


State of Oregon

Department of Environmental Quality

Memorandum

Date: Dec. 9, 2013

To: Oregon Environmental Quality Commission

From: Dick Pedersen, Director 

Subject: Item R, Informational item: Director's report
Dec. 11-12, 2013, EQC meeting

DEQ plans to incorporate Lane Regional Air Protection Agency rules into the State Implementation Plan

DEQ is proposing a rulemaking to incorporate LRAPA rules into the Oregon State Implementation Plan. This includes LRAPA rules for open burning, permit streamlining and permit requirements for PM2.5 and greenhouse gases including new source review and prevention of significant deterioration. The LRAPA rules were adopted by the LRAPA Board of Directors several years ago and have been in effect in Lane County since their adoption.

Typically, DEQ submits LRAPA rules to the Environmental Quality Commission for incorporation into the State Implementation Plan upon adoption by the LRAPA Board. However, in this case, DEQ determined that the public notice process held jointly by DEQ and LRAPA several years ago did not meet requirements for State Implementation Plan rules, which are above and beyond requirements for normal rulemaking. DEQ will hold a 30-day public comment period to incorporate relevant portions of the LRAPA rules as a modification to the Oregon State Implementation Plan. DEQ has authorized LRAPA to act as hearings officer on behalf of EQC for the public comment period. DEQ plans to bring its rulemaking to the commission for consideration in March 2014.

Oregon's materials recovery rate hits 21-year high, sees reductions from related greenhouse gas emissions in 2012

DEQ released the 2012 Oregon Materials Recovery and Waste Generation Rates report in November. The report notes that Oregonians achieved a 53.4 percent recovery rate for post-consumer waste through waste reduction and recovery- the best rate in the program's 20-year history. The per capita waste disposal 1,248 pounds per Oregonian is the lowest since 1992. Oregon met its waste recovery goal of 50 percent but fell short of meeting the goal of zero growth in per capita and total waste generated. While many factors led to the reductions, it is a positive sign for Oregon that materials recovery remains strong and waste generation, even with a small increase in 2012, remains 17 percent less than the same measure in 1992. The energy savings from these reductions were the equivalent of 272 million gallons of gasoline, or roughly 3.3 percent of total energy used by all sectors of Oregon's economy in 2012.

The full report is available online:

<http://www.deq.state.or.us/lq/pubs/docs/sw/2012MRWGRatesReport.pdf>

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EPA and West Division Main Canal

EPA has approved in part, and disapproved in part, DEQ's water quality standards changes for the West Division Main Canal near Hermiston, Oregon. The West Division Main Canal is a 30 mile, mostly man-made canal that delivers water from the Umatilla and Columbia Rivers to area farmers and ranchers for irrigation. The EQC adopted water quality standards changes for this water body in April 2012 to better reflect the canal's actual and appropriate uses. The City of Hermiston has been tracking this action due to their interest in discharging highly treated wastewater to the canal during irrigation season.

The revised water quality standards for 27 miles of the canal are now effective following EPA approval Nov. 15, 2013. The new standards more accurately reflect the actual and appropriate uses of the canal waters and establish water quality criteria to protect those uses. For the constructed channel the designated uses now include water contact recreation, irrigation, livestock watering, wildlife and hunting, industrial water supply and hydropower. DEQ removed boating, domestic water supply, Redband trout and fish, aquatic life and fish consumption from the uses listing. Several criteria revisions were also approved, including criteria to protect irrigation and livestock watering.

EPA approved the removal of boating and domestic water supply as uses for the lower three miles of the canal, which is the overflow channel segment. However, EPA disapproved changes to the aquatic life use, the removal of fish consumption use and the associated criteria changes. DEQ is assessing whether to revise the standards for the overflow segment, which would require another rulemaking process.

Suction dredge mining permit surcharge

Senate Bill 838 imposes a \$150 surcharge between Oct. 1, 2013, and Dec. 31, 2015, on DEQ's suction dredge mining permits. The revenue from the surcharge will be used to fund two temporary field staff positions that will record observations and collect data about suction dredge mining over the next two mining seasons. DEQ recognized the bill language regarding the surcharge could be interpreted in different ways, so DEQ wanted to be sure the fee was collected consistent with legislative intent. DEQ has confirmed that the agency's interpretation meets legislative intent, and that the surcharge applies to anyone who operates a suction dredge under permit during this period regardless of whether they registered for the permit at any time prior to or during the period. Further, the surcharge must be paid for each year an applicant intends to mine. This is a significant change to the overall cost of the permit, which is \$25 by statute, and DEQ intends to work with legislators and members of the mining community to clearly communicate the intent and use of the surcharge for the next two years.

1-84 truck spill, emergency cleanup and response

DEQ is providing on-site emergency response coordination after a truck crashed on Interstate 84 near Baker City, spilling tetramethylammonium hydroxide along side of the freeway. Tetramethylammonium hydroxide is a chemical with research and industrial applications and most commonly used in etching of silicon.

The truck was carrying 17 containers, each holding 250 gallons of the chemical, when it veered off the road in early November. All of the containers ruptured and spilled their contents, which means

approximately 4,000 gallons of the chemical was released to the soil. No waterways or storm drains were impacted.

Tetramethylammonium hydroxide can cause respiratory and central nervous system health problems when inhaled. In this case, four passers-by responded at the scene to assist the driver. While HIPPA laws prevent the release of medical information, we have learned that at least two of the people sought medical attention and were released the same day. Any medical problems related to inhaling Tetramethylammonium hydroxide are temporary, and can be treated in the short term to alleviate symptoms. Crews working with respirators removed the rig and totes from the side of the freeway, stabilized the spill area and have removed contaminated soil. This crash, involving a high volume of an environmental harm, is one example of how DEQ protects Oregon's environment through immediate crisis response as well as regulatory programs. DEQ's emergency response staff participated in the management of the crash site as part of a coordinated emergency response team, as it does for many spills, crashes and other events that cause environmental damage across Oregon.

High school chemical cleanups

DEQ is coordinating a chemical cleanup at six Eastern Region high schools. After receiving notice from a chemistry teacher that old and leaking lab chemicals were being stored at Burns High School, DEQ was able to find funds to safely dispose of them. DEQ has identified funding for chemical cleanup and disposal at schools in Harney and Grant counties. DEQ will also coordinate with the schools to determine which chemicals can be safely kept for future use by chemistry students.

Intel Title V permit renewal update

DEQ held a public process on a new Title V permit for Intel's facility in Hillsboro and closed public comment Oct. 14, 2013. Intel previously held an Air Contaminant Discharge Permit. The company became subject to Title V because greenhouse gas emissions became regulated pollutants and the facility's greenhouse gas emissions are above triggering thresholds. As part of the Title V permit process, Intel discovered that it did not document fluoride emissions that should have been included in previous permits.

Several environmental advocacy and neighborhood activist groups sent a 60-day intent to sue notification to Intel. Neighbors and Intel are currently discussing a collaborative path forward. DEQ is responding to comments and inquiries about the implications this may have, including potential enforcement, and is discussing potential ramifications with Intel. There is continued public and media attention surrounding the permit particularly around fluoride emissions and the timing of DEQ's approval for the D1X expansion.

Petition for reconsideration of Daimler Title V Air Quality permit

Neighbors for Clean Air and Concerned Citizens for Clean Air submitted a petition for reconsideration of the Daimler Title V permit renewal on September 6, 2013. DEQ granted the request for reconsideration because the issues raised warranted additional review for legal defensibility and additional explanation for why DEQ issued the permit. The petition specifically raised concerns about enforcement of nuisance rules, Daimler's compliance with requirements to use highest and best controls, and the sufficiency of

DEQ's legal justification for approving alternative compliance conditions. After a review of the issues raised in the petition, DEQ determined that the permit and response to comments are sufficient and that the permit will remain in effect as issued. DEQ communicated the information to the petitioners and Daimler on December 5. DEQ's confirmation of the permit action can be appealed to the courts by the petitioners within 60 days. If they choose to appeal, the current permit remains in effect until the appeal is resolved.

DEQ Nuisance Strategy update

DEQ has finalized its strategy for assessing, prioritizing and responding to concerns about nuisance odors from DEQ-permitted facilities. The strategy, which DEQ intends to implement statewide, was developed in response to neighbor concerns regarding industrial facilities on Portland's Swan Island area. The strategy specifies the types of facilities subject to the protocol outlined in the strategy, lays out a standard operating procedure for response and allows certainty and predictability for staff, facilities and Oregonians responding to nuisance odors. DEQ staff who are likely to implement the protocol have been trained in its use, and the agency has defined the ongoing roles and responsibilities of the protocol.

By developing a standard mechanism, and training staff in its use, DEQ is better prepared to respond to complaints about nuisance odors. In the past, DEQ has not been able to standardize its approach, which led to variability and inconsistency in response. The strategy also makes use of DEQ's scientific expertise from the laboratory to create accurate, user-friendly and low-cost calibrating and analysis tools and ensure that staff are trained in assessment and sampling processes for quality control.

Oregon LNG

DEQ held a public meeting Nov. 12, 2013, in Astoria to provide information about the proposed project and gather information to inform the draft permit decisions. The meeting was well-attended, and DEQ is working to develop draft permit language for the proposed facility.

Stormwater concerns in northeast Portland

Parkrose Auto Recycling LLC dismantles, crushes and processes used vehicles at a facility located on Northeast Columbia Boulevard in Portland. In February 2013, the Northwest Environmental Defense Center, NEDC, filed a Notice of Intent to litigate against Parkrose for discharging industrial stormwater without a permit. Parkrose submitted a permit application and stormwater pollution control plan to the City of Portland Bureau of Environmental Services, DEQ's agent, which determined the materials were technically and administratively complete. During the 30-day public notice, NEDC submitted comments on the plan, including a concern about iron concentrations in the stormwater. Comments were addressed by the applicant, which was verified by DEQ. DEQ determined the permitting issues had been addressed and communicated its intention to grant Parkrose coverage under the permit. NEDC requested another opportunity review the plan and submit stormwater sampling data. DEQ concluded that issuing coverage without further delay to Parkrose Auto Recycling LLC under the 1200-COLS general permit was consistent with DEQ policy and was the first necessary step to controlling stormwater discharges and reducing adverse environmental impacts from the site. DEQ granted permit coverage Nov. 22, 2013.

On Dec. 4, 2013, NEDC submitted data to DEQ and BES showing elevated concentrations of iron and other heavy metals in stormwater discharges from the site; moreover, NEDC expressed concern regarding DEQ's use of NEDC's input when deciding to grant permit coverage. BES holds responsibility for ensuring Parkrose complies with the permit. DEQ will assist with inspections, compliance actions and technical assistance to Parkrose Auto Recycling as requested by BES.

Gardiner Sanitary District moves toward new sewer line under the Umpqua River

This fall, a sewer line under the Umpqua River ruptured. The line carries wastewater from Gardiner to Reedsport for treatment, and has failed in the past. DEQ has worked with the Gardiner Sanitary District and Reedsport to find solutions to the repeated failure and spills from the aging infrastructure, but has been unable to find suitable resolutions to date.

In late November, the Gardiner Sanitary District board voted to direct its consultant to work with the Infrastructure Financing Authority to complete an application to fund a new pipeline across the Umpqua River and work with Reedsport to negotiate a new contract. DEQ is prepared to assist the parties with the application, if needed, as the financing is contingent on a final application submitted by Dec. 31, 2013. Once completed, the new sewer line would reduce environmental harm from sewage discharges. DEQ will continue to work with the district and Reedsport to review design materials and develop a mutual agreement and order that supports the project, ensures regulatory accountability and protects Oregon's environment.

Oregon and seven states launch initiative to put \$3.3 million zero-emission vehicles on the road by 2025

On October 14, the governors of eight states announced a collaborative initiative to put 3.3 million electric vehicles on the road by 2025 and to develop the fueling infrastructure necessary to support them. In a memorandum of agreement, the governors of California, Connecticut, Maryland, Massachusetts, New York, Oregon, Rhode Island and Vermont also agree to set purchase targets for zero-emission vehicles in their public fleets, establish financial and other incentives to promote ZEVs, promote lower electricity rates for home charging systems, set common standards for road signs and charging facilities and study hydrogen fueling infrastructure to support commercialization of hydrogen fuel cell vehicles. Over the next six months, the eight states will create an action plan to include these and other implementation strategies. Oregon has formed an interagency team to implement the agreement, including ODOT, DEQ, Department of Energy, Public Utilities Commission, Consumer and Business Services, DAS and Business Oregon.

Three western states and British Columbia form pact to align climate actions

On Oct. 28, the governors of California, Oregon and Washington, and the premier of British Columbia, signed an agreement to coordinate policies and programs aimed at reducing greenhouse gas emissions and combating global climate change. Under the Pacific Coast Action Plan on Climate and Energy, the four governments have committed to work together on a number of actions to reduce greenhouse gases, transition the West Coast to cleaner transportation and invest in clean energy. Washington pledged to set carbon emissions limits and establish market mechanisms to achieve them, while Oregon will build on programs to set a cost for carbon emissions; California and British Columbia will maintain their existing

carbon-pricing programs. The leaders agreed to harmonize their medium- and long-term greenhouse gas emission targets. Oregon and Washington committed to adopt low-carbon fuel standards, while California and British Columbia committed to maintain their existing standards. Over time the four governments will work together to build an integrated West Coast market for low-carbon fuels. The four governments also committed to take action to expand the use of zero-emission vehicles, aiming for 10 percent of new vehicle purchases by 2016. They will work to harmonize energy efficiency efforts including appliance standards, policies to promote energy-efficient buildings, and streamlining permits for renewable energy projects.