


State of Oregon

Department of Environmental Quality

Memorandum

Date: Dec. 4, 2012

To: Environmental Quality Commission

From: Dick Pedersen, Director 

Subject: Agenda item K, Informational item: Director's dialogue
Dec. 6-7, 2012, EQC meeting

Agricultural pesticide collection events

At the October commission meeting, DEQ presented information about agricultural pesticide collection events in eastern Oregon. These events, which collected nearly 8,000 pounds of pesticides in mid-October, differ from traditional household pesticide collection events for a number of reasons. The most important reason is that the pesticides used in agriculture are much more toxic than the products submitted as household hazardous waste, and the volumes of pesticides used by agricultural operations tend to be much larger than those used in households. Operators of the agricultural pesticide collection events must be prepared with enhanced protective gear, since many agricultural pesticides are stored for decades and packaging can degrade, and heavy equipment, like forklifts, to accommodate the larger volumes of agricultural pesticides.

To accommodate these higher risk variables, agricultural pesticide events are held separately from household events and require pre-registration of pesticide type and for appointment times. Household hazardous waste events are not scheduled by appointment, and rarely need forklifts or other heavy equipment.

In the 20 years that Oregon has collected agricultural waste pesticides, DEQ has built a trusted relationship with the agricultural community. The event operators agree to become responsible for the agricultural pesticides collected, which releases the farmer or rancher from liability after the collection. The operators then ensure that the pesticides are disposed of properly and safely, which is critical to the success of these events. By separating the agricultural events from the household events, the community can greatly reduce pesticides in storage that could pose a risk to human health and the environment and provide a valuable service to Oregon's agricultural producers.

Statewide Total Maximum Daily Loads Advisory Committee holds first meeting

On Tuesday, November 6, the Total Maximum Daily Loads Advisory Committee met for its kick-off in Salem. DEQ, in collaboration with the Oregon Departments of Agriculture and

Forestry, formed this committee to obtain input on policy matters related to the development and implementation of TMDLs and water quality standards issues related to TMDLs. The agencies intend to use the committee's input to help shape policies and set priorities for TMDL work, especially pertaining to Implementation-Ready TMDLs. DEQ anticipates that the committee will meet quarterly for half-day meetings.

The first meeting focused on committee formation and process, an overview of the TMDL development and implementation process and the development of an initial list of issues that members will use to develop for agendas for future meetings.

The 31 members include a diverse range of stakeholders including representatives from municipalities, agriculture, forestry, environmental groups, tribal governments, EPA, NOAA and state agencies and commissions. Commissioner Armstrong represents EQC on the committee. The second meeting is set for Jan. 30, 2013, 10 a.m. to 3 p.m., at the Oregon Department of Forestry offices in Salem.

Calico's Grassy Mountain gold mine application process continues

Calico Mining is in the pre-application phase of Oregon's chemical mining rules process for a proposed gold mine claim known as Grassy Mountain, about 25 miles south/southwest of Vale. The company estimates there are over 1.3 million ounces of gold resource in the claim at a depth of approximately 750 to 900 feet that it intends to recover through conventional drilling processes and then separated through a chemical process.

Calico submitted its proposed environmental baseline work plan in September 2012. There will be a public comment period on the baseline work plan in January and then the technical review team will finalize the Calico baseline data work plan shortly thereafter. This three month or so "pause" will allow everyone, public and private alike, to be more thorough and deliberate in their comments. After this, the company will begin its data collection phase. That data would be used in the company's eventual permit application, which they could submit between late 2013 and mid-2014. DOGAMI, Oregon's lead agency for mining, is coordinating the initial phases of this project. DEQ would be responsible for the review of permit applications to protect water quality, particularly groundwater, if the company does move forward in its development and application phases.

Oregon LNG

The Federal Energy Regulatory Commission issued the Notice of Intent for the Oregon LNG Export Project in early November, announcing the start of FERC's preparation of an Environmental Impact Statement. The statement will analyze impacts from the proposed liquefied natural gas terminal, the associated Oregon Pipeline and the Washington Expansion Project. DEQ provided comments on the notice to the Oregon Department of Energy, which will

compile the information for final review before being sent to FERC as a coordinated comment letter. If the project moves forward, DEQ will be responsible for reviewing water quality-related permit applications and, if the applications meet state environmental regulations, issuing permits. The potential permits could include a 401 Certification to ensure the project meets state water quality requirements and permits for emissions related to air quality. At this time, DEQ has not received any permit applications, and the project has many steps and processes to complete with other federal and state regulatory agencies before being approved to apply for environmental permits.

Daimler Trucks Title V permit renewal

Daimler is a truck painting facility on Swan Island, an industrial and manufacturing area along the Willamette River and below north Portland neighborhoods along the Willamette Bluffs. Community members have contacted DEQ about strong paint-fume odors, and DEQ's Northwest Regional office has been working with the company and neighbors to discuss opportunities to resolve the odor issues.

Daimler hosted a meeting in late September to share the results of odor surveys conducted over the summer months. Members of the community attended and Daimler indicated a willingness to continue sampling throughout the winter months and welcomed input from the community about its sampling protocols. DEQ held an informational meeting November 7 at the University of Portland, located in the neighborhood that overlooks the Daimler facility. Members of the community expressed concerns about odors and air toxics emissions. The company is also in a permit renewal phase. Additional dialogue between the neighbors and Daimler will continue on a path separate from the DEQ permit process. DEQ accepted input from the public at the informational meeting and did so through the end of November. Currently, DEQ is incorporating comments and is working on the draft permit. DEQ will hold a public comment period after the draft permit is complete, and plans to hold a public hearing in early 2013.

Lane Regional Air Protection Agency

In recent years, the member governments of the Lane Regional Air Protection Agency – Lane County, Eugene, Springfield, Oakridge and Cottage Grove – have been unable to provide their historical dues amounts to LRAPA because of budget challenges. In the past year, dues were reduced in a last minute agreement among the members to the minimum needed to match state and federal grants, and some of those dues were provided “in kind” rather than in cash. Because the budget approval cycles of the members are not lined up, the agreement involved contingencies, where one member would pay its share contingent on the others also paying. In an effort to provide for more orderly budgeting, the Lane County Commission held a work session on November 27 to discuss LRAPA's budget with mayors or commissioners from cities. LRAPA presented information regarding the benefits of having one agency implement local air quality ordinances rather than have each jurisdiction implement its own ordinances. DEQ attended this

meeting, and answered questions about what services DEQ could and could not provide if LRAPA was dissolved. All of the local government representatives expressed support for LRAPA as well as appreciation for DEQ, and they agreed to continue the discussion about how to put LRAPA on a more stable funding path.

Update on PGE Boardman facility

PGE has successfully completed installation of a mercury control system for the Boardman coal-fired power plant. Regulations adopted by the commission required PGE to comply with either a 90 percent emissions reduction or 0.60 lb/trillion Btu heat input emission limit as an annual average beginning on July 1, 2012. PGE submitted an emission report on October 29, 2012, for the period of July 1 through September 30, which represents the first three months of the first annual compliance period. The report stated that the average emission rate during the period was 0.51 lb/trillion Btu heat input, as measured by a continuous emissions monitoring system. Compared to emissions prior to operating the controls, the emission reduction is greater than 90 percent.

The mercury regulations adopted by the commission in 2006 and revised in 2008 and 2009 included provisions for granting extensions to the compliance date or establishing an alternative emission limit to address potential technical difficulties associated with adding retro-fit mercury controls to an existing coal-fired power plant. PGE has not requested an extension or alternative emission limit. Furthermore, although not required, PGE has installed a redundant mercury monitoring system to ensure that the mercury emissions will be monitored at all times.

At the national level, EPA originally adopted a cap and trade program for reducing mercury emissions from coal-fired power plants, but subsequently settled on a control technology standard similar to DEQ's standards. However, the mercury emission limit finally adopted by EPA in 2011 is 1.2 lb/trillion Btu heat input, twice the limit established by the commission.

In 2009, the commission also adopted regulations that limit nitrogen oxides and sulfur dioxide emissions from the coal-fired power plant as part of Oregon's Regional Haze Program. Both of these standards have contingencies similar to the contingencies for the mercury rules. Again, PGE has not requested any extensions or approval for alternative limits. The emission controls for reducing the nitrogen oxides emissions were installed and PGE has been complying with the emission limit of 0.23 lb/million Btu heat input that went into effect on July 1, 2011. In addition, PGE conducted pilot testing of sulfur dioxide controls in October 2011 that indicated that it will be possible to meet the sulfur dioxide emission limits by July 1, 2014. The pilot test also indicated that the sulfur dioxide controls would not interfere with the mercury controls which was a concern when the standards were adopted. These reductions are a major success for the environmental health of Oregon, and the protection of the Columbia River Gorge's significant cultural resources and unique esthetic qualities.

Proposed coal export facility in Morrow and Columbia counties

Ambre Energy proposes to bring up to 8.8 million tons of coal a year from Montana or Wyoming by train to the Port of Morrow in Boardman. Ambre Energy would store the coal in Morrow in covered storage buildings. The company would then ship the coal in covered barges to a Port of St. Helens dock at Port Westward in Clatskanie where the company would load the coal onto ocean-going ships.

Based on the information Ambre Energy has provided to date, DEQ has determined that the company may need four different DEQ permits for the proposed project at the Port of Morrow. The project, known as the Coyote Island Terminal, may require an Air Contaminant Discharge permit, General National Pollution Discharge Elimination System 1200-C permit, an industrial stormwater permit and an individual Water Pollution Control Facilities permit.

DEQ held three information meetings across the state to answer questions and receive comments about the DEQ permit application process for the proposed project. Those meetings, all starting at 6 p.m., were:

- Tuesday, Dec. 4, 2012, in Boardman
- Wednesday, Dec. 5, 2012, in Clatskanie
- Thursday, Dec. 6, 2012, in Portland

If the company applies for any permits, DEQ will follow the required public notice and comment process prior to issuing a permit.

Complaints system one-year anniversary

November 30 was the one-year anniversary of the new complaint intake, assessment and response system at DEQ. Previously, any complaints that DEQ received were subject to office-by-office protocol, and the offices had limited opportunities to share information across divisions and locations. By implementing a new system, which allows a rotating team of duty officers to enter the complaint information into a central database, DEQ can provide more timely and effective responses to environmental complaints.

In this first year, DEQ received 3,277 total complaints, of which 2,700 are closed and resolved.

- 1,091 complaints came from Multnomah County
- All but Wheeler County are represented in the list of Oregon counties from which complaints have been received
- Most complaints still are made by phone (1,483) but many were received through DEQ's web-based reporting tool (1,071)
- August was the busiest month with 317 complaints
- 2,029 were air quality related complaints

Many thanks to our complaint intake specialists, who interact with a wide array of Oregonians and serve as important first points of contact. They have done an excellent job and have become much more knowledgeable about DEQ programs around the state. The team is: Lisa MacGregor, Liz Clark, Ginny Deck, Edie McMorrine and Diana Adams. During two all-day trainings, Eric Kelley and Rob Vance covered the very active complaint lines. Special thanks are due to Mike Korten Hof and Dave Belyea for their work to maintain the daily operations of the team and lead the project to conceptualize, implement and improve the complaint intake process.