



## Cleaner Air Oregon Rulemaking Hearing

August 1, 2018

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Thank you for this opportunity to testify today in response to the proposed Cleaner Air Oregon rules.

My name is Jenny Dresler, and I am here today to testify on behalf of the Oregon State Chamber of Commerce. We represent 76 individual Chambers and approximately 24,000 Oregon businesses.

OSCC supported passage of SB 1541 that received near unanimous support from the Legislature.

However, the Oregon State Chamber of Commerce is concerned that aspects of DEQ's proposed rules do not meet the agreed-upon objectives passed by the legislature earlier this year. We specifically request the Commission's oversight to ensure that the proposed rules align with SB 1541.

We wanted to highlight three of concerns this evening:

1. **Community Engagement:** SB 1541 established risk thresholds for the regulation of existing businesses. But the proposed rules mandate public meetings at risk thresholds less than the regulatory risk thresholds established by the Legislature. These meetings should not be required unless the SB 1541 risk thresholds are exceeded.

Additionally, DEQ staff described a process in the future to develop protocols for community engagement. We agree that engaging with the community is important in protocol development, but DEQ also must engage with impacted businesses who will be participating in these forums.

2. **Small Business Impacts:** DEQ staff were uncertain about the potential cost impacts of the Cleaner Air Oregon program to Oregon-based businesses. Aspects of the proposed fee schedule seems punitive against small businesses, and the rules are so complex that businesses will be forced to go to consultants—for the cost of several thousand dollars—to come into compliance. And this is in addition to the proposed fee schedule.

As you consider small business impacts, it is also important to align DEQ rules with legislative intent to reduce the regulatory burden. In DEQ's draft rules, existing businesses are required to obtain a permit if the calculated risk exceeds an arbitrary de minimis threshold. This threshold is far below thresholds for existing businesses set by



SB 1541. Air toxics permits requirements should be reserved for facilities that exceed the thresholds set by the Oregon legislature. That would be consistent with SB 1541 and save small businesses with minimal risk the expense of obtaining a new permit (which, under the proposed rules, would run thousands of dollars for even the smallest sources in fees to DEQ, excluding costs to prepare the application).

3. Locations where impacts are assessed: As proposed, DEQ's rules would require businesses to assess ambient impacts in places other than where people actually live, such as a farm field adjacent to a manufacturer. This is inconsistent with SB 1541, which states that specifies risk should be assessed where people actually live or congregate.

OSCC asks the Commission to consider the regulatory burden of these rules Oregon businesses.

Thank you for the opportunity to participate today on behalf of our members.