

State of Oregon

Department of Environmental Quality

Memorandum

Date: March 18, 2013

To: Environmental Quality Commission

From: Dick Pedersen, Director

Subject: Agenda item P, Informational item: Director's report

West Salem osteosarcoma concern

In early December 2012 concerned residents of West Salem petitioned EPA to evaluate what the petitioners believed to be a cancer cluster of osteosarcoma, a bone cancer, in their area. Oregon Health Authority's Public Health Division and DEQ Cleanup Program staff have been participating in regular discussions with the EPA about the issue since the community delivered its petition.

Public Health Division toxicologists and epidemiologists have begun an extensive review of published research on potential environmental causes of osteosarcoma. So far, while this literature review has yielded mixed results, it has indicated that exposure to radium may be the risk for osteosarcoma. Public Health Division cancer registry staff have analyzed data from 2005 through 2009 for osteosarcoma in Polk County and were unable to determine that a higher than expected rate of the cancer exists for that specific area.

Last month DEQ staff attended two public meetings presented by EPA and Oregon Health Authority regarding the West Salem osteosarcoma concerns. Staff for federal, state and local elected officials also attended the sessions. EPA and Oregon Health Authority discussed plans to investigate and possibly sample four locations in West Salem for environmental contaminants. EPA intends to present results and recommendations from sampling at a meeting in June or July. Attendees expressed concern that the sampling would not be done for at least six months, and that the Oregon Health Authority did not recognize the cancers as a statistical "cluster." If the Oregon Health Authority does designate the area a cluster it will involve DEQ and EPA for an understanding of possible environmental causes. The primary contact for the state is the Oregon Health Authority, and DEQ will continue to monitor and assist if appropriate.

EPA issues Oregon a finding of failure to submit implementation plan updates

An agreement to settle a national lawsuit resulted in EPA signing a Federal Register notice Feb. 15 stating that Oregon and several other states failed to submit infrastructure State Implementation Plans for National Ambient Air Quality Standard for lead.

An infrastructure State Implementation Plan is an analysis that shows a state has the rules, authorities and procedures in place to implement the National Ambient Air Quality Standard. DEQ has already negotiated a submittal schedule with EPA, which is included in the 2013 Performance Partnership Agreement that governs the relationship between EPA and DEQ for Oregon. In the schedule, DEQ committed to submit the lead infrastructure State Implementation Plan by the end of 2013, bundled with other plans that will also be due for sulfur dioxide and nitrogen dioxide.

Oregon's ambient lead levels are well below the national standard and are considered a low-priority pollutant for Oregon.

Compost concerns

DEQ regulates food waste composting through its solid waste program's composting permit when a site receives more than 100 tons of material each year and is not an on-farm agricultural composting operation. Like many sources and facilities DEQ permits, the composting operations must receive land use approval and locally-required permits or plans prior to applying for a DEQ permit to compost. Composting facilities can encounter significant local opposition due to their environmental and aesthetic effects on a community, most notably odor generation from the operations. Several composting operations subject to DEQ's composting rules are dealing with odor and land use concerns, as detailed below.

Compost activities at Nature's Needs

As of April 1, 2013, Recology will stop accepting commercial food waste at Nature's Needs. The county, City of North Plains and Recology continue working together to determine the standards for offsite odors, how to measure them and what, if any, level of odor is acceptable. Currently, DEQ is reviewing information submitted in response to the pre-enforcement notice. DEQ conditionally approved Recology to begin night time operations, which may reduce offsite impacts.

Proposed S&H Logging compost facility

Clackamas County approved final design criteria for the proposed new S&H Logging compost site on Stafford Road. Neighbors have appealed the county decision to the Oregon Land Use Board of Appeals.

DEQ concluded that the proposed compost facility poses a risk to surface water and would create offsite odors. S&H Logging was informed that a compost permit and operation plan are required. The permit process for a gravel pit mine regulated by the Oregon Department of Geology and Mineral Industries has been completed. Permit reviews with Oregon Department of Geology and Mineral Industries, Water Environment Services, Clackamas County and Metro will be

coordinated by DEQ. An informational meeting with neighbors has been tentatively scheduled for April 16.

Klamath Soils Amendment proposes food waste composting in Crescent

Klamath Soils Amendment submitted a solid waste compost application for a food waste composting operation in Crescent last September. DEQ issued a draft compost permit for public comment in February, and received many comments in opposition to the proposed operation. One week prior to the comment period closing, Klamath County informed DEQ that the Land Use Compatibility Statements issued for the site were deemed invalid by the county because the public process used was incorrect. DEQ has stopped all work on the draft permit, and will do no further work until a valid Land Use Compatibility Statement is received.

The applicant has since requested information about applying for a compost operation in Christmas Valley, possibly instead of Crescent. DEQ has not received any application or materials for this alternate site.

Northridge Estates: Completion of milestone three

The Phase 1 Interagency Agreement for the Northridge Estates Regional Solutions project was fully executed Feb. 28 and completes the third of the five project milestones. The agreement codifies the willingness of Oregon's Departments of Transportation, State Lands and Environmental Quality to cooperate on the Oregon Superfund site at Northridge Estates in Klamath Falls.

The agencies will work together to supply the project's estimated 350,000 cubic yards of material needed to backfill for asbestos at the site. EPA tested the proposed materials and approved its use at the site. Once EPA has approved the value determination of the materials, the state agencies will sign additional agreements for the next project steps. These agreements mean that Oregon may be able to obtain match credit for some, and potentially all, of Oregon's entire approximately \$2.3 million obligation toward the remediation of Northridge Estates. That match would save Oregonians money while improving Oregon's environment.

Grassy Mountain gold mine update

Calico Resources USA has proposed a gold mining operation near Vale, in Malheur County. The proposed mine is subject to Oregon's chemical mining rules, which have only been used once before for a proposed mine that never opened. The rules require a coordinated approach by the state agencies involved in the many permit decisions, and DEQ has participated in the project since its initial application in early 2012. The project's Technical Review Team concluded review of the various study areas and baseline data collection methodologies the proposed Grassy Mountain Mine. The team approved the fifth edition of the final work plan and methodology, moving into the next part of the pre-application phase of the project.

The Department of Oregon Geology and Mine Industries serves as the facilitating agency for the Technical Review Team and views the approval as a major milestone in the consolidated permitting process established by Oregon law. In addition, this action represents a key end-goal in what has been a very efficient, streamlined and transparent inter-agency and public-private process. The data to be collected during this next year will be instrumental for Calico in crafting a consolidated permit application. The purpose of this multidisciplinary effort is to characterize existing environmental, socioeconomic, historical, archaeological, and any special use designations within a variety of study area geographies focused on the project area, mine, haul road and mill site. DEQ participates on the review team and is likely to be involved in approval of multiple environmental permits if the eventual mine site is developed.