

**APPENDIX C**  
**RESPONSE TO COMMENTS**  
J.H. Baxter Facility  
Eugene, Oregon

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## Table C-1

### Response to Public Comments on Proposed Cleanup Plan

	<b>Comment</b>	<b>Response</b>
1	I was at the informational session this last week and am urging you to continue with the plans for the cleanup for the Baxter plant. I live down the street and would love to have nontoxic soil under my house asap.	<p>DEQ plans to finalize this cleanup plan and have Baxter begin to implement it as soon as possible. Based on soil sampling completed off the Baxter property, we have no indication that the soils beneath neighboring homes are toxic. As part of the plan, there will be additional sampling to further confirm these conclusions and monitor the performance of the cleanup.</p> <p>In the groundwater, pentachlorophenol has been detected at 2.3 parts per billion (ppb) in a monitoring well along Hope Loop. This concentration is above the drinking water cleanup level of 0.65 ppb. For this reason, we encourage people to remain connected to and use public water (from EWEB) within the area of concern shown in Appendix B, Figure 7.</p>
2	On behalf of Eugene neighborhood residents, we sincerely hope that LRAPA and the DEQ will work together in a cohesive and coordinated way to protect the environment and public health from legacy and ongoing pollution at the JH Baxter site. We are getting many questions from West Eugene residents about how much LRAPA is paying attention to this issue.	The Lane Regional Air Protection Agency (LRAPA) and DEQ are in communication regarding this site. We are independent agencies with different regulatory authority, but we strive to stay as coordinated as possible. Several LRAPA staff attended the public meeting on this Record of Decision and DEQ is aware of the air permitting requirements at the Baxter site.
3	Why are you having the meeting at the community college instead of in the neighborhood? We request a meeting in the neighborhood so more people can attend from the community.	Other venues in the neighborhood were considered, but the community college was the only one that worked for the dates that all parties had available. The meeting was well attended, but DEQ also provided other ways to obtain information on the project and provide comments. There were 26 formal comments received and addressed in this table, but there also numerous informal comments received and answered through the public comment period.
4	How toxic is the groundwater still? Why is it safe to garden with water, but not drink it? Is it really safe to wash a dog,	The groundwater in monitoring wells in the residential areas has pentachlorophenol at concentrations that range from 0.76 to 13 ppb. The cleanup level for drinking water is 0.65 ppb.

	<p>let kids play in it, water vegetables that will be consumed?</p>	<p>For the potential harm caused by drinking the water, DEQ assumes a person is drinking 2 liters (roughly half a gallon) of contaminated water, every day, for 30 years. The amount of water that is accidentally ingested or otherwise contacted during other activities is much less and the washing and irrigation activities generally do not occur 365 days per year. This leads to a significantly lower risk from these activities. Further, pentachlorophenol has not been detected in the irrigation wells that do exist in the area. It has only been found in the monitoring wells.</p> <p>If individuals are still concerned, EWEB/municipal water can be used for outdoor purposes as well.</p>
5	<p>What are the current concentrations in the wells?</p>	<p>Pentachlorophenol is the only chemical being detected in monitoring wells off the facility and the concentrations in these monitoring wells in the residential areas range from 0.76 to 13 ppb. One well in the industrial area immediately west of Baxter’s facility has a concentration of 32 ppb.</p> <p>On Baxter’s property, groundwater concentrations range as high as 1800 ppb, but this water is being captured and treated by the groundwater extraction system that will continue to operate under this cleanup plan.</p> <p>The historical groundwater monitoring reports are available on the Oregon DEQ Environmental Cleanup Site Information (ECSI) database: <a href="#">ECSI Search</a> (Site ID 55) and future reports will be uploaded to this site after they are reviewed.</p>
6	<p>There are multiple people reporting irritation around their mouth, hives, nose bleeds, and many reports of bad odors associated with Baxter.</p>	<p>DEQ recommends first contacting your primary care provider with any health concerns. There could be many causes for these symptoms, and your doctor is most qualified to determine what is causing them.</p> <p>The Oregon Health Authority (OHA) has also indicated that “we can smell many hazardous substances before they are at harmful levels, however for some people, even non-hazardous levels of a chemical can cause health symptoms, which are caused by the smell itself.”</p> <p><b>For more information on odors, see Oregon Health Authority’s website “Odors and Your Health”:</b></p>

		<p><a href="https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/HEALTHYNEIGHBORHOODS/TOXICSUBSTANCES/Pages/Odors-.aspx">https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/HEALTHYNEIGHBORHOODS/TOXICSUBSTANCES/Pages/Odors-.aspx</a></p> <p>LRAPA is the agency overseeing the air emissions at JH Baxter. This comment has been forwarded to LRAPA, and community members can contact them to file a complaint or obtain details on the air emissions and permitting at the facility by visiting the LRAPA website at: <a href="http://www.lrapa.org">www.lrapa.org</a></p> <p>Or calling 541-736-1056.</p> <p>The LRAPA complaint line is: 541-726-1930 The online complaint form is at: <a href="http://www.lrapa.org/FormCenter/Online-Complaint-3/Online-Complaint-Form-43">http://www.lrapa.org/FormCenter/Online-Complaint-3/Online-Complaint-Form-43</a></p>
7	Reports that bad odors are now a bigger problem at night.	This comment has been forwarded to LRAPA. See also the response to comment 6 above.
8	<p>Chromium: We object to chromium being dismissed from the ecological risk calculations. The DEQ reports that chromium is above risk-based screening levels, but not above the background levels. We feel that it is obvious that because the site is located in an industrial area, chromium background levels are bound to be above normal.</p> <p>☒☒ For the exposed population it is important to include chromium in the DEQ cleanup and monitoring proposal.</p>	In DEQ's study of naturally-occurring metal concentrations in soils, entitled "Development of Oregon Background Metals Concentrations in Soil", published in March 2013, it was determined that naturally-occurring chromium concentrations in the Willamette Valley are 100 mg/kg ( <a href="https://www.oregon.gov/deq/FilterDocs/DebORbackgroundMetal.pdf">https://www.oregon.gov/deq/FilterDocs/DebORbackgroundMetal.pdf</a> ). This is the concentration of chromium outside of any industrial sources in the Willamette Valley. The site concentrations of chromium were below that concentration and therefore DEQ cannot require cleanup to a lower level. There should be no higher risk from chromium at the Baxter facility than elsewhere in the Willamette Valley.
9	We are concerned about the soil and water in the stormwater ditches. Kids play in them, animals may drink from them, people could come into contact	Historical sampling completed in the ditches has not shown any contamination above cleanup levels.

	with many contaminants there. Has there really been enough sampling done there to know the risk?	<p>The stormwater discharge from the facility is also sampled regularly to make sure it complies with the water quality discharge permit.</p> <p>More samples will be collected from the sediment and water in the ditches to update the historical evaluation. DEQ expects these concentrations will be less than what has been discovered historically, but sample data will be carefully evaluated and cleanup decisions will be made accordingly.</p>
10	The groundwater plume in the staff report is difficult to read. Can you make the figure more clear?	This figure was fixed and is available on DEQ's Environmental Cleanup Site Information (ECSI) database: <a href="#">ECSI Search</a> (Site ID 55) as well as in the final Record of Decision.
11	How can someone get information on the sampling results at the outfalls of the stormwater discharge?	<p>The ongoing sampling of the stormwater discharge is reported to the DEQ Water Quality program via Discharge Monitoring Reports. The most recent National Pollutant Discharge Elimination System permit monthly discharge monitoring report summary data are available from the following EPA website: <a href="https://echo.epa.gov/">https://echo.epa.gov/</a> using the EPA reference No OR0021911.</p> <p>Other Discharge Monitoring Report data can be obtained by submitting a public records request to DEQ's Water Quality Program as described here: <a href="https://www.oregon.gov/deq/about-us/Pages/Requesting-Public-Records-Form.aspx">https://www.oregon.gov/deq/about-us/Pages/Requesting-Public-Records-Form.aspx</a></p>
12	What exactly does the stormwater treatment system entail? How does it work?	<ol style="list-style-type: none"> <li>1. Stormwater is collected and stored in three storage tanks before being pumped into the treatment system at a steady rate.</li> <li>2. pH is adjusted and a floccing agent is added (flocculation refers to the process by which fine particulates are caused to clump together into a floc). Then the water is sent to a clarifier unit to remove solids.</li> <li>3. Sludge pulled off the bottom of the clarifier is pumped through a filter press. The filter cake is sent to a landfill and the water sent back into the treatment process.</li> <li>4. Treated water coming off the top of the clarifier is passed through a sand filter and then the pH adjusted again.</li> <li>5. The pH-adjusted water passes through a granular activated carbon system to remove contaminants remaining in the water.</li> <li>6. Treated water is discharged at Outfall 001 at the south side of the property into a ditch.</li> </ol>

		<p>For further information, you may contact the DEQ Water Quality Program, whose contact information is:</p> <p>165 East 7th Avenue, Suite 100 Eugene, OR 97401 541-686-7930</p>
13	<p>Is there third-party sampling being done or does Baxter do their own sampling? Baxter should not be trusted to do their own sampling.</p>	<p>Baxter does some of their own sampling following a work plan reviewed and approved by DEQ. A consulting firm hired by Baxter conducted the historic remedial investigations, but now a Baxter employee completes the routine groundwater sampling. The groundwater samples are submitted via a chain of custody to a certified lab. The results are then sent to a consulting firm, with a Registered Geologist, for review. This firm then puts the data into a report for review by DEQ. DEQ reviews the historical data, sampling field notes, chain-of-custody details, quality assurance samples, and evaluates if all the lines of evidence on sampling procedures and results are consistent.</p> <p>On occasion, DEQ has and will go out to the site to oversee the sampling efforts in the field and verify the sampler is following proper procedures. Based on DEQ's review over many years and all the lines of data, we see no evidence that Baxter should not be trusted to continue this process.</p> <p>The additional soil, sediment, and surface water sample collection off-site will be a different process that will be approved in a future sampling and analysis plan and reviewed by DEQ. This will have more field oversight by DEQ.</p>
14	<p>The Oregon Health Authority assessment was not adequate. They dismissed the cancer cluster as being due to smoking, but no indication that smoking rates are any higher than average in these neighborhoods.</p>	<p>This comment has been referred to the Oregon Health Authority (OHA). OHA completes an independent review of the available information and draws their conclusions based on their expertise in public health.</p> <p>OHA's findings in this case were "higher than expected rates of lung cancer. Further investigation based on vital records information showed a strong link to tobacco use among those affected. Also, because many of the cases had more than one risk factor, OHA was unable to determine if the cause for the significant elevations of lung cancer in these areas was due to environmental contaminants in the air."</p>

		<p>For additional information or questions regarding OHA's cancer analysis, please visit OHA's website or contact:          Todd Hudson          Public Health Toxicologist          971-673-0024  <a href="mailto:todd.hudson@state.or.us">todd.hudson@state.or.us</a></p>
15	<p>Many people in the neighborhood are very concerned about the odors and air quality that they know are coming from Baxter's facility. We understand LRAPA has jurisdiction over the air permit, but what about contaminants in the soils that are falling out of those air emissions.</p>	<p>DEQ is asking Baxter to conduct updated sampling of the surface water, sediment, and soil around the facility. This will help DEQ to assess if any contaminants are being deposited on the soil from the air emissions.</p>
16	<p>I have two dogs that died within 7 months of each other, both from Hemangiosarcoma. Additionally I have another dog still suffering with Lymphoma, he was diagnosed a week before my second dog died in January. So Hali, the Black Lab died in June, 2018, Buddy, the white spotted Heeler died in Jan. 2019. Dingo, the oldest of the three is also a Heeler is still, but has Leukemia. I'm sending a picture of the fields that I walked them in and around (located south of the facility). The first aerial pic has Baxter's circled toward the top and the field at the bottom. That's the frisbee field that we had just started taking them too a year before the first 2 died. The second picture is where we used to walk them all the time, there are vernal pools there that collect from a drain that flows downstream from Baxter's (to the west</p>	<p>DEQ is sorry for your loss. Based on your comment, DEQ went back and reviewed the risk assessment and all of the data. The risk assessment did not specifically evaluate dogs, but it did look at small children spending significant time in the ditches. An unacceptable risk was not identified, however DEQ is asking Baxter to conduct updated sampling of the surface water, sediment, and soil associated with their facility and we will re-evaluate the risks with the new data.</p> <p>DEQ forwarded your comment to the Oregon Health Authority and they have noted the instance. They are not qualified to diagnose the cause of an individual case or exposure because cancer is a complex disease, but they have heard your case and DEQ will continue to share data with them for their evaluation as appropriate.</p>

	<p>of the facility, west of Bertelsen Rd). This is the place I thought would be a good starting test spot to see how far down the contamination might have flowed down from Baxter's over the years. Both Hemangiosarcoma and Lymphoma can be caused by arsenic, Baxter's has contaminated many chemicals in and around their plant, Arsenic is one of them.</p>	
17	<p>This is extremely worrisome. My husband and I bought a home within a mile from this facility to build a family and have kids. Upon learning about this toxic plant, I am now scared to have kids and regret buying this home. I will be ACTIVELY watching this facility, and will take ALL necessary steps to ensure my active role in this community to make sure that this company is moving forward with the kids, school and community in mind.</p>	<p>Based on many years of sampling, DEQ has no evidence of neighbors being exposed to harmful contamination from the JH Baxter facility.</p> <p>Oregon Health Authority completed two Health Consultations, in 2004 and 2007, regarding health concerns near the JH Baxter facility. These documents examined issues about air contaminants and cancer rates in neighborhoods around the facility. These Health Consultations are available at the following website:  <a href="https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/TRACKINGASSESSMENT/ENVIRONMENTALHEALTHASSESSMENT/Pages/bxsite.aspx">https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/TRACKINGASSESSMENT/ENVIRONMENTALHEALTHASSESSMENT/Pages/bxsite.aspx</a>.</p> <p>The Lane Regional Air Protection Agency is regulating the air emissions. Based on the soil, surface water, sediment, and groundwater data that DEQ has evaluated, the only danger to residents in the area from soil and groundwater contamination would be if you are using a backyard well for your drinking water.</p> <p>We have surveyed the area numerous times and have not found any drinking water wells so we do not believe anyone is currently being exposed via drinking the groundwater. The Eugene Water and Electric Board supplies clean drinking water to the entire area so it is unlikely that there would be a drinking water well installed in the future. If you do have a drinking water well at your property, please let us know and we will determine if there could be a risk.</p> <p>DEQ is moving forward with this cleanup plan at the Baxter facility to further reduce the potential for harmful effects. Implementation of this plan will begin this year.</p>



18	<p>If I have plants and vegetable garden and I use contaminated water to water the plants, can I eat the vegetables? Will the vegetables be contaminated? I also have apple trees and plums. Can I eat the fruit?</p>	<p>The location of your home does not have groundwater with contamination underneath it and our records show that you get your water from the Eugene Water and Electric Board. However, even if you were using the water that is impacted from the Baxter facility, the risk assessment concluded that the levels are low enough that your vegetables would be okay to eat.</p> <p>Washing your fruit and vegetables before eating is recommended. This recommendation is not due to the groundwater contamination, but because you live near a busy road and a large industrial area that may kick up dust or other airborne particles that are preferable to wash off, rather than consume. You can read OHA's "Healthy Gardening Fact Sheet" at this link: <a href="https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/HEALTHYNEIGHBORHOODS/HEALTHYGARDENING/Pages/index.aspx">https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/HEALTHYNEIGHBORHOODS/HEALTHYGARDENING/Pages/index.aspx</a></p>
19	<p>We would like to see more coordination between DEQ and LRAPA regarding multi-media environmental toxic pollution. It is well known, what goes up in the air can (and will) settle out in soil and surface waters.</p>	<p>DEQ and LRAPA are in communication about this project. Not all of the chemicals that may be emitted at the Baxter facility will fall to the ground. Many chemicals are degraded, dispersed, and/or destroyed when released into the air.</p> <p>However, DEQ concurs with the need to update the soil, sediment, and surface water around the facility to evaluate what might be impacting the surface. DEQ will be asking Baxter to develop a sampling and analysis plan for this updated sampling and to implement it as soon as possible.</p>
20	<p>Air Sampling: We would like to see DEQ suggest to LRAPA to carry out fence-line (air) and collaborate on moss sampling for heavy metals and other multi-media pollutants.</p>	<p>This comment has been referred to LRAPA.</p>
21	<p>Water Quality Sampling and Monitoring: It is a high priority that DEQ conduct down gradient (surface water) testing for toxics known to be used at Baxter.</p> <ul style="list-style-type: none"> <li>o Importantly we would like to see water quality testing downstream of the Roosevelt Channel as well as the more</li> </ul>	<p>DEQ concurs with the need to update the soil, sediment, and surface water around the facility to evaluate what might be impacting the surface. DEQ will be asking Baxter to develop a sampling and analysis plan for this updated sampling and to implement it as soon as possible.</p> <p>There is a figure from the presentation at the public meeting that shows the stormwater connections around the facility. This figure will also be in the Record of Decision. The City of Eugene has jurisdiction of the stormwater system in area. More information can be obtained at <a href="https://www.eugene-or.gov/463/Stormwater">https://www.eugene-or.gov/463/Stormwater</a> or by calling them at 541-682-4800.</p>

	<p>southern ditch/waterway where Baxter discharges storm water.</p> <ul style="list-style-type: none"> <li>o We would also like to request that DEQ prepare a map of the downstream drainages that connect with any run-off or outfall pipes from Baxters. It is impossible to glean this information from Google maps.</li> <li>o It is important that the clean-up agreement require frequent independent, third-party testing of water quality in their holding ponds on site as well as testing the water discharged off the facility site.</li> </ul>	<p>The last bullet regarding third-party sampling of the holding ponds and stormwater discharge has been referred to DEQ's Water Quality Program. The contact for this program is:</p> <p>165 East 7th Avenue, Suite 100 Eugene, OR 97401 541-686-7930</p>
22	<p>Can the DEQ request that OHA conduct another environmental health/illness study?</p>	<p>DEQ has referred this comment on to OHA, but we have not recommended a new health study. The data does not indicate there has been unacceptable exposure to the groundwater or soil contamination since the initial health studies were completed.</p> <p>DEQ is asking Baxter to conduct updated sampling of the surface water, sediment, and soil around the facility and those results will be shared with OHA.</p>
23	<p>We ask that, as part of the clean-up agreement, that JH Baxter pay for signs that will be placed along Roosevelt Channel within 100 yards downstream of their facility indicating that the water is not safe for human or pet contact.</p>	<p>DEQ understands the perception that the stormwater discharges are heavily impacted, but we have no data indicating that Baxter has caused contamination in the ditches that would warrant the placement of warning signs. The City of Eugene has jurisdiction of the stormwater system in the area. More information can be obtained at <a href="https://www.eugene-or.gov/463/Stormwater">https://www.eugene-or.gov/463/Stormwater</a> or by calling them at 541-682-4800.</p>
24	<p>Coordinate Multiple State Agency Efforts: To break the traditional "siloed" approach that agencies frequently take to implement a toxic waste cleanup plan, we would like to see the DEQ coordinate the following multi-agency environmental health projects regarding the Baxter facility:</p>	<p>This comment has been referred to our regional program manager for his input as DEQ's Cleanup Program recognizes the benefits of cross-program and cross-agency communication. We strive to do this coordination whenever possible. Below are responses to the specific bullets:</p> <ol style="list-style-type: none"> <li>1. For Emergency Planning, Baxter is required by U.S. EPA to have a Spill Prevention, Control, and Countermeasures (SPCC) Plan that helps to prevent a release of chemicals in the event of a natural disaster. The EPA regulates compliance with this plan.</li> </ol>

<p>o <u>Emergency Hazardous Materials Management Planning</u>: Involve the DEQ's Hazardous Waste Program to require JH Baxter to prevent hazardous materials from being released into the surrounding neighborhood or into the environment in an emergency scenario such as flooding, earthquake or other environmental disaster. JH Baxter must have preventative measures in place, including a plan to notify the surrounding neighborhood and businesses in the case of an accidental spill or release. The plan should be updated every 5 years.</p> <p>o <u>Worker Safety and Health</u>: Work with Oregon OSHA to require Baxters to hold annual worker information and trainings sessions regarding preventing and reducing exposure to toxic pollutants in partnership with the DEQ and OR OSHA. The meeting should be conducted by a DEQ toxicologist. We have heard reports from workers that worker safety training and basic information about the potential exposures to legacy and current hazardous pollutants on site is not taking place.</p> <p>o <u>Public Environmental Health Risk Assessment</u>: Due to the risk of multi-exposure scenarios from multiple polluters in the nearby neighborhood, we believe the Bethel Neighborhood in West Eugene would benefit from a joint</p>	<p>Additionally, all regulated facilities, including Baxter, are inspected by the DEQ Hazardous Waste Program every 3 years. More investigation is conducted if complaints are received so Baxter has had both DEQ and EPA conduct inspections at various times.</p> <p>Environmental law requires facilities to notify DEQ in the event of a spill or release that exceeds the reportable quantity for each chemical. The SPCC plan requires notification to EPA or the National Response Center.</p> <ol style="list-style-type: none"> <li>2. DEQ does not train or instruct workers. Workplace safety is the authority of the Oregon OSHA. If there are workers concerned about their working conditions, they (or a representative for them) can contact Oregon OSHA directly or through an anonymous complaint line. The website is <a href="https://osha.oregon.gov/Pages/index.aspx">https://osha.oregon.gov/Pages/index.aspx</a></li> <li>3. DEQ is considering ways to evaluate the multiple potential sources of contamination to the surface water ditches. This may take quite some time, but this comment is noted. In the meantime, the additional sampling that Baxter will be doing offsite and the risk assessment that LRAPA is authorized to require under the Cleaner Air Oregon Rules may provide some additional information regarding these issues.</li> </ol> <p>LRAPA has stated that is it important to be aware that Senate Bill 1541 (SB1541) put a restriction in Oregon's Statute that only allows the evaluation of public health risks from toxic air emissions from multiple stationary air sources to counties with a population exceeding 500,000 people. As such, LRAPA does not have the authority under the Cleaner Air Oregon rules to do multi-source evaluation and regulation because Lane County has less than 500,000 people.</p>
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	<p>project by DEQ, OHA and LRAPA to produce a cumulative exposure assessment. In other words, taking into account the metal plating, Pacific Recycling and their metal shredder, Trus Joist, Weyerhaeuser and Baxters and other polluters, what pollutants are potentially accumulating in the neighborhoods north and northwest of this area, and what might be the public health impacts?</p>	
25	<p>It's been long overdue for this plant to abide by the rules. They now do the chemical emissions at night.</p> <p>I'm tired of the polluted air when they release their emissions. It burns your nose and you can't breathe. If you can smell something, it has particles. What particles are we inhaling? What particles are being dumped on your ground floor? Especially those of us on the same side of town?</p> <p>I have complained to LRAPA and have them as a contact because the air quality is so awful when Baxter releases it emissions! It is not safe for human beings</p>	<p>DEQ has asked LRAPA to respond to your comment and they indicate, "LRAPA inspections and monitoring of the facility have not identified any specific operations being conducted only at night. Different treating options require different durations of retort treatment. The range may be from several hours to several days."</p> <p>Additionally, the DEQ Hazardous Waste Program inspects and regulates the current operations at the plant. Inspections occur regularly to ensure chemicals are not being dumped or mishandled in other ways. If you have further questions, please call 503-378-5071.</p>
26	<p>I urge DEQ to conduct an updated ecological risk assessment (the last cited study was from 1999) and potentially impose surface water testing requirements further downstream of the outfalls. DEQ should also extend the</p>	<p>DEQ concurs with the need to update the soil, sediment, and surface water around the facility to evaluate what might be impacting the surface. DEQ will be asking Baxter to develop a sampling and analysis plan for this updated sampling and to implement it as soon as possible.</p> <p>The frequency of testing the stormwater treatment system is specified in the NPDES permit, which is regulated by DEQ's Water Quality Program. DEQ increased the sampling requirement</p>

	<p>requirement that J.H. Baxter take more than one sample per month. Alternatively, J.H. Baxter could test samples onsite within the treatment facility and keep any water that exceeds permit limitations from being discharged.</p>	<p>for J.H. Baxter to twice a month as part of a DEQ enforcement action against the company in 2018, which came due to exceedances of the NPDES permit limit for pentachlorophenol. The results from the increased sampling have been consistently below permit limits.</p> <p>In addition to the increased sampling, DEQ required the company to re-evaluate its operation and maintenance procedures for its wastewater treatment system. Due to the quantity of stormwater runoff generated during rain events, it is not feasible for J.H. Baxter to keep stormwater onsite while waiting for test results. Instead, the treatment system must be operated and maintained continuously to ensure that there are no exceedances of the permit limits. Prior to closing the 2018 enforcement case, DEQ will determine whether additional measures are needed by the company to maintain compliance with its NPDES permit.</p>
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