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OP-ED: Collaboration will further air emissions progress

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In the face of three major environmental issues over the past several weeks – the Union Pacific train derailment and oil spill in the Columbia River Gorge, the release of chromium and cadmium into the Southeast Portland air by area glass factories, and the discovery of elevated levels of lead in Portland Public Schools' drinking water system – it's difficult for most people to imagine that our state has actually made significant progress in protecting and enhancing our environment.

But let's look at some actual data.

The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from both stationary and mobile sources. Among other things, the law authorizes the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards to regulate emissions of hazardous air pollutants. The act was amended in 1977 and 1990 primarily to set new goals (dates) for attaining National Ambient Air Quality Standards.

Since passage of the CAA in 1970, air emissions have declined steadily. Over 46 years, emissions of the six worst pollutants have declined 69 percent. Between 1980 and 2014, national concentrations of air pollutants improved 98 percent for lead, 85 percent for carbon monoxide, 80 percent for sulfur dioxide, 60 percent for nitrogen dioxide, and 33 percent for ozone.

Today, stationary sources emit approximately 1.5 million tons less toxic air pollution per year than in 1990. Toxic emissions from both on-road and non-road vehicles and engines are also dropping – on-road and non-road diesel particulate matter emissions decreased by 27 percent from 1990 to 2005 and are projected to drop an additional 90 percent by 2030.

What we are seeing as a result of the CAA is progress. And with the flexibility initially granted by the EPA to allow industry to meet emissions standards on its own terms, we have seen innovation and collaboration. Oregon, for its part, has developed a reputation of being collaborative when it wants to be and in leading efforts to balance environmental protection with economic progress and growth.

In late 1993, Intel Corp., the EPA and the Oregon Department of Environmental Quality (DEQ) joined in a partnership to evaluate opportunities to incorporate flexibility and pollution prevention in permits issued under Title V of the CAA. This partnership – dubbed the Pollution Prevention in Permitting Pilot Project (P4 Project) – provided a unique opportunity for multiple stakeholders to collaboratively develop a facility-specific "model" permit that incorporated pollution prevention as a permit condition.

For the first several months of the pilot project, EPA staff worked with the company and all key stakeholders to develop a process that would serve the needs of all participants. Operating within a "work group" framework, all stakeholders were given equal standing and focused on Intel Corp.'s Aloha campus (located in a non-attainment area for ozone and carbon monoxide).

Throughout the project, Intel sought to accommodate rapid process and equipment changes, demonstrate compliance/monitoring efficiency, protect confidential business information, and acknowledge pollution prevention activity as part of its air pollution permits. The state sought administrative streamlining while maintaining permit enforceability and environmental protection.

The pilot program was wildly successful, and outcomes included increased operational flexibility, pollution prevention (Intel lowered its actual VOC output by over three-fold), and streamlined permitting procedures. Most critical, however, was the realization that to implement pollution prevention, government must recognize opportunities that motivate industry.

P4 Project participants came to some important conclusions:

- Environmental regulations impose costs on industry
- In determining the cost of pollution and, in turn, the benefit of pollution prevention, industry examines and balances four factors: 1, cost of inputs that cause environmental damage; 2, cost of polluting behavior; 3, cost of public concern; and 4, cost of adopting pollution prevention alternatives
- Under certain circumstances, these costs can be modified by government to create incentives for pollution prevention. (If industry is willing to make a choice to adopt pollution prevention, government can seek to modify some costs associated with regulation.)

In the end, the process worked. The state told Intel what it needed to accomplish, but it did not tell it how to accomplish it. The company, knowing clearly what it was required to do, achieved and substantially exceeded what was required of it.

We need that kind of partnership once again.

Government is the most effective when it allows business to do what it does best – innovate solutions. We don't need to create a crisis to make a difference. In fact, data shows – at least with air emissions – that there is no crisis. Today, most businesses across the state believe in the ethic of conservation and embrace environmental protection as being good for business. For these businesses, the question typically becomes how to lessen impacts to the environment while still growing the economy.

We are now facing new concerns about air emissions, and it is critical that we work from solid, defensible data. We must then use that data to make sound policy.

A vast majority of the construction industry in Oregon is made up of small, capitally-constrained businesses. On average, construction businesses in Oregon employ fewer than 20 people and do $3 million or less in business annually. It will be essential to move in a direction that allows the small businesses that make up commercial construction in Oregon to transition from older equipment and find new sources of cleaner fuel without bankrupting themselves.

Government works best when its goals are definable and supported by data. The Intel-DEQ P4 experience shows that Oregon can be a leader in this area when we value and pursue true collaboration toward the same goals. Working with and engaging private industry in developing mutually beneficial solutions has the greatest potential for support. Our job is to remove barriers where we can, mitigate impact to the environment where we can, and move forward as partners.

It is essential to our environmental and economic future that we walk that path together.

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