 1 is the screening emission levels. If above screening levels, then move to Tier 2, if below, then nothing further needed from the facility. Tier 2 is a screening risk assessment. They provide a spreadsheet for this part. They include some common industries: boiler, crematory, spray booths, etc. The receptor location for this portion is any location outside the boundary of the facility where a person can experience repeated, continuous exposure. The spreadsheet provides pass/fail for target organs. If fail, then go to Tier 3. If pass, then stop here. Tier 3 is using a screening dispersion modeling. Using this information, will need to calculate the MICR and the HIC. No spreadsheet provided for this. This is also pass/fail. Tier 4 is a detailed risk assessment using AERMOD (instead of AERSCREEN), which is similar to MPCA's current AERA process.</p>

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OR	10	n	y	y	y	y	y	y	y	y	<p>Oregon has had an air toxics program since 2003. They added a risk component to the program in 2019, which was adopted early 2020. They clarified and gap filled the risk component in 2021.</p> <p>The Oregon air toxics program includes a risk-based standard review for all new title V permits and certain state operating permits. For existing permits that get "called into" the air toxics review, a permit addendum can be required if certain risk thresholds are met. Oregon is "calling in" the 350 existing facilities in groups of 20, 20, and then 310.</p> <p>The risk assessment can result in permit requirements for emission controls. If risk is above a certain level, a risk reduction plan must be approved and implemented, including different timelines for chronic or acute risk reductions.</p> <p>Oregon also reviews certain geographic areas. "Lane Regional Air Pollution Authority is designated by the Commission at the agency to implement the Geographic Program within its area of jurisdiction." This review addresses emissions from multiple sources in a specific area of concern.</p> <p>Per Oregon Department of Environmental Quality (DEQ), "DEQ, at its discretion, may call in any existing facility to complete a risk assessment. Factors considered in the decision may include understanding potential risks, obtaining new information about facility emissions, permitting needs, or in response to community concerns."</p> <p>Larger new facilities applying for an air permit need to identify potential air toxics emissions and assess associated risks before submitting their permit application. Oregon does not require most new facilities applying for coverage under Basic or General Air Contaminant Discharge Permits to perform assessments.</p> <p>Air toxics benchmarks are numerically equivalent to TRVs (Toxicity Reference Values). "DEQ must review and update the priority contaminant list and toxicity reference values (TRVs) every three years; this is called a 'triennial review.' DEQ and OHA staff do an in-depth review of the contaminants on the priority list and TRVs and identify changes to recommend to the Environmental Quality Commission, which has oversight responsibility for DEQ and has authority to adopt DEQ rules. The Cleaner Air Oregon rules adopted by the EQC also give an option to members of the public to submit petitions to make changes to the list and TRV."</p>
WA	10	n		y	y	y	n	n	y	y	<p>Rule chapter for air toxics applies to new or modified sources only; there is a published listed of de minimis thresholds as well as a small quantity emission rate threshold (SQER), at which no modeling is required.</p> <p>Analysis is done for the new or modified emissions units first - Tier 1 - or else show they are less than the SQER/de minimis. Tier 2 includes background concentrations and can include decreases in actual emissions. Tier 3 seems to be some sort of petition where they say they are over the levels of concern but there is some other greater environmental benefit for the project, and it may include proposed measures to reduce exposures. Tier 3 requires a public meeting/hearing.</p> <p>Permits triggering the WA "new source review" of WAC 173-400-110 are subject to the air toxics rule. The NSR rule includes a list of exempt things that look a lot like MPCA's IAs and ch. 7008 activities, plus it includes emissions thresholds that are exempt (e.g., 2 tpy of NOx, VOC, or SO2).</p>