UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF THE REGIONAL ADMINISTRATOR

February 19, 2016

The Honorable Jeff Merkley
United States Senate
Washington, D.C. 20510

Dear Senator Merkley:

Thank you for your letter of February 12, 2016, to the U.S. Environmental Protection Agency Administrator Gina McCarthy expressing your concerns about the air toxics situation in Portland, Oregon. In your letter you requested the EPA assist in responding to the public health concerns associated with the localized elevated emissions of toxic metals from stained glass manufacturing facilities. The Administrator asked that I respond on her behalf.

I want to assure you that the EPA is already very engaged in this issue. We are communicating and coordinating closely with our state partners at the staff and management level and we are providing significant assistance to the Oregon Department of Environmental Quality and the Oregon Health Authority. I feel it is important to note that the State of Oregon is demonstrating the needed leadership in this situation and we want to support them in any way we can as well as do what is needed at the Federal level. In particular and of most immediate concern, the State has worked with the companies to secure their agreement to stop using the compounds that are likely responsible for the toxic emissions found in the air monitoring in the communities.

Last week we conducted joint inspections of the two art glass facilities with ODEQ, we are providing specialized equipment and we are providing on-going assistance from the EPA's technical experts. This includes risk assessors and staff with specialized expertise in the glass manufacturing sector and in emergency response (more details on this below). The University of Washington Pediatric Environmental Health Specialty Unit, which the EPA helps fund, is also supporting OHA. In addition, I personally have been in regular and frequent contact with ODEQ Director Dick Pedersen over the past several weeks to stay directly informed of what's happening and to be sure the EPA provides whatever support we can to the State of Oregon in real time.

You requested that the EPA respond decisively in three key ways: 1) Aiding Portland and the State of Oregon in assessing public health risks; 2) Updating federal standards for facilities like those implicated here; and 3) Increasing air quality monitoring, modeling, and research. I will address each of these requests below.

Immediate Response and Risk Assessment

In addition to securing the companies' agreement to stop using the chemicals of concern, as I mentioned above, the State of Oregon is showing strong leadership and taking numerous other actions to respond to this situation, and the EPA is providing assistance to Portland and the State of Oregon on a number of fronts. The EPA enforcement staff, including an EPA national expert on glass manufacturing, have accompanied State of Oregon staff on inspections of the two Portland facilities. The EPA has loaned monitoring equipment to the State of Oregon to collect air samples to analyze for heavy metals. The EPA has also loaned the State of Oregon equipment to analyze soil samples and offered access to one of

the EPA's science and technical assistance contractors. The EPA air and cleanup staff are assisting in the development of air and soil sampling programs. The EPA risk assessors are working with the OHA, Multnomah County Health Department, and the Agency for Toxics Substances and Disease Registry to help assess and communicate the public health risks using the limited data currently available and will refine the assessment as more information becomes available on concentrations of metals in the air and soil. The EPA air technical staff will also be providing information on technologies available to control emissions from glass manufacturing facilities.

Federal Emissions Standards for Small Glass Plants

You have requested that EPA review and update the federal air toxics standards that apply to these types of plants. There are three national standards that potentially apply to art glass manufacturing plants. Whether a standard applies depends on a number of factors, such as startup date, type of furnace, and the amount of glass produced. The three rules are: the National Emissions Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants regulation issued in 1986; the Standards of Performance for New Glass Manufacturing Plants issued in 1980; and the National Emissions Standard for Hazardous Air Pollutants for Glass Manufacturing Area Sources regulation issued in 2007.

The art glass plants in Portland are not subject to the 1980 standard, which applies to sources constructed after June 15, 1979. These plants were constructed prior to 1979. The Bullseye Glass plant is subject to the 1986 standard, but the Uroboros Glass plant is not because it doesn't use commercial arsenic as a raw material. EPA is currently collecting information needed to determine Bullseye's compliance status with respect to the 1986 standard. The 2007 NESHAP applies to furnaces that operate continuously, which tend to be larger producers of glass. The information available to the EPA at the time the rule was issued indicated that large producers using continuous processes were the most significant-emitting sources in the industry. Currently, the furnaces at the Portland art glass facilities have not been identified as being subject to the standard. We are in the process of looking at the applicability of the rule based on the new information gained during our inspections.

You urged the EPA to begin the process of updating these federal standards and, as appropriate, consider reclassifying these plants as a unique category or subcategory. At this time, we are gathering information to better understand art glass manufacturing plants across the country – e.g., locations, air emissions, pollution controls, business operations, etc. Our current information indicates that there are between 7 and 13 significant art glass manufacturing plants in the U.S. Further understanding of these facilities will inform our consideration of potential revision of the current federal emission standards. As we continue to collect this information, we will also continue our significant focus on actions that support ODEQ and OHA as they take responsive and appropriate action to deal with the air quality concerns raised in Portland.

You also suggested that the EPA convene a group of industry, public health, and other appropriate stakeholders and experts to identify technological or process improvements that could reduce emissions from these sources. EPA agrees that continued collection of information about art glass manufacturing plants across the country will be important to determine how these plants can best operate in an environmentally safe manner. The EPA and state representatives are currently having discussions on controlling air pollution from these plants and will involve the individual plants, as necessary. We will also consider the best means of having the broader discussions you suggested.

Air Quality Monitoring

As you note, many air toxics problems tend to be local in nature, and identifying priority monitoring needs with available resources is an ongoing challenge. State and local air agencies are on the front lines for conducting air monitoring in local communities. The ODEQ, in particular, has a long-standing record of proactively doing air monitoring to investigate air toxics concerns, and is a leader nationally in these efforts. A timeline for the many steps they have taken to characterize air toxics in Portland is available on their website: http://www.deq.state.or.us/nwr/docs/metalsem/FSMetalsTimeline.pdf

The EPA's air toxics monitoring efforts are largely complementary to and supportive of state and local efforts and include: (1) The EPA's long-term National Air Toxics Trends Sites operating in 27 cities, including Portland, and (2) providing grant funding to state, local, and tribal air agencies for air monitoring and supporting a competitive grant program for community-scale air toxics monitoring. Since 2003, the EPA has provided $26.8M for 70 projects across the country. In 2015, we provided more than $5M for 11 projects.

As I noted, it is very challenging to address all potential air monitoring needs, especially for localized air toxics emissions. The EPA, through both its Office of Research and Development and Office of Air and Radiation, is committed to evaluating newer sensor technology for air pollutants, such as air toxics, with the hope that this technology can help with air quality characterization in many more locations than we are currently able to monitor. While this technology is not sufficiently advanced today for most air toxics pollutants, the EPA expects advancements to occur in the years ahead.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Matthew Davis in the EPA's Office of Congressional and Intergovernmental Relations at davis.matthew@epa.gov or (202) 564-1267.

Sincerely,

Dennis J. McLerran
Regional Administrator

cc: Dick Pedersen, Director
Oregon Department of Environmental Quality

Gabriella Goldfarb, Natural Resources Policy Advisor
Office of the Oregon State Governor